

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
July 22, 2015

SPECIAL MEETING

Darien Town Hall - Room 206 – 7:05 to 7:47 PM

ZBA members present: Mike Nedder, Vic Capellupo, Jeff Williams, Rich Wood and Chuck Deluca

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

OPENING

ZBA Vice-Chair Mike Nedder opened the meeting at 7:05 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

GENERAL MEETING

Discussion, deliberation, and possible decision of Calendar No. 29-2015, Jacqueline Kaufman and Carmody Torrance Sandak & Hennessey LLP on behalf of **Noroton Yacht Club Inc., 23 Baywater Drive**, previously heard by the ZBA on May 20, 2015 and June 17, 2015. Decision deadline is August 21, 2015 (within 65 days after completion of the hearing on June 17). After closing the hearing the ZBA subsequently deliberated and then determined to table this matter for further consideration at the June 24 meeting. The deliberation continued on June 24 and then the ZBA determined to table this matter for further consideration at a future meeting. Seated ZBA members who have now heard both segments of the hearing and June 17 and June 24 deliberations are Chuck Deluca, Vic Capellupo, Mike Nedder, Jeff Williams, and Rich Wood.

Jeff Williams announced that he had listened to a tape recording of the meeting of June 24, 2015 in order to be fully informed and prepared to deliberate on this matter. After consideration of the requests, and review of draft findings and project stipulations the ZBA voted separately regarding the project features as follows:

Upon a motion by Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the requested variance for the construction of habitable clubhouse space and installation of electrical and code required systems below the minimum required flood elevation.

Upon a motion by Rich Wood, seconded by Mike Nedder, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the requested variance of the front yard setback for the

clubhouse. Those voting in favor of the motion were Rich Wood, Mike Nedder, Vic Capellup and Jeff Williams. Chuck Deluca was opposed to the motion. State of Connecticut Statutes require 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore, this request is granted with stipulations.

Upon a motion by Jeff Williams, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the requested variance of the rear yard setback for the clubhouse.

Upon a motion by Chuck Deluca, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the requested variance of the rear yard setback for the launch shed.

Upon a motion by Chuck Deluca, seconded by Mike Nedder, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the requested location of the transformer platform.

Upon a motion by Jeff Williams, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the requested variance for the dumpster enclosure.

Upon a motion by Mike Nedder, seconded by Chuck Deluca, the ZBA voted 5-0 to provide comments to the Planning & Zoning Commission about possible parking and traffic issues related to the Club's use of the property.

Upon a motion by Mike Nedder, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT an extension until December 31, 2016 to initiate the project work.

Requested interpretation of the Resolution of Calendar No. 7-2015, **Heidi & Jordan Davis**, 134 Holmes Avenue.

Upon a motion by Chuck Deluca, seconded by Jeff Williams, the ZBA voted 5-0 to MAINTAIN THE RESOLUTION/STIPULATION requiring the shed be relocated to a conforming location or removed from the property.

Approval of Minutes of meeting on **May 13, 2015.** ZBA members attending this meeting were Chuck Deluca, Vic Capellupo, Mike Nedder, Ruth Anne Ramsey, and Rich Wood.

Upon a motion by Mike Nedder, seconded by Vic Capellupo, the ZBA voted 4-0 to APPROVE the subject minutes. Those voting in favor were Mike Nedder, Vic Capellupo, Chuck Deluca and Rich Wood. Ruth Anne Ramsey previously indicated her approval.

Approval of Minutes of meeting on **May 20, 2015.** ZBA members attending this meeting were Jeff Williams, Vic Capellupo, Gary Greene, Mike Nedder, and Kevin Fullington.

Upon a motion by Mike Nedder, seconded by Jeff Williams, the ZBA voted 3-0 to APPROVE the subject minutes. Those voting in favor were Mike Nedder, Jeff Williams and Vic Capellupo.

Approval of Minutes of meeting on **June 17, 2015.** ZBA members attending this meeting were Chuck Deluca, Jeff Williams, Vic Capellupo, Mike Nedder, and Rich Wood.

Upon a motion by Mike Nedder, seconded by Jeff Williams, the ZBA voted 5-0 to APPROVE the subject minutes. Those voting in favor were Mike Nedder, Jeff Williams, Vic Capellupo, Chuck Deluca and Rich Wood.

Approval of Minutes of meeting on **June 24, 2015.** ZBA members attending this meeting were Chuck Deluca, Jeff Williams, Vic Capellupo, Gary Greene, Mike Nedder, and Kevin Fullington.

Upon a motion by Mike Nedder, seconded by Jeff Williams, the ZBA voted 4-0 to APPROVE the subject minutes. Those voting in favor were Mike Nedder, Jeff Williams, Chuck Deluca and Vic Capellupo.

Approval of Summary Minutes of meeting on **July 7, 2015.** ZBA members attending this meeting were Chuck Deluca, Jeff Williams, Vic Capellupo, Gary Greene, Mike Nedder, and Ruth Anne Ramsey.

Upon a motion by Mike Nedder, seconded by Jeff Williams, the ZBA voted 4-0 to APPROVE the subject minutes. Those voting in favor were Mike Nedder, Jeff Williams, Chuck Deluca and Vic Capellupo. Ruth Anne Ramsey previously indicated her approval.

Requested amendment to the approved plans of Calendar No. 60-2014, **T.G. Diners LLC,** 275 Boston Post Road.

After discussion, the ZBA reiterated that a new application and public hearing would be required to consider the requested amendment.

Possible amendment of project plans for ZBA Calendar No. 8-2015, **Joseph & Rita Maruszewski,** 102 Mansfield Avenue.

This matter was tabled to the next scheduled ZBA meeting.

Discussion of Giovanni's sign, Calendar No. 56-2013, PR Partnership, LLC dba **Giovanni's** - **Water's Edge,** 2748 Boston Post Road.

Upon a motion by Mike Nedder, seconded by Vic Capellupo, the ZBA determined that the sign can remain in the current location if the State of Connecticut grants an easement/approval.

Discussion of subcommittee work with a Planning and Zoning Commission subcommittee on recommended Zoning Regulation changes.

This matter has been tabled to the next scheduled ZBA meeting.

Discussion of Verrillo v. Branford ZBA Appellate Court decision.

The ZBA requested that Town Counsel provide the previously discussed deliberation road map and possible hardships list for further consideration.

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.**

Mike Nedder suggested that he, possibly Kevin Fullington, and ZBA Staff work on previously discussed application clarifications and/or changes.

ADJOURNMENT

The meeting was adjourned at 7:47 PM.

These Meeting Minutes,
Respectfully submitted July 23, 2015
by Robert Woodside,
Code Compliance Officer
ZBA Staff

These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by Mike Nedder, seconded by Rich Wood, approved by a vote of 3-0 at the ZBA meeting on September 16, 2015. Mike Nedder, Rich Wood and Vic Capellupo voted in favor of the motion. Chuck Deluca previously indicated his approval.