

SALISBURY PLANNING AND ZONING COMMISSION

REGULAR MEETING MINUTES

October 17th, 2022 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

2 Dr. Michael Klemens (Chairman)  
3 Cathy Shyer (Vice Chair) - arrived at 6:32pm  
4 Martin Whalen (Secretary)  
5 Bob Riva (Regular Member)  
6 Allen Cockerline (Regular Member)  
7 Dr. Danella Schiffer (Alternate)

**Members Absent:**

Debra Allee (Alternate)

**Staff Present:**

Abby Conroy, Land Use Administrator

8  
9 **Brief Items and Announcements**

10 1. Call to Order / Establish Quorum

11 Chairman Klemens called the meeting to order at 6:31PM. With a quorum of four regular members (Dr.  
12 Michael Klemens, Martin Whalen, Allen Cockerline, Bob Riva). Alternate Dr. Danella Schiffer was also  
13 present.

14  
15 **Motion:** To approve Agenda.

16 Made by Cockerline, seconded by Riva.

17 Vote: 4-0-0 in favor.

18  
19 Cathy Shyer arrived at 6:32.

20  
21 2. Minutes of June 21, 2022 – *pending*

22 3. Minutes of June 29, 2022 – *pending*

23 4. Minutes of July 18, 2022 – *pending*

24 5. Minutes of August 1, 2022 – *pending*

25 6. Minutes of August 15, 2022 – *pending*

26 7. Minutes of September 7, 2022 – *pending*

27 8. Minutes of September 19, 2022 - *pending*

28 9. Minutes of September 20th, 2022 - *pending*

29 10. Minutes of October 4th, 2022 - *pending*

30 11. Correspondence

31  
32 **Public Comment**

33 12. Public Comment is restricted to items that are neither on the agenda nor the  
34 subject of any pending Planning & Zoning application or action and are limited to three minutes  
35 per person

36  
37 There was no public comment.

38  
39 **New Business**

40 13. #2022-0202 / Macchi / 32 South Shore Road / Site Plan to Rebuild Preexisting Nonconforming  
41 Garage in the LPOD (Section 404 and 504) / Map 59 / Lot 8 / DOR: 10/17/2022 / *Reception and Possible*  
42 *Consideration*

43  
44 Property Owner Alice Macchi joined the meeting. LUA Conroy explained this is an extension of a  
45 previous application. The property owner had previously completed a site plan process to renovate a  
46 dwelling on the property, but discussion about restoring the garage was missed. Plans, a survey

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47 indicating location, and pictures of the existing structure were submitted.

48

49 Commissioner Cockerline suggested waiving the re-application fee as this application involved a  
50 property that was approved with detailed site plans, but the garage structure was overlooked. LUA  
51 Conroy proposed handling this application administratively as a minor site plan modification, which  
52 would require the property owner to withdraw and file a zoning permit application. Chairman Klemens  
53 asked Alice Macchi if she understood this suggestion, to which she responded affirmatively. The  
54 Commission agreed with LUA Conroy's proposed handling of the application, and Chairman Klemens  
55 stated no action is required for this business.

56

57 Other Business item #16 was moved prior to the scheduled public hearing.

58

59 **Other Business**

60 16. #ZP-22-93 / Rohn / 100 Interlaken Road / Minor Site Plan Modification to Drill Well and Install  
61 New Septic System in the LPOD / Map 39 / Lot 16 / *Report of Administrative Approval*

62

63 LUA Conroy explained Property Owners Frederick and Dana Rohn's application for a site plan  
64 modification to drill a well and install a new septic system in accordance with Torrington Area Health  
65 District requirements. These activities have undergone the Wetlands Commission process for approval.  
66 LUA Conroy and Chairman Klemens believed it was appropriate to handle this business administratively;  
67 The Commission agreed.

68

69 **Public Hearing(s) - 6:45PM**

70 14. #2022-0200 / Findlay / 42 Prospect Mountain Road / Special Permit for Detached Apartment on  
71 Single Family Residential Lot (Section 208) / Map 15 / Lot 58-1 / DOR: 09/06/2022 / *Open Hearing,*  
72 *Possible Consideration*

73

74 Secretary Whalen read the legal notice opening the hearing at 6:48pm. Property Owner Ian Findlay was  
75 unable to attend this meeting and requested the public hearing be continued when he can be present.

76

77 **Motion:** To continue public hearing on November 7th 2022, at 5:45PM via Zoom.

78 Made by Cockerline, seconded by Riva.

79 Vote: 5-0-0 in favor.

80

81 **New Business - Continued**

82 15. #2022-0204 / Block (Slotnick) / 4 Main Street / Special Permit for Vertical Expansion of  
83 Nonconforming Residential Building and Attached Apartment on Single Family Residential Lot (Section  
84 503.2 and 208) / Map 54 / Lot 15 / DOR: 10/17/2022 / *Reception, Consideration of Completeness,*  
85 *Schedule Hearing*

86

87 Property Owner Janet Andre Block and Architect Elizabeth Slotnick joined the meeting. LUA Conroy  
88 provided an overview of the process and presented the site maps and surveys. A portion of the building  
89 is nonconforming with regard to the side yard setback. Janet Block was required to get a variance from  
90 the Zoning Board of Appeals to demolish the nonconforming portion of the building, and rebuild it in a  
91 more conforming location in the southern portion of the property. Ms. Block is now seeking the  
92 Commission's approval of a special permit for the vertical expansion of the nonconforming portion of

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93 the dwelling, and the construction of an attached accessory apartment in a portion of this addition.

94  
95 Chairman Klemens asked about the current use of the structure. Ms. Block replied the portion of the  
96 dwelling to be demolished is a former garage that she uses as an art studio. The expansion has the  
97 same footprint but a second story would provide more space for storage.

98  
99 **Motion:** To schedule public hearing for #2022-0204 / Block (Slotnick) / 4 Main Street / Special Permit  
100 for Vertical Expansion of Nonconforming Residential Building and Attached Apartment on Single Family  
101 Residential Lot (Section 503.2 and 208) / Map 54 / Lot 15 / on November 7th 2022, at 5:45PM via Zoom.  
102 Made by Cockerline, seconded by Riva.  
103 Vote: 5-0-0 in favor.

104  
105 **Other Business**

106 17. #ZP-22-96 / Greene (Bristow) / 144 Weatogue Road / Temporary Zoning Permit to Occupy  
107 Principal Dwelling While new House is Under Construction / *Authorize Land Use Administrator Issuance*

108  
109 **Motion:** To authorize the zoning enforcement officer to issue a temporary zoning permit to inhabit the  
110 principal house while building another house.  
111 Made by Cockerline, seconded by Riva.  
112 Vote: 5-0-0 in favor.

113  
114 18. #ZP-22-1?? / Greene (Lignin Group - Morrison) / 144 Weatogue Road / Minor Site Plan  
115 Modification to Restore Nonconforming Garage / Map 25 / Lot 1 / *Report of Administrative Approval*

116  
117 The Commission is in agreement that the proposal constitutes a minor site plan modification which can  
118 be handled administratively.

119  
120 19. Report of Potential Land Use Violations

121 19.a. 22 Lincoln City Road

122 Member of the public Bonnie Gallogly reported a potential violation at 22 Lincoln City Road owned by  
123 Katheryn Stewart. The Nature of Violation stated:

124  
125 "On the above property a shed was built approximately 2+ years ago. An unpermitted extension to this  
126 shed was built approximately one year ago. I previously spoke with the building inspector who stated  
127 that he had requested the removal of this extension. To date nothing has changed and this eyesore  
128 negatively affects the value of my property."

129  
130 Chairman Klemens advised that LUA Conroy collaborate with Building Official Mike Carbone to  
131 investigate. Secretary Whalen asked if Property Owner Katheryn Stewart was told by the Building  
132 Official to take down the shed extension, LUA Conroy replied yes. Chairman Klemens explained a formal  
133 order must be obtained from the Building Department. LUA Conroy classified this violation as #2:  
134 Violation related to development projects that are in the construction phase, and #4: Complaint based  
135 enforcement, and planned to meet with the Building Official to understand the history of this matter.

136  
137 Alternate Schiffer asked if photo documentation is required for this violation, LUA Conroy replied yes,  
138 she will be taking photographs of the shed to include in the file. Alternate Schiffer additionally asked

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139 what the term extension entailed, LUA Conroy is unsure how to define this extension and must  
140 investigate the violation further.

141  
142 19.b. 14 Perry Street

143 Members of the public Jim and Elizabeth Whalen reported a potential violation at 14 Perry Street  
144 owned by Jerry Kadar. The Nature of Violation stated:

145  
146 "14 Perry Street is zoned residential; however, J. Kadar uses his property as a full-time hotel/business  
147 property. Guests rotate through the property on a continuous basis with stays ranging between 1-3  
148 nights (3 to 4x weekly) depending upon the week. It is a continuous commercial business run remotely  
149 from Brooklyn. This business has been running like this for years and is disruptive to our small,  
150 residential street."

151  
152 Chairman Klemens reported that he spoke with the Whalen's regarding this complaint, and is hopeful  
153 the Commission may wish to take action as the use of an AirBnB hotel is not appropriate for a  
154 residential zone. Commissioner Cockerline mentioned a cease-and-desist letter could potentially be  
155 issued. LUA Conroy classified this violation as #4: Complaint Based Enforcement, but believed this could  
156 be best handled as #3: Enforcement programs initiated by the Town, Commission, and/or Land Use  
157 Administrator.

158  
159 LUA Conroy added that if there are a number of similar buildings being operated in this same manner,  
160 she would not support enforcement on this specific violation. Commissioner Cockerline added that  
161 other AirBnB locations may not operate in the same fashion. Alternate Schiffer commented that this  
162 issue is a zoning violation that should be acknowledged regardless of this potential report. LUA Conroy  
163 understood, but due to the large number of short-term rentals located in residential communities,  
164 there needs to be a more logical enforcement program.

165  
166 Chairman Klemens reiterated that if short term rentals are continuously rented and owners are unable  
167 to prove they live at the residence, that is considered a commercial operation located in a residential  
168 zone. Vice Chair Shyer wished for the town's Assessor Kayla Johnson to investigate how many short-  
169 term rentals exist and are located in residential zones.

170  
171 LUA Conroy summarized that a list will be composed by Assessor Kayla Johnson for all of the properties  
172 identified as short-term rentals. Chairman Klemens will draft a letter to explain that short-term rentals  
173 may constitute hotels and are not allowed in residential zones. In the case of 14 Perry Street, an  
174 additional notification of this complaint should accompany the letter. Alternate Schiffer suggested using  
175 a generic term "short-term rental" opposed to "AirBnB." Chairman Klemens suggested that short-term  
176 rental should be clearly defined as well. There was deliberation as to how this would be defined, and  
177 the Commission agreed that it should be explored further.

178  
179 19.c. 329 Main Street

180 Member of the public Dan Lewis reported a potential violation at 329 Main Street owned by EJ Home.  
181 The Nature of Violation stated:

182  
183 "Internally illuminated (neon) business name sign in front store window. This is not allowed per section  
184 704.5.e."

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185 Chairman Klemens suggested sending a letter to EJ Home requesting the neon sign be turned off,  
186 moved, or taken down. Commissioner Cockerline asked for clarification on the regulatory difference  
187 between signs intended for street use, and signs inside the building. Chairman Klemens answered that  
188 the Regulations apply specifically to the former. Chairman Klemens suggested the property owners may  
189 need to obtain a zoning permit for change of use as the business location is no longer a health food  
190 store. LUA Conroy agreed. Chairman Klemens suggested that a letter be sent explaining that a Zoning  
191 Permit must be obtained, and that the neon sign is not allowed as per the regulations.

192

193 20. 135 Interlaken Road / 135 Crown Victoria LLC / Generator in the LPOD / Map 38 / Lot 06 / *Discussion*  
194 *of Pending Permits*

195

196 LUA Conroy described this property in the Lake Protection Overlay District as having not undergone a  
197 site plan process, and did not have impervious surface calculations. It also appeared the previous  
198 owners installed a septic system without going through the proper channels. LUA Conroy explained that  
199 she asked the septic design engineer, George Johannessen, for the impervious surface calculations. He  
200 confirmed that if you include the gravel driveway, impervious service does exceed the 10% allowed in  
201 the Lake Protection Overlay District. The current owners have also installed a generator and associated  
202 buried gas line from an existing underground propane tank. This was subsequently approved by  
203 Torrington Area Health District, and is now awaiting approval from the Land Use Office. Chairman  
204 Klemens summarized; we do not want the current owners to suffer because of illegal activities by the  
205 previous owners. Commissioner Cockerline suggested this is an administrative procedure and no action  
206 is necessary, the Commission agreed.

207

208 21. #2022-0174 / Brazzale (Grickis) / 17 Railroad Street / Contractor Equipment Storage / Map 54 / Lot  
209 58 / DOR: 04/18/2022 / *Permit Update*

210

211 The Commission received and reviewed a letter from member of the public Lobna Elsarafey, regarding  
212 12 Indian Cave Road and 17 Railroad Street. Elsarafey's letter expressed concern regarding construction  
213 activity and noise pollution from neighboring properties. The Commission received and reviewed a  
214 response and permit update from Attorney William Grickis, acknowledging the noise complaint,  
215 explained they are still awaiting building proposals from potential contractors and have not decided on  
216 a set of plans.

217

218 Chairman Klemens believed the Commission should request that a fence be erected on the property  
219 immediately to assist with neighbor's concerns, but is unsure the best way to proceed. Secretary  
220 Whalen anticipated this project would take an extended period of time, and agreed a fence should be  
221 installed. Commissioner Riva agreed that a fence should be installed, giving the property owner's some  
222 breathing room if there is further delay in the construction process. LUA Conroy stated if equipment is  
223 not being stored in a building, they are not in compliance with the Commission's approval to operate  
224 the business.

225

226 Alternate Schiffer advised setting a deadline for requiring the fence installation. Secretary Whalen  
227 suggested a deadline date be December 1st 2023. The Commission agreed.

228

229 **Motion:** To authorize Land Use Administrator and Chairman to reach out via letter, to try and to rectify  
230 this with construction of a fence installed by December 1st 2023, without going further into non-

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231 compliance issues.

232

233 Made by Cockerline, seconded by Riva.

234 Vote: 5-0-0 in favor with Shyer recusing herself and Alternate Schiffer seated for the vote.

235

236 **Adjournment**

237

238 **Motion:** To adjourn meeting at 7:59PM.

239 Made by Cockerline, seconded by Shyer.

240 Vote: 5-0-0 in favor.

241 Respectfully Submitted,

242 Erika Spino

243 Secretary of Minutes