

ZONING BOARD OF APPEALS

REGULAR MEETING

JANUARY 11, 2022 – 5:00PM (VIA ZOOM)

1. Call to Order. The meeting was called to order at 5:06pm. Present: Jeff Lloyd, Stacie Weiner, M. E. Freeman, Lee Greenhouse (Alternate) and Abby Conroy (Land Use Administrator). Michael Alderman arrived at 5:16 pm. Absent: Roxanne Belter.
2. Roll Call & Seating of Alternates. All Regular Members present were seated; Lee Greenhouse was appointed as Voting Alternate for R. Belter.
3. Discussion of Vacancies and Appointments. A. Conroy explained that there are 2 vacancies now for Alternate Members. Efforts are being made to get the word out via an upcoming survey to let interested people know about the vacancies.
4. Election of Officers – Tabled for Discussion later in the meeting.
5. Approval of Agenda. A. Conroy asked for an Item – Staff Updates – to be added to the Agenda. The order of the Agenda was changed to move #11 – Discussion of Fee Schedule to become Item #6 and Item #7 – Staff Updates. A **Motion to Approve the Agenda, as amended**, was made by S. Weiner, seconded by L. Greenhouse and unanimously **Approved**.
6. Discussion of Fee Schedule. A. Conroy explained the need to revise the current application form and the fee schedule. New online software is coming soon to Salisbury, so now is the time to revise forms and fee schedules. An analysis of current ZBA fees showed that the average cost of publishing the Notices and the required mailings exceeds the current application fee. A. Conroy recommended an increase to a flat fee of \$360, which would include mailings, and would be in line with the current zoning special permit fee. J. Lloyd agreed with the analysis. A **Motion to Approve the New ZBA Application Fee of \$360** was made by M. E. Freeman, seconded by S. Weiner and unanimously **Approved**. **The new \$360 fee becomes Effective as of January 12, 2022** and will be incorporated into the updated ZBA application form.
7. Staff Updates
 - A. Conroy talked about recent case law involving “the completeness of applications.” Any application which is delegated to the ZBA Commission must be found complete or incomplete by the Commission, not the Staff person. She can create a checklist for the new online application, but the ZBA makes the finding. The ZBA will refer to the

checklist, make a statement of completeness and then schedule the Public Hearing. She described a possible alternative which is used in some municipalities; the Staff is delegated to review the application and schedule the Public Hearing for the next regular meeting date, rather than having a meeting just to receive the application and then set a Public Hearing date. A. Conroy explained that at the Public Hearing, the ZBA could make the finding of completeness and consider the application. All of the application information would be online and the ZBA Commissioners would be notified by email, in advance. After further comments, it was decided to discuss the matter further at the next meeting. A. Conroy will put together a short summary about this meeting option and the revised application form for the next meeting.

8. #2022-0157 / Brazzale (Grickis) / 17 Railroad Street / Setback Variance / Map 54 / Lot 58 / DOR: 01/11/2022.
A Motion to Accept Application #2022-0157 and Schedule a Public Hearing for February 8, 2022 immediately following the regular business of the meeting or at 5:30PM, whichever occurs first, was made by S. Weiner, seconded by M. Alderman and unanimously **Approved**.
9. Public Comment – None
10. **Approval of Minutes of October 12 and 19, 2021. So Moved** by S. Weiner, seconded by M.E. Freeman and **Approved** by J. Lloyd. (M. Alderman and L. Greenhouse were not at the meetings)
11. **Approval of the Minutes of November 30, 2021. So Moved** by M. E. Freeman, seconded by L. Greenhouse and **Approved** by J. Lloyd. (S. Weiner and M. Alderman were not at the meeting)
12. Discussion of Election of Officers (Tabled from earlier in the meeting).
There was a discussion about the ZBA Bylaws, if they can be changed and eliminating or raising term limits of Officers. S. Weiner agreed to keep serving as Secretary. M. E. Freeman agreed to serve as Vice-Chairman, if J. Lloyd can continue as the Chairman. J. Lloyd is willing to serve as Chairman for another year, if possible. L. Greenhouse asked if the ZBA can amend its own bylaws; J. Lloyd answered yes, they can be reviewed and amended. M. E. Freeman will review the Bylaws and the legal language. L. Greenhouse suggested sending all proposed language/changes to the Members before the next meeting. The discussion of the Bylaws will continue at the next meeting in February. The Election of Officers was Tabled to the February meeting.
13. **Adjournment. So Moved** by S. Weiner, seconded by M. Alderman and unanimously **Approved**.