

TOWN OF SALISBURY
ZONING BOARD OF APPEALS
MEETING MINUTES
OCTOBER 12, 2010

MINUTES PUBLIC HEARING
FILE 10-387

Present: Chairman Lloyd, Vice Chairperson Lorna Brodtkorb, Secretary C. Kelley, S. Victory, R. DelPrete, J. Lynn, J. Bell Administrative Assistant, Public

Absent: B. Riva

1. Chairman Lloyd called the meeting to order at 5:00 p.m. Alternate Janet Lynn will sit in for absent member B. Riva.
2. Chairman Lloyd asked for motion to approve the Agenda. C. Kelley motioned to approve the Agenda, seconded and unanimously approved.
3. Chairman Lloyd asked for a motion to approve the Minutes of September 14, 2010. S. Victory so moved to approve minutes as written, seconded by C. Kelley and unanimously approved.
4. Application from Margo Conte, 111 Farnam Road, Lakeville, CT was reviewed for completeness. She is requesting variance relating to section 422.2 of the Salisbury Zoning regulations. J. Bell advised the application is complete except for a letter of authorization from Ms. Conte authorizing William Riiska to represent her at the public hearing. Also Zoning District on the application needs to be corrected from RR1 to R20. Ms. Conte advised the board that Mr. Riiska was enroute to the meeting. Approval of the application was tabled until Mr. Riiska's arrival to the meeting.
5. Review of Draft #2 of the By Laws. Chairman Lloyd asked if there were any corrections, additions to this draft. R. DelPrete noted he wished the wording to be changed on Article IV, Section 2 regarding alternate members attendance and voting rights. He disagrees with this and believes alternate members should be able to be part of a deliberation at a hearing and he understands alternate members can not vote. Discussion followed. It was agreed Chairman Lloyd to ask the opinion of Attorney S. Byrne. Is this a State Statute that does not allow the alternates to be part of the deliberation or not. In the past ZBA alternate members have been allowed to be part of the deliberation. R. DelPrete did note he spoke with a member of the P&Z and their alternate members are allowed to be part of the deliberation. S. Victory noted the attendance of members needs to be addressed, Article XII. J. Lynn noted the Salisbury Republican Town Committee has a policy if a member misses three consecutive meetings, they are asked to resign. Discussion followed.

Article XII: ZBA voting and alternate members shall not miss more than three consecutive meetings. If they cannot meet this minimum requirement for attendance, they will be asked to resign. Members must notify the Chairman or Administrative Assistant of their impending absence.

6. Chairman Lloyd addressed Mr. Riiska regarding the letter of authorization. To make the application complete, Mr. Riiska agreed to draw up a letter of authorization and Ms. Conte will sign.

7. It was agreed J. Bell to revise By Laws Draft #2. R. DelPrete requested Article IV, Section 2 read: Alternate members shall be bound by the same attendance rules as members. They may be part of the deliberation at a hearing and may participate in discussion at regular meetings whether or not they are voting at that session.

8. Other Business: S. Victory has other business to discuss. Chairman asked for a motion to discuss other business, seconded and unanimously approved to hear Other Business. S. Victory asked the board members what the status was to finding a replacement for John Allee. R. DelPrete said he had brought up the issue twice at the Democratic Town Committee meetings. He was advised the Town Committee wanted to set up a "special committee" to investigate a replacement for J. Allee to the ZBA.

9. Mr. Riiska presented to Chairman Lloyd the letter of authorization signed by Ms. Conte and it was placed in the file. Application assigned File 10-388. Chairman Lloyd asked for a motion to accept the application from Ms. Conte, 111 Farnam Road, Lakeville, File 10-388, requesting a variance to Section 422.2 of the Salisbury Zoning Regulations. S. Victory so moved, seconded and application accepted. Public Hearing will be on Tuesday, November 9, 2010 at 5:30 p.m., Town Hall, Salisbury, CT.

10. Chairman Adjourned meeting at 5:25p.m.

PUBLIC HEARING FILE 10-387

Present: Chairman Lloyd, L. Brodkorb, C. Kelley, S. Victory, R. DelPrete, J.Lynn, Administrative Assistant J. Bell, Attorney Mark Capecelatro, Applicant Chris Little, Patrick Hackett, Civil Engineer

Absent: B. Riva

1. Chairman Lloyd opened the Public Hearing at 5:30 p.m. Secretary C. Kelley read into the record the Legal Notice:

The Zoning Board of Appeals of the Town of Salisbury will hold a Public Hearing on Tuesday, October 12, 2010 at 5:30 p.m. at the Town Hall.

1. An Application by Super Sumo Enterprises, LLC as property owner and Northwest Corner Classic Cars, LLC as proposed business operator, File No. 10-387, requesting a certificate of approval of the location proposed for a used motor vehicle dealership. Property is located at 438 Lime Rock Road, Salisbury, CT. Property is zoned C20.

The Application is on file in the Salisbury Town Hall and copies for review are available in the Selectman's Secretary's Office Monday through Friday 9:00am to 3:30pm. Applicants and/or their agents are required to be present.

Charles Kelley, Secretary
Salisbury Zoning Board of Appeals

Notice to appear in the September 30, 2010 and October 7, 2010 issues of the Lakeville Journal

2. Chairman Lloyd noted J. Lynn will be filling in as an alternate voting member for absent B. Riva.

3. Public Hearing is to secure a certificate of approval of the location proposed for a used motor vehicle dealership. This is an unusual duty of the ZBA and Chairman Lloyd read into the record CT General Statute 14-54. If town population is 20,000 or more approval must be sought from the zoning commission. If population is 20,000 or less approval must be sought from the ZBA.

4. Attorney Mark Capecelatro representing Super Sumo Enterprises, LLC and Northwest Corner Classic Cars, LLC presented to the Board an updated Survey of the property at 438 Lime Rock Road, Salisbury, CT. Attorney Capecelatro explained his client intended to use the office space, present showroom. There will be no repair work to vehicles on the premises, no outdoor parking display of vehicles. It was noted this site has been used for over 40 years. Attorney Capecelatro noted he contacted the DMV to get copies of documentation previously approving this site. DMV would not provide any information. They propose to be open 6 days a week, Sundays by appointment only. Not a lot of traffic/volume expected. Attorney Capecelatro introduced Patrick Hackett, Civil Engineer who prepared the Traffic Impact Study required by DMV. He explained his Traffic Study to the Board. This site is very safe, no reported accidents and excellent site distances. R. DelPrete asked what type of cars will be sold. C. Little explained he will be selling American Muscle Cars. Attorney Capecelatro noted he spoke with Resident State Trooper Mark Lauretano and he does not recall any accidents in this area of Route 112. Attorney Capecelatro also noted he spoke with the abutters, Bob Shelton and Mike Root. Both abutters support the application. Chairman Lloyd asked Mr. Hackett per his professional opinion does he see any problems with the site. Mr. Hackett replied no, he does not see problems with this site. S. Victory asked if the primary driveway could accept two vehicles at once, and yes it can per Mr. Hackett.

Chairman Lloyd asked if any additional questions of Mr. Hackett or Mr. Little. No additional questions. Attorney Capecelatro presented for the record copies of his letter to abutters Robert Sheldon and Michael Root, managing partner for LAB, LLC advising them of the application and hearing date.

5. Chairman Lloyd closed the Public Hearing at 5:55 p.m.

6. Chairman Lloyd asked if board members had any discussion on the application pending before them. No. Chairman Lloyd asked for a motion to approve application to secure a certificate of approval of the location, 438 Lime Rock Road, Salisbury, CT for an Automobile Dealer's or Repairer's License by DMV, File NO. 10-387. C. Kelley so moved, seconded and unanimously approved.

Respectfully submitted,

Jean Bell
Administrative Assistant