

**SALISBURY PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**July 17th, 2023 6:30 PM**

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

2 Cathy Shyer (Vice Chair)  
3 Martin Whalen (Secretary)  
4 Bob Riva (Regular Member)  
5 Allen Cockerline (Regular Member)  
6 Dr. Danella Shiffer (Alternate)  
7 Debra Allee (Alternate)  
8

**Staff Present:**

Abby Conroy, Director of Land Use  
Miles Todaro, Land Use Technical Specialist  
Dr. Michael Klemens, Senior Land Use Consultant

9 **Brief Items and Announcements**

10  
11 1. Call to Order / Establish Quorum

12 Vice Chair Shyer called the meeting to order at 6:30pm. With four regular Commission members  
13 present, a quorum was established. Alternates Allee and Schiffer were also present; Alternate Allee  
14 was seated as a voting Alternate.

15  
16 2. Approval of Agenda

17  
18 **Motion:** To approve the agenda.

19 Made by Cockerline, seconded by Riva

20 Vote: 5-0-0  
21

22 **Public Comment**

23  
24 3. Public Comment- Public Comment is restricted to items that are neither on the agenda nor the  
25 subject of any pending Planning & Zoning application or action and are limited to three minutes per  
26 person

27  
28 There were no members of the public that came forward with comments.  
29

30 **New Business**

31  
32 4. #2023-0219 / 129 WHR LLC (Parsons & Stair) / 129 Washinee Heights Road / Site Plan Review  
33 for Shoreline Plantings in the Lake Protection Overlay District (Section 404) / Map 58 / Lot 16 / DOR:  
34 07/17/2023 / *Reception and Possible Consideration*  
35

36 LUA Conroy clarified that design engineer Todd Parsons and contractor Bob Stair will no longer be  
37 representing the application. She also explained that the application is for a site plan for a buffer, with  
38 no building involved. The Salisbury Inland Wetlands and Watercourses Commission (IWWC) has already  
39 reviewed the site plan, visited the site, and approved the application. LUA Conroy went on to explain  
40 that the plans call for a 45-foot vegetated buffer with existing hydro-raking spoils spread in the buffer  
41 area.

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42 A Planners Report for the application, prepared by LUA Conroy and Dr. Klemens, was presented to the  
43 Commission. The Land Use Office believes that planting a buffer is an activity that could be eligible for  
44 administrative approval.

45  
46 Vice Chair Shyer asked who is representing the application. LUA Conroy stated that she was asked by  
47 the property owner to describe the application to the Commission. Vice Chair Shyer also asked if IWWC  
48 usually requires hydro-raking spoils to be removed from the site. LUA Conroy explained that IWWC  
49 does not always require that. The applicant originally wanted to remove the spoils, but they followed  
50 up with this application after seeing the scale of the project.

51  
52 The Commission reviewed the Planner's Report. LUA Conroy drew attention to the included section of  
53 the Regulations that calls for the establishment of buffer strips.

54  
55 Vice Chair Shyer asked what would happen next year if the applicant wanted to hydro-rake again.  
56 Conroy explained that there are two kinds of hydro-raking: one that uses a barge to remove the spoils,  
57 and one that disposes the spoils on the immediate shore. The applicant also established in their  
58 application that they won't be hydro-raking again.

59  
60 Commissioners Cockerline and Riva agreed with the Land Use Office that this application can be  
61 handled administratively. Vice Chair Shyer asked who would be responsible if the applicant doesn't  
62 complete the approved work, to which LUA Conroy responded that the property owner is always  
63 responsible for violations. Conroy pointed out that the permit is to the land and not the person, so it  
64 shouldn't matter who does the work. Secretary Whalen asked if the spoils came from elsewhere in the  
65 lake, or from property owned by the applicant. Conroy clarified that it came from directly off shore  
66 from his property.

67  
68 Vice Chair Shyer asked LUA Conroy if she's comfortable proceeding, given that there are no contractors  
69 representing the application. LUA Conroy said she would be comfortable with that. Vice Chair Shyer  
70 asked what stage the applicant is at in the process. LUA Conroy explained that the only step left in their  
71 application process is approval from Planning and Zoning. Vice Chair Shyer acknowledged that this sets  
72 a precedent for how they'll handle similar applications in the future, and further expressed interest in  
73 seeing the property as the project its being worked on.

74  
75 Secretary Whalen asked if Mr. Stair would be doing the work. LUA Conroy explained that originally Mr.  
76 Stair been in charge of overseeing the work, but was removed from the project when the applicant was  
77 planning on withdrawing their application. LUA Conroy explained that the applicant expressed  
78 frustration with the application process.

79  
80 Vice Chair Shyer summarized the Commission's opinions saying that the application can progress  
81 before the property owner decides on the contractors, and that the Commission is comfortable with  
82 this application being approved administratively as a minor site plan modification.

83

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84 **Motion:** To authorize administrative action on site plan #2023-0219 / 129 WHR LLC (Parsons & Stair) /  
85 129 Washinee Heights Road / Site Plan Review for Shoreline Plantings in the Lake Protection Overlay  
86 District (Section 404) / Map 58 / Lot 16 / DOR: 07/17/2023 /  
87 Made by Cockerline, seconded by Riva  
88 Vote: 5-0-0

89  
90 5. #2023-0220 / Indian Mountain School (Parsons) / 211 Indian Mountain Road / Site Plan Review  
91 to Renovate Interior of Assembly Area and Construct Two Small Additions / Map 1 / Lot 20 /  
92 DOR: 07/17/2023 / *Reception and Possible Consideration*

93  
94 Engineer Todd parsons and Indian Mountain School representative Cheryl Sleboda entered the  
95 meeting at 6:51pm

96  
97 Ms. Sleboda introduced the project. The project is following a previous athletic center project, and the  
98 goal is to align school facilities with programmatic curriculum. The first phase was to renovate the old  
99 gym into a new performing arts center, which students will gather in each morning. This performing  
100 arts center will have more space and better ventilation than the previous, and would be able to seat  
101 the entire student body. She also believes it would also offer better theatrical experiences for the  
102 performing arts. It would be linked with the music building next door (currently an assembly hall). The  
103 music building would be converted into a new dining hall. The existing dining hall would be turned into  
104 two new classrooms and a new counseling suite right next to the health center.

105  
106 Due to technical difficulties with Engineer Parsons' audio, the rest of the application discussion was  
107 postponed until after the next agenda item.

108  
109 6. #2023-0221 / H + R Holdings LLC (Churchill) / 14 Main Street / Change of Use to Professional  
110 Office and Special Permit for Parking Flexibility (Sections 800.4 & 703.8) / Map 50 / Lot 17 – 1 /  
111 DOR: 07/17/2023/ *Reception, Consideration of Completeness and Schedule Hearing*

112  
113 Applicant Rafe Churchill joined the meeting at 6:58pm

114  
115 LUA Conroy explained that 14 Main Street has no zoning approvals on record, and that Mr. Churchill is  
116 applying to convert the building to an office for his business. Mr. Churchill explained that his LLC  
117 acquired the building and he would like to relocate his offices there, both upstairs and downstairs. He  
118 went on to explain that he needs approval from the Town for offsite parking, and would like approval  
119 for signage. The signage plan involves the name of the business painted directly on the building rather  
120 than free standing (24.5 square feet of signage total). Mr. Churchill showed the Commission both the  
121 existing floor plans and proposed, and explained each room of the proposed floor plans. He also  
122 showed the Commission plans for the front of the building, which he would like to restore closer to its original  
123 condition.

124

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125 Vice Chair Shyer asked LUA Conroy if the signage complies with Zoning Regulations, which LUA Conroy  
126 confirmed. Commissioner Cockerline asked how many employees work for the business, Mr. Churchill  
127 answered 10 employees. Alternate Schiffer asked if Mr. Churchill obtained or needed permission from  
128 the church to use the parking lot behind their building. Mr. Churchill said he was told that that parking  
129 is available for Main Street businesses. LUA Conroy clarified that the parking area is owned by Market  
130 Place of Salisbury. Alternate Schiffer suggested the applicant ask Market Place for permission.

131  
132 The Commission discussed other examples of Main Street businesses with limited on-site parking. Vice  
133 Chair Shyer asked if anyone was aware who owns the parking lots that LaBonne’s staff parks in. LUA  
134 Conroy said that the parking area behind the church used to be owned by the church, but was  
135 purchased by Market Place. Alternate Schiffer emphasized the need for the applicant to go to Market  
136 Place for permission. Mr. Churchill agreed, and stated that they could use Main Street parking for the  
137 purposes of the application.

138  
139 Vice Chair Shyer asked Mr. Churchill to explain how many customers would be using the lot. Mr.  
140 Churchill explained that only employees and the occasional appointment will be using the parking, they  
141 have no walk-in customers. Vice Chair Shyer expressed that it would be preferable if Mr. Churchill  
142 found employee parking that would not involve taking Main Street parking. Mr. Churchill added that  
143 the office will not be open on weekends. Commissioner Cockerline noted that this building has  
144 historically been a business and never had designated parking. Secretary Whalen pointed out that the  
145 previous business was retail and had more parking fluctuation throughout the day, as opposed to an  
146 office with employees present all day. The Commission deliberated other public parking areas near  
147 Main Street.

148  
149 Alternate Allee asked how many spaces the business will use. Mr. Churchill replied between 10 and 12.  
150 Vice Chair Shyer considered that to be a lot of parking spaces for Salisbury, but that it’s helpful they’re  
151 not open on weekends. Vice Chair Shyer also suggested Mr. Churchill talk to Market Place. Mr.  
152 Churchill asked how he should show the Commission if Market Place is receptive to his request. LUA  
153 Conroy stated a letter would suffice. More discussion was had about the various public parking areas in  
154 town. The Commission decided they would like more clarification on the business’ parking in advance  
155 of the public hearing for the application.

156  
157 LUA Conroy added that substantial work was planned for the interior of the building that she was not  
158 comfortable approving until the change of use was approved. Mr. Churchill asked if the signage could  
159 be approved sooner, to which Commissioner Cockerline suggested that it may be able to be approved  
160 administratively.

161  
162 **Motion:** To schedule a public hearing on August 21, 2023 at 6:45pm for application #2023-0221 / H + R  
163 Holdings LLC (Churchill) / 14 Main Street / Change of Use to Professional Office and Special Permit for  
164 Parking Flexibility (Sections 800.4 & 703.8) / Map 50 / Lot 17 – 1 / DOR: 07/17/2023/  
165 Made by Cockerline, seconded by Allee  
166 Vote: 5-0-0

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- 167 5. #2023-0220 / Indian Mountain School (Parsons) / 211 Indian Mountain Road / Site Plan Review  
168 to Renovate Interior of Assembly Area and Construct Two Small Additions / Map 1 / Lot 20 /  
169 DOR: 07/17/2023 / *Reception and Possible Consideration*  
170

171 Engineer Todd Parsons oriented the Commissioners to the site plan map, and described it to the  
172 Commission. He pointed out two additions, a new sidewalk, a ramp, a patio, landscaping,  
173 entryways/exits, and a new stairway. He explained that the additions total 1,400 square feet, that  
174 there is no utility work planned, and no changes to parking. There will be only a small increase in  
175 impervious surface percentage, and little to no changes in stormwater drainage. All areas disturbed will  
176 be restored with turf.  
177

178 Alternate Schiffer asked if the application will need to first be approved by the Fire Marshal. LUA  
179 Conroy explained that she spoke with the Fire Marshal and Sanitarian Cathy Weber earlier in the day.  
180 Engineer Parsons said he also spoke to Sanitarian Weber, who told him she'll be approving it once she  
181 receives more information.  
182

183 Alternate Schiffer asked if there are any windows in the old gym. Ms. Sleboda said three long windows  
184 will be on one side of the building. Alternate Schiffer clarified that she was asking this in regards to  
185 egress, and that's a question the Fire Marshal will handle.  
186

187 **Motion:** To approve site plan #2023-0220 / Indian Mountain School (Parsons) / 211 Indian Mountain  
188 Road / Site Plan Review to Renovate Interior of Assembly Area and Construct Two Small Additions /  
189 Map 1 / Lot 20 / DOR: 07/17/2023 /

190 Made by Cockerline, seconded by Whalen

191 Vote: 5-0-0  
192

193 **Pending Business**  
194

- 195 7. #2023-0217 / Bendit (Allied Engineering) / 101 Taconic Road / Site Plan Review for a New  
196 Single-Family Dwelling, Septic and Well in the Lake Protection Overlay District (Section 404) /  
197 Map 19 / Lot 11 / DOR: 05/01/2023 / *Possible Consideration or Request Extension*  
198

199 Engineer George Johannessen joined the meeting at 7:32pm  
200

201 Vice Chair Shyer asked if IWWC has approved this application. Engineer Johannessen explained that  
202 they have not since they have not had a meeting since their last site walk.  
203

204 Vice Chair Shyer asked for clarification on what the hydrology report meant. Engineer Johannessen  
205 explained that it's looking at the increase in the rate of runoff due to the construction of the house,  
206 and that they've planned for two rain gardens to account for this runoff. He also clarified that the  
207 updated plans showing both rain gardens have not yet been submitted but will be soon.  
208

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209 The Commission discussed technical questions about the site plan PDFs with Engineer Johannesson.

210

211 **Motion:** To extend application #2023-0217 / Bendit (Allied Engineering) / 101 Taconic Road / Site Plan  
212 Review for a New Single-Family Dwelling, Septic and Well in the Lake Protection Overlay District  
213 (Section 404) / Map 19 / Lot 11 / DOR: 05/01/2023 /

214 to August 21, 2023

215 Made by Cockerline, seconded by Riva

216 Vote: 5-0-0

217

218 **Brief Items and Announcements – Continued**

219 8. Minutes of September 20, 2022

220 Line 87 – Change “represent” to “present”

221 Line 88 – Change “residential” to “residential use”

222 Line 238 – Change “are not in favor of” to “spoke against”

223 Line 240 – Remove “, and if so how to approach the upcoming deadline from the transfer station”

224 Line 249 – Change “maintenance” to “specifying maintenance”

225 Line 250 – Add “to be identified” before “to ensure”

226 Line 252 – Add “to” after “takeaways”

227

228 **Motion:** To approve minutes as amended

229 Made by Cockerline, Seconded by Riva

230 Vote: 5-0-0

231

232 9. Minutes of October 4, 2022

233 Line 154 – Remove “\*”

234 Line 156 – Remove “\*It was later determined that Whalen’s opposition/negative vote was based on a  
235 misunderstanding of the motion.”

236

237 **Motion:** To approve minutes as amended

238 Made by Cockerline seconded by Whalen

239 Vote: 5-0-0

240

241 10. Minutes of October 17, 2022

242 Line 153 – Change “AirBnb” to “short-term rental”

243 Lines 211 & 212 – Change “Elsarafey” to Elsarafy

244

245 **Motion:** To approve minutes as amended

246 Made by Riva seconded by Allee

247 Vote: 5-0-0

248

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249 LUA Conroy updated the Commission that LUTS Todaro will be working on recent minutes in addition  
250 to recording secretary Erika working on past minutes. Alternate Schiffer offered to help review more  
251 minutes for the Commission. Alternate Allee also expressed interest in helping with minutes.

252

- 253 12. Minutes of November 7, 2022 - pending
- 254 13. Minutes of November 21, 2022 - pending
- 255 14. Minutes of December 12, 2022 - pending
- 256 15. Minutes of December 19, 2022 - pending
- 257 16. Minutes of January 17, 2023 - pending
- 258 17. Minutes of February 6, 2023 - pending
- 259 18. Minutes of February 21, 2023 – pending
- 260 19. Minutes of March 20, 2023 – pending
- 261 20. Minutes of April 3, 2023 – pending
- 262 21. Minutes of April 17, 2023 – pending
- 263 22. Minutes of May 1, 2023 – pending
- 264 23. Minutes of May 15, 2023 - pending
- 265 24. Minutes of June 5, 2023 – pending
- 266 25. Minutes of June 20, 2023 -pending

267

268 Agenda items 11-24 were skipped.

269

270 **Other Business**

271

- 272 25. Temporary Zoning Permits
- 273 a. ZP-23-67 / McGrath (Hoyt) / 143 &181 Housatonic River Road / to Reside in RV While House is
- 274 Under Construction (Section 906) / Map 16 / Lot 1 / Authorization of Administrator to Issue
- 275 Temporary Zoning Permit
- 276 b. ZP-23-71 / Bosio / 296 Indian Mountain Road / to Reside in RV While House is Under
- 277 Construction (Section 906) / Map 2 / Lot 4 / Authorization of Administrator to Issue Temporary
- 278 Zoning Permit

279

280 LUA Conroy explained Sanitarian Weber is reviewing these applications to establish a sanitation plan.  
281 LUA Conroy also explained that a Zoning permit would not be issued until the Planning and Zoning  
282 Commission authorizes it and Sanitarian Weber approves the sanitation plan. Dr. Klemens asked if the  
283 temporary permit lasts six months. LUA Conroy explained that it lasts six months with the possibility to  
284 extend another six months.

285

286 **Motion:** To authorize the LUA to administer the temporary zoning permit for application ZP-23-67 /  
287 McGrath (Hoyt) / 143 &181 Housatonic River Road / to Reside in RV While House is Under Construction  
288 (Section 906) / Map 16 / Lot 1 /  
289 Made by Cockerline, seconded by Riva  
290 Vote: 5-0-0

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291 **Motion:** To authorize the LUA to administer the temporary zoning permit for application ZP-23-71 /  
292 Bosio / 296 Indian Mountain Road / to Reside in RV While House is Under Construction (Section 906) /  
293 Map 2 / Lot 4 /  
294 Made by Cockerline, seconded by Riva  
295 Vote: 5-0-0

296  
297 26. Prioritization of Recommendations from Collier’s Lakeville Study

298  
299 LUA Conroy presented a document to the Commission that collected and summarized the  
300 Commissions priorities for each of the Lakeville Study Recommendations. Each recommendation was  
301 given a page in the document, with a list of the participating Commissioners’ responses and a  
302 quantified overall summary. LUA Conroy explained that this summary will be important for the writing  
303 of the Plan of Conservation and Development (POCD), and for determining what projects the  
304 Commission would like to prioritize for implementation.

305  
306 The Commission discussed each recommendation and elaborated on their comments. In the “Ethan  
307 Allen Street to Railroad Plaza to Town Grove” category, the Commission considered the pedestrian  
308 overpass to be a low priority, designated walkways between Sharon Road and Town Grove to be high  
309 priority, installing missing sidewalk segments to be high priority, and the railroad themed crossing  
310 pattern/paving features to be low priority. It was also noted that moving the train station is a high  
311 priority for the Board of Selectmen, and that the State Historic Preservation Office (SHPO) would not  
312 allow the building to be rotated. In general, the Commission felt parking and safety should be the  
313 priority when making decisions in this area, and decided that most of the recommendations would  
314 have to wait until after it was clear how far back the train station was being moved.

315  
316 In this same category, the Commission considered the designated trail along Factory Pond and planting  
317 a buffer on the edge to be high priority recommendations. The Commission decided more information  
318 was needed before agreeing on the priority of accessible walkways at Bauer Park and encouraging  
319 parking at the Town Grove. The Commission was not in favor of a roundabout at the Ethan Allen  
320 Street/Holley Street intersection, but agreed the intersection needs to be addressed.

321  
322 In the “Community Field and Cannon Park” category, the Commission considered a new bathroom, a  
323 play area/picnic grove, addition of benches/trash receptacles, a parking lot with a designated entrance,  
324 and official pedestrian access from Pettie Street to be high priority. The Commission acknowledged  
325 that many of the potential projects in this area will depend on what the ongoing survey of community  
326 field finds.

327  
328 In the “Rail Trail” category, the Commission considered providing educational signage, discreet lighting  
329 at access points, and ADA compliant access to the rail trail high priorities. Other forms of signage and  
330 lighting were not highly favored.

331

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332 In the “Safety, Traffic, and Parking” section, the Commission considered a walkway along Sharon Road  
333 a high priority. The Commission also agreed that parking lots should be paved and striped with proper  
334 drainage. For the purposes of the POCD, the Commission decided the idea of a Commercial Overlay  
335 Zone where parking reductions may be granted in return for specific benefits should be explored. The  
336 Commission also discussed the possibility of speed cameras and automated ticketing, and decided to  
337 discuss it further at the next regularly scheduled meeting.

338

339 In the “Stormwater Management” and “Misc. (Village-wide)” sections, the Commission had few  
340 changes from their initial assessments being presented in the document.

341

342 Dr. Klemens asked what the Commission thought of creating a T-shaped intersection at the junction of  
343 route 112 and route 7. The Commission supported the idea, and agreed that it should go in the POCD.

344

345 **Motion:** To adjourn the meeting at 9:37PM.

346 Made by Cockerline, seconded by Allee

347 Vote: 5-0-0