

SPECIAL MEETING
AGENDA

Wednesday, November 15, 2006 7:20 P.M.
Meeting Room 213
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

EXECUTIVE SESSION

To discuss pending litigation with Town Attorney J. Wayne Fox and Planning and Zoning Director Jeremy Ginsberg.

**REGULAR MEETING
AGENDA**

Wednesday, November 15, 2006 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

GENERAL MEETING

1. Discussion, deliberation and possible authorization for Town Attorney J. Wayne Fox and/or Planning and Zoning Director Jeremy Ginsberg to settle specific pending litigation.

CONTINUATION OF PUBLIC HEARINGS

CALENDAR NO. 68-2006

Opened on September 20, 2006 and immediately continued (with authorization of the applicant) to October 18, 2006. Reopened on October 18, 2006 and immediately recontinued (with authorization of the applicant) to November 15, 2006. Since no testimony, comment, or additional information was provided to the ZBA on September 20th or October 18th, the seated ZBA members for this request are those present tonight. This hearing must be completed tonight or the applicant would have to provide an additional extension (up to 100 total days) allowing the ZBA to continue this hearing until December 29, 2006.

The application of Gleason & Associates LLC on behalf of Palmer Trust and Commerce Bank filed on August 23, 2006 for a variance of Section 926 of the Darien Zoning Regulations, to allow the installation of a pole sign; Section 926: 12.0 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the east side of Noroton Avenue opposite Heights Road and

approximately 200 feet north of the intersection of Ledge Road and Noroton Avenue and is shown on Assessor's Map #40 as Lots #31 and 32, being 164 Noroton Avenue and located in an SB (commercial) Zone.

CALENDAR NO. 78-2006

Opened on October 18, 2006 and immediately continued to tonight, November 15, 2006. Since no testimony, comment, or additional information was provided to the ZBA on October 18th, the seated ZBA members for this request are those present tonight. This hearing must be concluded by November 23, 2006 (within 35 days). Therefore, if the ZBA determines to continue this hearing further, a Special Meeting would have to be arranged by November 23rd. Or the applicant would have to provide a written, up to 65 day, extension allowing the ZBA to continue the hearing to a later date.

The application of Lane E. Zimmerman AIA on behalf of David J. & Yvette E. Morgan filed on September 20, 2006 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of second story, two story, and chimney additions and the installation of HVAC equipment; Section 406: 11.5 in lieu of 17.1 feet minimum required side yard setback relative to the north property line; 7.9 in lieu of 21.0 feet minimum required side yard setback relative to the south property line; and 19.4 in lieu of 25.0 feet minimum required total of two side yards setback for the new construction. The property is situated on the west side of Hillcrest Avenue approximately 150 feet south of the intersection of Christie Hill Road and Hillcrest Avenue and is shown on Assessor's Map #27 as Lot #40, being 6 Hillcrest Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 80-2006

Opened on October 18, 2006 and immediately continued to tonight, November 15, 2006. Since no testimony, comment, or additional information was provided to the ZBA on October 18th, the seated ZBA members for this request are those present tonight. This hearing must be concluded by November 23, 2006 (within 35 days). Therefore, if the ZBA determines to continue this hearing further, a Special Meeting would have to be arranged by November 23rd. Or the applicant would have to provide a written, up to 65 day, extension allowing the ZBA to continue the hearing further (up to January 26, 2007-100 total days).

The application of Gleason & Associates on behalf of Tamara Litvinenko filed on September 20, 2006 for an interpretation of Section 385 and variations of Sections

226, 334 and 406 of the Darien Zoning Regulations to allow the construction of a replacement two and one half story dwelling with a substandard parking area. Section 385: a determination that the subject lot is a legal nonconforming building lot with 8,435 in lieu of 14,520 square feet minimum required lot size; Section 226: 17.5 in lieu of 24.0 feet minimum required on site backup for the garage parking spaces; Section 334: construction on a building lot with 49.5 in lieu of 80.0 feet minimum required lot width; and Section 406: 10.0 in lieu of 14.6 feet minimum required side yard setback relative to the north property line; 10.4 in lieu of 15.0 feet minimum required side yard setback relative to the south property line; and 20.4 in lieu of 25.0 feet minimum required total of two side yards setback for the new construction. The property is situated on the west side of Mansfield Avenue approximately 170 feet south of the intersection of Mansfield Avenue and Sedgwick Avenue and is shown on Assessor's Map #17 as Lot #8, being 27 Mansfield Avenue and located in an R-1/3 (residential) Zone.

PUBLIC HEARINGS

CALENDAR NO. 77-2006

This Public Hearing must be opened by November 24, 2006 (within 65 days after its September 20, 2006 Receipt Date). The project construction and plans have been under reconsideration. The ZBA may open this hearing tonight (November 15, 2006) and continue it for 35 days if necessary.

The application of John R. Mastera AIA on behalf of Dan McNulty filed on September 20, 2006 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of second story, attic, and two and one-half story additions; Section 406: 5.8 in lieu of 9.2 feet minimum required side yard setback relative to the north property line; 15.8 in lieu of 19.2 feet minimum required side yard setback relative to the south property line; and 21.6 in lieu of 25.0 feet minimum required total of two side yards setback for the new construction. The property is situated on the west side of Stanley Road approximately at the intersection of Stanley Road and Devon Road and is shown on Assessor's Map #25 as Lot #81, being 9 Stanley Road and located in an R-1/3 (residential) Zone.

CALENDAR NO. 82-2006

The application of David & Josie Rucquoi filed on October 18, 2006 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of second story additions; Section 406: 10.7 in lieu of 14.2 feet minimum required

side yard setback relative to the south property line; 10.8 in lieu of 14.3 feet minimum required side yard setback relative to the north property line; and 21.5 in lieu of 25.0 feet minimum required total of two side yards setback for the new construction. The property is situated on the west side of Glenwood Drive approximately 70 feet north of the intersection of Glenwood Drive and Victory Drive and is shown on Assessor's Map #47 as Lot #76, being 4 Glenwood Drive and located in an R-1/3 (residential) Zone.

CALENDAR NO. 83-2006

The application of Mr. & Mrs. Earle N. Cutler filed on October 18, 2006 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a second story dormer addition; Section 406: 18.2 in lieu of 40.0 feet minimum required front yard setback; and 28.2 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Bayberry Lane. The property is situated on the east side of Bayberry Lane approximately 100 feet south of the intersection of Bayberry Lane and Old Kings Highway North and is shown on Assessor's Map #34 as Lot #15, being 8 Bayberry Lane and located in an R-1/2 (residential) Zone.

CALENDAR NO. 84-2006

The application of Gleason & Associates LLC on behalf of James B. Kane and Katherine G. Kane filed on October 18, 2006 for variances of Sections 331, 402, 383, 406, and 825 if necessary of the Darien Zoning Regulations, to allow the existing cottage to remain until the proposed replacement residence is completed; to allow the construction of a replacement two and one-half story residence with basement space; and to allow the construction of a detached one and one-half story guest cottage/garage; Section 331: two in lieu of one, maximum main building on one lot; Section 402: two in lieu of one single-family dwelling on its own lot; Section 383: occupancy of the existing legally non-conforming cottage while the new residence is under construction; Section 406: 18.0 in lieu of 24.0 feet minimum required rear yard setback for the residence; and 14.3 in lieu of 24.0 feet minimum required rear yard setback for the guest cottage; and Section 825: maintenance of existing basement space at 7.5 in lieu of 13.0 feet minimum required floor elevation; and construction of additional basement space at 7.5 in lieu of 13.0 feet minimum required floor elevation. The property is situated on the southeast side of Five Mile River Road approximately 1400 feet south of the intersection of Five Mile River Road and Davis Lane and is shown on Assessor's Map #67 as Lot #9, being 147 Five Mile River Road and located in an R-1/2 (residential) Zone.

GENERAL MEETING

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 legal 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. Discussion, deliberation and possible decisions for Public Hearing request items listed above.
2. Requested six month extension to obtain all required permits and begin on-site construction for ZBA Calendar No. 39-2006, The Darien Historical Society, 45 Old Kings Highway South. The Public Hearing of this matter was May 17, 2006. Initial ZBA approval expires on December 1, 2006.
3. Requested amendment to Stipulation #1 of the resolution of Calendar No. 75-2006, Loren M. Meyer, AIA on behalf of 512 Boston Post Road, LLC and Mark Swimm, 512 Boston Post Road.
4. Requested amendment to the approved plans of Calendar No. 12-2006, Charles A. Koons III and Elizabeth K. Koons, 12 Dubois Street.
5. Approval of Minutes of decisions from July 19, 2006 (seated ZBA members for these decisions were Dick Sanford, Vic Capellupo, Al Tibbetts, Gary Greene, and Chuck Deluca.
6. Approval of Minutes of decisions from July 26, 2006 (seated ZBA members for these decisions were Dick Sanford, Vic Capellupo, Al Tibbetts, Jeff Williams, and Peter Thoren.
7. General discussion of Application Materials.
8. Any other business (a 2/3, i.e. 67%, favorable vote of members present and voting is required to add an item to the agenda).