

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
November 18, 2015

REGULAR MEETING

Darien Town Hall - Room 206 – 7:47 to 10:43 PM

ZBA members present: Vic Capellupo, Rich Wood, Jeff Williams, Mike Nedder and Kevin Fullington

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

OPENING

ZBA Vice-Chair Mike Nedder opened the meeting at 7:47 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

POSTPONEMENTS AND CONTINUATIONS

Mr. Nedder announced that the Public Hearing of Calendar No. 53-2015, the application of Jeffrey McDougal and William W. Seymour & Assoc. on behalf of ERI Building & Design, LLC, and Devin & Michael Conroy, 20 Wakemore Street, is postponed to December 16, 2015, at the applicant's request.

CONTINUATION OF PUBLIC HEARING

The following hearing was continued from October 14, 2015:

CALENDAR NO. 46-2015 - the application of William & Victoria Crane submitted on September 15, 2015 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a one and one half story detached three-car garage; Section 406: 29.0 in lieu of 40.0 feet minimum required south rear yard setback. The property is situated on the north side of Hollister Lane approximately 330 feet east of the intersection with Old Kings Highway South and is shown on Assessor's Map #63 as Lot #83, being 3 Hollister Lane and located in an R-1 (residential) Zone.

ZBA Staff announced that additional property line information was submitted, it was determined that a variance is not needed for the proposed construction, and this

application is therefore moot. The hearing was then closed and the file was subsequently closed with this information.

PUBLIC HEARINGS

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 50-2015 - the application of Victor Lalanne submitted on October 14, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the reconstruction of front entry stairs, the construction of two story and second story additions, and the installation of HVAC equipment; Section 406: 3.5 in lieu of 30.0 feet minimum required front yard setback; 27.9 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Wakemore Street; 0.4 in lieu of 12.9 feet minimum required west side yard setback; 12.1 in lieu of 24.6 feet minimum required east side yards setback; and 12.5 in lieu of 25.0 feet minimum required total of two side yards setback. The property is situated on the south side of Wakemore Street approximately 800 feet east of the intersection with Hoyt Street and is shown on Assessor's Map #8 as Lot #237, being 33 Wakemore Street and located in an R-1/3 (residential) Zone.

Architectural Designer Charlie Saverine answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Julia Davis expressed concern about various aspects of the proposal. Jack Procaccini supported the application. The Public Hearing was then closed.

CALENDAR NO. 51-2015 - the application of Mark Lebow and William W. Seymour on behalf of Patricia Hemingway LLC submitted on October 16, 2015 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a two and one half story replacement house; Section 385: a determination that the subject lot is a legal nonconforming building lot with 60.1 in lieu of 80.0 feet minimum required lot width and 9,407 in lieu of 14,520 minimum required lot area, and can be properly developed with adequate related site improvements; and Section 334: construction on a portion of the building lot with 60.1 in lieu of 80.0 feet minimum required lot width. The property is situated on the east side of Patricia Lane approximately 350 feet northeast from the southerly intersection with Dubois Street and is shown on Assessor's Map #43 and Lot #73, being 23 Patricia Lane and located in an R-1/3 (residential) Zone.

Surveyor Mark Lebow, Architect Ryan Rahlston and Engineer Steve McAllister answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Charles Janson of 22 Patricia Lane spoke to various aspects of the application. Richard Terhune did not oppose or support the application. Dieter Braun of 31 Noroton Avenue spoke of his drainage concerns. Linda Terhune spoke to neighborhood drainage issues as well. The Public Hearing was then closed.

CALENDAR NO. 52-2015 - the application of Sylvia Kohler submitted on October 19, 2015 for a variance of Section 406 of the Darien Zoning Regulations; to allow the reconstruction of a first floor garage and the construction of a second story addition; Section 406: 20.9 in lieu of 25.0 feet minimum required rear yard setback. The property is situated on the northeast corner of the intersection formed by Gardiner Street and Relihan Road and is shown on Assessor's Map #44 as Lot #1, being 75 Relihan Road and located in an R-1/5 (residential) Zone.

Sylvia Kohler and Builder Chris Bargas answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 54-2015 - the application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Job & Ingebord Sandberg, owner, and Justin Scott, contract purchaser, submitted on October 21, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the lifting of the existing residence approximately 7', at 2.8 in lieu of 25.0 feet minimum required north side yard setback, 30.1 in lieu of 40.0 feet minimum required front yard setback, and 47.3 in lieu of 65.0 front yard setback as measured from the centerline of Pear Tree Point Road; to allow the lifting of the poolhouse approximately 8' and the conversion of to a habitable home office, at -3.1 in lieu of 25.0 feet minimum required north side yard setback. The property is situated on the west side of Pear Tree Point Road approximately 900 feet south of the northerly intersection with Long Neck Point Road and is shown on Assessor's Map #60 as Lot #51, being 47 Pear Tree Point Road and located in an R-1 (residential) Zone.

Attorney Wilder Gleason, contract purchaser Justin Scott, Architect Mac Paterson and current owner Job Sandberg answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Arthur Collins said he supported the application although he was concerned about some details. The ZBA determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the next ZBA meeting on December 16, 2015.

DELIBERATIONS AND DECISIONS

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

CALENDAR NO. 50-2015 - The application of Victor Lalanne, 33 Wakemore Street. Upon a motion by Mike Nedder, seconded by Kevin Fullington, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

CALENDAR NO. 51-2015 - The application of Mark Lebow and William W. Seymour on behalf of Patricia Hemingway LLC, 23 Patricia Lane. Upon a motion by Mike Nedder, seconded by Vic Capellupo, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the above delineated, requested interpretation and variance. Those voting in favor of the motion were Mike Nedder, Vic Capellupo, Rich Wood and Kevin Fullington. Jeff Williams 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.

CALENDAR NO. 52-2015 - The application of Sylvia Kohler, 75 Relihan Road. Upon a motion by Kevin Fullington, seconded by Rich Wood, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the above delineated, requested variances. Those voting in favor of the motion were Kevin Fullington, Mike Nedder, Jeff Williams and Rich Wood. Vic Capellupo 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.

OTHER BUSINESS

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Requested extension to April 18, 2016, received October 13, 2015, to begin on-site construction for ZBA Calendar No. 18-2015, Equity One LLC dba Trader Joes, 430 Boston Post Road. The Public Hearing of this matter was April 8, 2015. Initial ZBA approval would have expired on October 17, 2015.

Upon a motion by Mike Nedder, seconded by Kevin Fullington, the ZBA voted 5-0 to APPROVE the requested extension. Those voting in favor were Mike Nedder, Kevin Fullington, Vic Capellupo, Rich Wood and Jeff Williams.

Requested amendment to the approved plans of Calendar No. 26-1988, Amanda Faulkner, 43 Hillside Avenue.

Upon a motion by Rich Wood, seconded by Vic Capellupo, the ZBA voted 5-0 to APPROVE the requested amendment. Those voting in favor were Rich Wood, Vic Capellupo, Mike Nedder, Kevin Fullington and Jeff Williams.

Requested amendment to the approved plans of Calendar No. 38-2015, Paul Harris and Cole Harris Associates on behalf of 14 Clocks Lane LLC, 14 Clocks Lane.

This matter was tabled until the next meeting on December 16, 2015.

Approval of Minutes of application Calendar No. 41-2015, PR Partnership LLC dba Giovanis/Waters Edge, 2748 Boston Post Road, decided on October 14, 2015. ZBA members making this decision were Vic Capellupo, Gary Greene, Mike Nedder, Ruth Anne Ramsey, and Rich Wood.

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

Approval of Minutes of meeting on September 9, 2015. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, 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, Jeff Williams and Rich Wood.

Approval of Summary Minutes of meeting on September 16, 2015. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Mike Nedder, Ruth Anne Ramsey, and Rich Wood.

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

Approval of Minutes of meeting on October 14, 2015. ZBA members attending this meeting were Chuck Deluca, Vic Capellupo, Gary Greene, Mike Nedder, and Kevin Fullington.

This matter was tabled until the next meeting on December 16, 2015.

ADDITIONAL OTHER BUSINESS

Upon a motion by Kevin Fullington, seconded by Mike Nedder, the ZBA voted 5-0 to add to the agenda the following extension request from the Noroton Yacht Club:

Requested amendment of the approved plans, received November 18, 2015, for ZBA Calendar No. 29-2015, Noroton Yacht Club, 23 Baywater Drive. Upon a motion by Kevin Fullington, seconded by Mike Nedder, the ZBA voted 4-0-1 to APPROVE the requested amendment. Those voting in favor were Kevin Fullington, Mike Nedder, Vic Capellupo and Jeff Williams. Rich Wood abstained from voting.

ADJOURNMENT

The meeting was adjourned at 10:43 PM.

These Meeting Minutes,
Respectfully submitted November 24, 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 Rich Wood, seconded by Mike Nedder, approved by a vote of 4-0 at the ZBA meeting on January 27, 2016. Rich Wood, Mike Nedder, Vic Capellupo and Jeff Williams voted in favor of the motion.