

SALISBURY PLANNING AND ZONING COMMISSION

SPECIAL MEETING MINUTES

October 29th, 2024 6:30PM

Remote Meeting by Live Internet Video Stream and Telephone

1 **Members Present:**

2 Dr. Michael Klemens (Chair)

3 Cathy Shyer (Vice Chair)

4 Allen Cockerline (Regular Member)

5 Bob Riva (Regular Member)

6 Dr. Danella Schiffer (Alternate Member)

7 Beth Wells (Alternate Member)

8

9

10 **Brief Items and Announcements**

11 1. Call to Order / Establish Quorum

12 Chair Klemens called the Meeting to order at 6:30PM. A quorum was established with four regular
13 members present (Dr. Michael Klemens, Cathy Shyer, Bob Riva, Allen Cockerline). Alternate Members Dr.
14 Danella Schiffer and Beth Wells were also present.

15

16 2. Minutes of September 16, 2024

17

18 The Commission discussed changes to the detailed minutes of September 16, 2024 Meeting. Vice Chair
19 Shyer abstained from voting.

20

21 At 6:34PM Chair Klemens appointed Alternate Member Schiffer as voting alternate.

22

23 **Motion:** To approve the minutes of September 16, 2024 as amended.

24 Made by Cockerline, seconded by Riva.

25 Vote: 4-0-1 in favor, with Vice Chair Shyer abstaining.

26

27 3. Minutes of September 17, 2024 - *pending*

28 4. Minutes of September 30, 2024 - *pending*

29 5. Minutes of October 7, 2024 - *pending*

30 6. Minutes of October 16, 2024 - *pending*

31

32 **Other Business**

33 7. 8-24 Referral / Town of Salisbury / 331 Housatonic River Road / Easement for Wall in Town Right of
34 Way / Map 08 / Lot 52 / *Possible Consideration*

35

36 First Selectman Curtis Rand joined the meeting. LUD Conroy explained a survey for an application at 331
37 Housatonic River Road showed that a retaining wall was installed on Town property. This was brought to
38 the attention of the Board of Selectmen. Selectman Rand explained that he believes the encroachment
39 was not intentional, but it favors the owners of the property (James and Jane Cohan). A deal was
40 negotiated that would establish an easement to the Cohans, revocable if the Town desired the property
41 back, with a fee of \$10,000 and coverage of additional legal fees. Selectman Rand mentioned that a vote
42 at a Town Meeting would be required to grant the easement. The Town Meeting was scheduled for
43 November 12, 2024.

44

45 Chair Klemens believed the matter should be pursued but language in the Grant of Easement should be
46 improved. Alternate Member Schiffer believed this determination would set a bad precedent for the

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47 Town. She suggested it would be setting a standard for selling Town property. Vice Chair Shyer believed
48 the wall should be removed. Commissioner Riva commented the wall is not hindering maintenance of a
49 nearby road. He suggested clarifying and moving forward with the proposed easement. Commissioner
50 Cockerline believed the encroachment is minimal, and the Town would be within its rights to remove
51 any encroachment when necessary.

52
53 Chair Klemens reviewed his suggested alterations to the Grant of Easement. Selectman Rand
54 commented that he would be comfortable requiring the removal of the wall. Commissioner Cockerline
55 commented that wall removal may be the simplest solution. Alternate Member Schiffer reiterated her
56 concern about precedent and believed removal of the wall should occur due to inconsistency with the
57 Plan of Conservation & Development (POCD). Commissioner Riva expressed he was comfortable with
58 Chair Klemens' suggested changes, but if the lawyers are not okay with them perhaps the wall should be
59 removed. Commissioner Cockerline suggested noticing the property owner via a certified letter that they
60 encroached on Town property, and that the Town retains the right to remove the encroachment should
61 the need arise.

62
63 **Motion:** The 8-24 Referral to grant a revocable easement over Town property for the purpose of
64 permitting an encroachment is deemed inconsistent with both the 2012 POCD and draft 2024 POCD.
65 Made by Riva, seconded by Shyer.
66 Vote: 5-0-0 in favor.

67
68 **Motion:** The Commission will recommend that the Board of Selectmen require the removal of the wall.
69 Made by Riva, seconded by Cockerline.
70 Vote: 5-0-0 in favor.

71
72 Selectman Rand commented that the item will be removed from the upcoming Town Meeting agenda.

73
74 **New Business**

75 8. #2024-0266 / Lestelle and Stephens (Matt Schwaikert) / 28 White Hollow Road / Propane Tank and
76 Generator in the Flood Plain Overlay District (Section 401) / Map 28 / Lot 22 / DOR: 10/07/2024 /
77 *Reception, Hearing Scheduled for 11/04/2024*

78
79 LUD Conroy presented the Site Plan for review. Chair Klemens asked if a floodplain on the property was
80 identified. LUD Conroy replied yes, an A2 survey was completed and the floodplain is located on most of
81 the property, including where the generator is proposed. She added that the base flood elevation plus
82 one (BFE+1) is five-hundred fifty-seven feet. The Commission discussed ways which the generator could
83 be elevated to BFE+1. LUD Conroy explained the applicant will be informed that the Commission
84 received the application and made suggestions to elevate and alter the generator located in the
85 floodplain.

86
87 **Pending Business**

88 9. #2024-0263 / Sternlof (Bodwell Engineering and Surveying) / White Hollow Road / Two-Lot
89 Subdivision / Map 03 / Lot 26 / DOR: 09/16/2024 / *Possible Consideration*

90
91 Chair Klemens explained the referral letter was received from Northwest Hills Council of Governments
92 (NHCOG). The Commission reviewed the letter.

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94 **Motion:** To approve application #2024-0263 / Sternlof (Bodwell Engineering and Surveying) / White
95 Hollow Road / Two-Lot Subdivision / Map 03 / Lot 26.

96 Made by Cockerline, seconded by Riva.

97 Vote: 5-0-0 in favor.

98

99 10. #2024-0264 / 280 BTLR, LLC (Great Falls Construction) / 280 Between the Lakes Road and 300
100 Between the Lakes Road / Site plan application for a Single-Family Residential Construction and
101 Associated Site Development in the Lake Protection Overlay District (Section 404) on lot 280 and a
102 driveway passing through lot 300 / Map 67 / Lot 07 and 07-02 / DOR: 10/07/2024 / *Possible*
103 *Consideration*

104

105 LUD Conroy explained the Inland Wetlands & Watercourses Commission (IWWC) did not establish a
106 quorum and were unable to act on the application.

107

108 **Adjournment**

109

110 **Motion:** To adjourn the Meeting at 7:34PM.

111 Made by Cockerline, seconded by Shyer

112 Vote: 5-0-0 in favor.

113

114

115

116 Respectfully Submitted,

117 Erika Spino

118 Secretary of Minutes