

**REGULAR MEETING
AGENDA**

Wednesday, February 12, 2014 7:45 P.M.
First Floor Auditorium
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

OPENING

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce another's protections as defined within the Zoning Regulations. Therefore, any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium. In order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

This appears to be a heavy agenda which the ZBA will make every reasonable effort to complete. However, complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently. Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting and some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

CONTINUATION OF PUBLIC HEARINGS

CALENDAR NO. 68-2013

Opened on December 11, 2013 and continued to January 22, 2014 at the applicant's request. Due to weather conditions the January 22, 2014 meeting was cancelled and this

matter was continued to tonight February 12, 2014. The previously seated ZBA members for this request were Vic Capellupo, Chuck Deluca, Jeff Williams, Gary Greene, Ruth Anne Ramsey and Rich Wood. This hearing must be completed by tonight. However if the ZBA determines to continue this hearing further, the applicant may provide an additional extension allowing the ZBA to continue this hearing until a subsequent meeting.

The application of Alan Kaufman and Kaufman LLC on behalf of Rosemarie/Scott Reardon regarding the property of James/Janeen Eckert submitted on August 30, 2013 for an appeal of a Planning and Zoning Commission decision per Darien Zoning Regulations Section 1126(a); the ZBA should vacate the July 30, 2013 Planning and Zoning Commission decision and instruct it to undertake the town wide inventory mandated by the DEEP, and after the subsequent adoption of clear guidelines and regulation by the Planning and Zoning Commission, the Eckerts should be permitted to reapply. The subject property is an interior lot accessed from a common drive situated on the east side of Long Neck Point Road approximately 450 feet south of the south intersection with Pear Tree Point Road and is shown on Assessor's Map #61 as Lot #3, being 165 Long Neck Point Road and located in an R-1 (residential) Zone.

CALENDAR NO. 56-2013

Opened on November 13, 2013, continued December 11, 2013, continued January 15, 2014 and continued to tonight February 12, 2014. The previously seated ZBA members for this request were Chuck Deluca, Jeff Williams, Vic Capellupo, Ruth Anne Ramsey, Rich Wood, and Gary Greene. This hearing must be concluded by February 21, 2014 (within 100 days of its November 13th opening).

The application of William I. Haslun, II, Esq., and Ivey, Barnum & O'Mara, LLC on behalf of PR Partnership, LLC doing business as Giovanni's - Water's Edge submitted on August 14, 2013 for variances of Sections 381-387, 406, 904 and 927 of the Darien Zoning Regulations; to allow the construction of a one and one half story entry canopy addition, modification of the front dropoff, parking, and landscape areas, and the installation of signage; Sections 381-387: enlargement of a non-conforming building and intensification of a non-conforming use; Section 406: 8.9 in lieu of 30.0 feet minimum required front yard setback and 21.2 in lieu of 20.0% maximum allowable coverage; Section 904: expansion of gross floor area with a possible reduction from the approximately 33 valid parking spaces on a property with deficient existing parking quantity; and Section 927: installation of commercial use ground signage in a residential zone. The property is situated on the south side of the Boston Post Road opposite the intersection of Brookside Drive and is shown on Assessor's Map #54 as Lot #35, being 2748 Boston Post Road and located in an R-1/3 (residential) Zone.

CALENDAR NO. 1-2014

Opened on January 15, 2014 and continued to tonight February 12, 2014 due to complications. The previously seated ZBA members for this request were Vic Capellupo, Jeff Williams, Gary Greene, Ruth Anne Ramsey and Rich Wood. This hearing must be completed by tonight. However if the ZBA determines to continue this hearing further, the applicant may provide an additional extension allowing the ZBA to continue this hearing until a subsequent meeting.

The application of Louann M. Heft and Arbonies King Vloek PC and Maslan Associates PC on behalf of Atwood & Cynthia Collins submitted on December 16, 2013 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a covered front entry, the construction of a bay window, and the installation of a generator; Section 406: 51.8 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Edgehill Drive for the covered front entry; 22.9 in lieu of 40.0 feet minimum required front yard setback and 33.0 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Edgehill Drive for the bay window; 12.6 in lieu of 40.0 feet minimum required front yard setback, 22.6 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Edgehill Drive, and 10.0 in lieu of 40.0 feet minimum required rear yard setback for the generator; and 26.2 in lieu of 20.0% maximum allowable buildable coverage. The property is situated on the north side of Edgehill Drive approximately 250 east of the intersection with Searles Road and is shown on Assessor's Map #67 as Lot #43, being 12 Edgehill Drive and located in an R-1 (residential) Zone.

CALENDAR NO. 2-2014

Opened on January 15, 2014 and continued to tonight February 12, 2014 due to complications. The previously seated ZBA members for this request were Vic Capellupo, Jeff Williams, Gary Greene, Ruth Anne Ramsey and Rich Wood. This hearing must be completed by tonight. However if the ZBA determines to continue this hearing further, the applicant may provide an additional extension allowing the ZBA to continue this hearing until a subsequent meeting.

The application of Amy Zabetakis, Esq. and Rucci Law Group, LLC on behalf of Julio and Amy Serrano submitted on December 16, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of an enlarged garage and a second story addition; Section 406: 13.0 in lieu of 30.0 minimum feet required Concord Lane front yard setback. The property is situated on the northeast corner of the intersection of Hampton Road and Concord Lane and is shown on Assessor's Map #46 as Lot #22, being 8 Hampton Road and located in an R-1/3 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 4-2014 TO BE OPENED AND CONTINUED TO MARCH 12

The application of Robert F. Maslan, Jr., Esq. and Maslan Associates PC on behalf of Dean C. & Ann K. Ravosa submitted on January 3, 2014 for an appeal under Section 1122, of the Darien Zoning Regulations, of the order, requirement, decision, and/or determination of the Zoning Enforcement Officer; in order to allow the existing landscape plantings and change in grade to remain. The property is situated on the south side of Royle Road approximately 725 feet west of the intersection with Mansfield Avenue and is shown on Assessor's Map #6 as Lot #46, being 19 Royle Road and located in an R-1/2 (residential) Zone.

CALENDAR NO. 5-2014

The application of Michael Vitti on behalf of Noroton Fire Department submitted on January 15, 2014 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a one and one-half story detached garage/storage building; Section 406: 10.0 in lieu of 25.0 feet minimum required rear yard setback and 22.1 in lieu of 20.0% maximum allowable building coverage. The property is situated on the northeast corner formed by the intersection of Dickinson Road and Boston Post Road and is shown on Assessor's Map #42 as Lot #7, being 1873 Boston Post Road and located in an R-1/3 (residential) Zone.

CALENDAR NO. 6-2014

The application of E. Arthur Morin, Jr. and Jacqueline H. Mossa on behalf of contract purchaser Rohit Parwal submitted on January 15, 2014, for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of two story and second story additions; Section 406: 23.7 in lieu of 40.0 feet minimum required front yard setback and 10.3 in lieu of 15.0 feet minimum required side yard setback. The property is situated on the northwest corner formed by the intersection of Middlesex Road and Noroton Avenue and is shown on Assessor's Map #9 as Lot #16, being 288 Noroton Avenue and located in an R-1/2 (residential) Zone.

DELIBERATIONS AND DECISIONS

Discussion, deliberation and possible decisions for Public Hearing request items listed above. Four affirmative votes out of the five seated ZBA members are required to approve a proposal. Decisions are made after the ZBA members review the public hearing comments, submitted plans and other application materials, and carefully consider

possible stipulations to ensure the best possible project fit among the neighboring properties. If complications arise ZBA deliberation of the requests may be postponed or continued to a later meeting date.

OTHER BUSINESS

This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Approval of Minutes of meeting on December 11, 2013. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, and Rich Wood.
2. Requested six month extension, received January 14, 2014, to obtain all required permits and begin on-site construction for ZBA Calendar No. 46-2013, Michael A. Tortorella & Nancy V. Tortorella, 7 Sylvan Road. The Public Hearing of this matter was July 17, 2013. Initial ZBA approval would have expired on January 26, 2014.
3. Requested amendment to the approved plans of Calendar No. 53-2011, Ruth & Ian Crowe, 26 Raymond Street.
4. Reconsideration of requirements to obtain a Certificate of Occupancy for project Calendar No. 26-2013, Edmond & Roseann Fitzmaurice, 2 Clock Avenue.
5. General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/guidelines/staff questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.
6. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).