

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
July 16, 2014

REGULAR MEETING

Darien Town Hall - Room 206 – 7:52 to 10:59 PM

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

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

OPENING

ZBA Chair Chuck Deluca opened the meeting at 7:52 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

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. 32-2014 - 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 June 18, 2014 for variances of Sections 381-387, 406, and 904 of the Darien Zoning Regulations; to allow the construction of a one story entry canopy addition; and modification of the front dropoff, parking, and landscape areas; 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; and 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. 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.

Attorney Chip Haslun asked if the prior record for Calendar No. 56-2013 could be incorporated into this record; Chuck Deluca agreed.

Attorney Chip Haslun, Architect Josef Solta and Joanne Latorica answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed and Chuck Deluca announced that the deliberation of this matter would be conducted at the next scheduled meeting on September 10, 2014.

CALENDAR NO. 25-2014 - the application of Mark Smith, P.E. and Alfred Benesch & Co. on behalf of Standard Realty, LLC submitted on May 21, 2014 for variances of Section 605 of the Darien Zoning Regulations; to allow the construction of a fuel island canopy; Section 605: 0 in lieu of 10 feet minimum required front yard setback and 23.9 in lieu of 20.0% maximum allowable building coverage. The property is located on the north side of the Boston Post Road approximately 70 feet east of the intersection with Garden City Road and is shown on Assessor's Map #42 as Lot #3, being 1927 Boston Post Road and located in the NB (Neighborhood Business - Commercial) Zone.

Professional Engineer Mark Smith and Robert Zuran of Standard Oil 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. 28-2014 - the application of Dariusz Lesniewski submitted on June 6, 2014 for variances of Section 406 of the Darien Zoning Regulations; to allow the previously constructed shed to remain; Section 406: 2.3 in lieu of 5.0 feet minimum required side yard setback; and 24.54 in lieu of 20.0% maximum allowable building coverage. The property is situated on the south corner of the intersection of Victory Drive and Devonshire Drive and is shown on Assessor's Map #47 as Lot #69, being 4 Devonshire Drive and located in an R-1/3 (residential) Zone.

Property owner Dariusz Lesniewski answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Debbie Lawrence voiced concerns over various aspects of the application. The Public Hearing was then closed.

CALENDAR NO. 30-2014 - the application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of David G. Madon & Albertine L. Madon submitted on June 18, 2014 for an interpretation of Section 1122 and variances of Sections 406 and 825 of the Darien Zoning Regulations; to allow the construction of a one story turret feature, a trellis, a one story kitchen addition and other improvements; Section 1122: an interpretation that the southeast property line is a side rather than a rear property line; or variances of Section 406: 25.1 in lieu of 40.0 feet minimum required southeast rear

yard setback for the turret and 37.5 in lieu of 40.0 feet minimum required southeast rear yard setback for the trellis; and a variance of Section 825: substantial improvements to a residence with 13.3 and 12.9 in lieu of 14.0 feet minimum required floor elevation; and to allow certain equipment to remain below the minimum flood elevation of 13.0. The property is situated on the northwest side of the Shennamere Road cul-de-sac approximately 500 feet south of the intersection with Contentment Island Road and is shown on Assessor's Map #68 as Lot #10, being 15 Shennamere Road and located in an R-1 (residential) Zone.

Attorney Wilder Gleason and property owner David Madon 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. 31-2014 - the application of Mark S. Lebow and William W. Seymour & Associates, PC on behalf of Pearson Cain Properties LLC submitted on June 18, 2014 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of second story and two story additions; Section 406: 10.0 in lieu of 15.0 feet minimum required north side yard setback and 51.6 in lieu of 65.0 feet minimum required front yard setback as measured from the center line of Raymond Heights. The property is situated on the west side of Raymond Heights approximately 400 feet northwest of the intersection with Raymond Street and is shown on Assessor's Map #36 as Lot #88, being 13 Raymond Heights and located in an R-1/2 (residential) Zone.

Land Surveyor Mark Lebow answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Attorney Wilder Gleason, present on behalf of neighboring property owner Warren, voiced his clients concerns and objections to various aspects of the application. Ed Keritz, son of the Warrens, voiced his concerns about the project as well. Chris Brophy of Cliff Avenue questioned a couple aspects of the application. Alan Parmer of Raymond Heights also voiced his concerns about the application.

The ZBA determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the next ZBA meeting on September 10, 2014.

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. 32-2014 - 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, 2748 Boston Post Road. The ZBA determined to table the matter and discuss and deliberate at the next scheduled ZBA meeting on September 10, 2014.

CALENDAR NO. 25-2014 - The application of Mark Smith, P.E. and Alfred Benesch & Co. on behalf of Standard Realty, LLC, 1927 Boston Post Road. Upon a motion by Ruth Anne Ramsey, seconded by Mike Nedder, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance.

CALENDAR NO. 28-2014 - The application of Dariusz Lesniewski, 4 Devonshire Drive. Upon a motion by Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 5-0 to DENY the above delineated, requested variances.

CALENDAR NO. 30-2014 - The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of David G. Madon & Albertine L. Madon, 15 Shennamere Road. Upon a motion by Chuck Deluca, seconded by Mike Nedder, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the above delineated, requested interpretation and variances. Those voting in favor of the motion were Chuck Deluca, Jeff Williams, Ruth Anne Ramsey and Mike Nedder. 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 amendment to the approved plans of Calendar No. 11-2014, Rohit Parwal & Priti Parwal, 288 Noroton Avenue.

Upon a motion by Ruth Anne Ramsey, seconded by Vic Capellupo, the ZBA voted 4-0 to APPROVE the requested amendment.

Requested amendment to the approved plans of Calendar No. 15-2013, Ashley & Matt Cole, 23 Chestnut Street.

Upon a motion by Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 4-0 to APPROVE the requested amendment.

Approval of Minutes of meeting on May 14, 2014. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Chuck Deluca, Ruth Anne Ramsey, and Rich Wood.

Upon a motion by Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 3-0 to APPROVE the subject minutes. Chuck Deluca, Vic Capellupo and Ruth Anne Ramsey voted in favor of the motion. Gary Greene and Rich Wood previously indicated their approval.

Approval of 2015 Meeting Schedule.

This matter was tabled until a future meeting.

Possible requested interpretation of the resolution of Calendar No. 20-2014, 145 NWL LLC, 145 Nearwater Lane.

No additional information was provided by the applicant. Therefore this matter was tabled until a possible future meeting.

ADJOURNMENT

The meeting was adjourned at 10:59 PM.

These Meeting Minutes,
Respectfully submitted July 22, 2014,
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 Jeff Williams, seconded by Mike Nedder, approved by a vote of 4-0 at the ZBA meeting on October 15, 2014. Jeff Williams, Mike Nedder, Vic Capellupo and Rich Wood voted in favor of the motion. Chuck Deluca previously indicated his approval.