

**SUMMARY MEETING MINUTES**  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**February 13, 2013**

**REGULAR MEETING**

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

ZBA members present: Gary Greene, Vic Capellupo, Stephen Olvany, Rich Wood, Ruth Anne Ramsey and John Ashburne

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

**OPENING**

ZBA Chair Gary Greene 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. Greene announced that the Public Hearing of Calendar No. 56-2012, Lawrence J. Loustaunau and Architectural Woodworks on behalf of Louis Benedetto, 000 Raymond Street, is re-opened and immediately re-continued without testimony to March 13, 2013, at the applicant's request.

**CONTINUATION OF PUBLIC HEARING**

The following hearing was continued from the January 9, 2013 meeting 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. 54-2012** - the application of Robert F. Maslan, Jr. and Maslan Associates PC on behalf of JoyRide Darien LLC and UB Darien Inc. filed on November 14, 2012 for variances of Sections 923.4, 923.1, 928.8 and 923 of the Darien Zoning Regulations; to allow the installation of two wall signs and a blade sign; Section 923.4: two in lieu of one maximum wall sign; Section 923.1: two in lieu of one maximum wall type sign, 25 ¾" in lieu of 10" maximum side door sign wheel figure height, 13" in lieu of 36" minimum clearance from the building front sign to the ground, 22" in lieu of 12" maximum sign projection from the face of the building for the vertically mounted building front sign, and 28.0 in lieu of 0.0 square feet maximum sign area; Section 928.8: a sign to be located on the front of the building where none is permitted; and Section

923: installation of a vertically mounted building front sign style where none is permitted. The subject space is located in the northeast corner of the Goodwives Shopping Center building within the property situated on the east side of Old Kings Highway North at the southeast corner formed by the intersection of Old Kings Highway North and Sedgwick Avenue and found on Assessor's Map #71 as Lot #19, being 25 Old Kings Highway North and located in a DC (commercial) Zone.

Attorney Bob Maslan answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

### **DELIBERATION AND DECISION**

The following decision was 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. 54-2012** - The application of Robert F. Maslan, Jr. and Maslan Associates PC on behalf of JoyRide Darien LLC and UB Darien Inc, 25 Old Kings Highway North. Upon a motion by John Ashburne, seconded by Rich Wood, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances. Those members voting in favor of the motion were Vic Capellupo, Stephen Olvany, Rich Wood, Ruth Anne Ramsey and John Ashburne.

### **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. 62-2012** - the application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Neil Foster and Janet D. Eick filed on January 16, 2013 for variances of Section 406 of the Darien Zoning Regulations; to allow the raising of the existing house and the construction of additions with HVAC equipment; Section 406: 35.0 in lieu of 40.0 minimum required north rear yard setback for the house, and 34.3 in lieu of 40.0 feet minimum required north rear yard setback for the equipment. The property is situated at the northerly side of the cul-de-sac of Plymouth Road approximately 500 feet north of the intersection of Shipway Road and Plymouth Road and is shown on Assessor's Map #57 as Lot #38, being 35 Plymouth Road and located in the R-1 (residential) Zone.

Attorney Wilder Gleason, Neil Foster and Architect Nick Sayda 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. 63-2012** - the application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Robert H Brocking and Joy L. Brocking and contract purchasers Loren M. Meyer and Paige Ridley filed on January 16, 2013 for variances of Section 666 of the Darien Zoning Regulations; to allow an addition with parking; Section 666c: 21.5 in lieu of 25.0 feet required side yard setback for the addition; and Section 666b: 23.0 in lieu of 65.0 feet required feet from the Cross Road street line for the parking. The property is situated on the northwest corner of the intersection formed by Cross Road and Old Kings Highway South and is shown on Assessor's Map #63 as Lot #19, being 164 Old Kings Highway South and located in the SB (commercial) Zone.

Attorney Wilder Gleason and Loren Meyer 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. 1-2013** - the application of Mark Ochman and Ochman Associates Inc. on behalf of Charles and Tara Ochman filed on January 15, 2013 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a replacement two story house with related equipment and a bilco door; Section 406: 19.2 in lieu of 35.0 feet minimum required south side yard setback and 26.4 in lieu of 35.0 feet minimum required north side yard setback for the house; and 23.0 in lieu of the 35.0 feet minimum required north side yard setback for the equipment. The property is situated on the east side of Mansfield Avenue approximately 335 feet north of the intersection of Mansfield Avenue and Tower Drive and is shown on Assessor's Map #1 as Lot #119, being 476 Mansfield Avenue and located in the R-2 (residential) Zone.

Charles and Tara Ochman answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Steve Spivey supported the application. The Public Hearing was then closed.

**CALENDAR NO. 2-2013** - the application of Andrew Kamensky filed on January 16, 2012 for variances of Section 406 of the Darien Zoning Regulations; to allow a previously constructed pergola and deck to remain; Section 406: 22.6 feet in lieu of 40.0 feet minimum required rear yard setback for the pergola, and 37.2 feet in lieu of 40.0 feet minimum required rear yard setback for the deck. The property is situated on the

west side of Andrews Drive approximately 300 feet south of the northerly segment of Brushy Hill Road and is found on Assessor's Map #63 as Lot #45, being 55 Andrews Drive and located in the R-1 (residential) Zone.

Andrew Kamensky answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Allison Astis spoke on behalf of her parents in objection to the pergola. The Public Hearing was then closed.

**CALENDAR NO. 3-2013** - the application of Jacek Bigosinski and PB Architects on behalf of Renee Vasey filed on January 16, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a two story addition; Section 406: 29.5 in lieu of 30.0 feet minimum required Patricia Lane front yard setback. The property is situated on the east side of Dubois Street at the southeast corner of the northernmost intersection of Patricia Lane and Dubois Street and is found on Assessor's Map #43 as Lot #84, being 32 Dubois Street and located in the R-1/3 (residential) Zone.

Architect Jacek Bigosinski answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

## **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. 62-2012** - The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Neil Foster and Janet D. Eick, 35 Plymouth Road. Upon a motion by Ruth Anne Ramsey, seconded by John Ashburne, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances. Those members voting in favor of the motion were Gary Greene, Vic Capellupo, Stephen Olvany, Ruth Anne Ramsey and John Ashburne.

**CALENDAR NO. 63-2012** - The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Robert H Brocking and Joy L. Brocking and contract purchasers Loren M. Meyer and Paige Ridley, 164 Old Kings Highwau South. Upon a motion by Gary Greene, seconded by Stephen Olvany, the ZBA voted 5-0 to GRANT

WITH STIPULATIONS the above delineated, requested variances. Those members voting in favor of the motion were Gary Greene, Vic Capellupo, Stephen Olvany, Ruth Anne Ramsey and John Ashburne.

**CALENDAR NO. 1-2013** - The application of Mark Ochman and Ochman Associates Inc. on behalf of Charles and Tara Ochman, 476 Mansfield Avenue. Upon a motion by Ruth Anne Ramsey, seconded by Gary Greene, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances. Those members voting in favor of the motion were Gary Greene, Vic Capellupo, Stephen Olvany, Ruth Anne Ramsey and John Ashburne.

**CALENDAR NO. 2-2013** - The application of Andrew Kamensky, 55 Andrews Drive. Upon a motion by Gary Greene, seconded by John Ashburne, the ZBA voted 5-0 to DENY the above delineated, requested variances. Those members voting in favor of the motion were Gary Greene, Vic Capellupo, Stephen Olvany, Ruth Anne Ramsey and John Ashburne.

**CALENDAR NO. 3-2013** - The application of Jacek Bigosinski and PB Architects on behalf of Renee Vasey, 32 Dubois Street. Upon a motion by Stephen Olvany, seconded by John Ashburne, the ZBA voted 5-0 to GRANT the above delineated, requested variance. Those members voting in favor of the motion were Gary Greene, Vic Capellupo, Stephen Olvany, Ruth Anne Ramsey and John Ashburne.

## **OTHER BUSINESS**

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

Update on status of Maplewood signs, 599 Boston Post Road.

ZBA Staff explained that a signage problem was resolved.

Approval of Minutes of meeting on January 9, 2013. ZBA members attending this meeting were Vic Capellupo, Chuck Deluca, Stephen Olvany, Ruth Anne Ramsey, John Ashburne, and Rich Wood.

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

### **ADDITIONAL OTHER BUSINESS**

Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to amend the agenda to include the following extension request from Anton Tinaj. Those members voting in favor of the motion were Gary Greene, Vic Capellupo, Stephen Olvany, Ruth Anne Ramsey and John Ashburne.

Requested extension, received January 28, 2013, to obtain all required permits and begin on-site construction for ZBA Calendar No. 33-2012, Anton Tinaj, 114 Hecker Avenue. Upon a motion by Gary Greene, seconded by Stephen Olvany, the ZBA voted 5-0 to GRANT a six month extension. Those members voting in favor of the motion were Gary Greene, Vic Capellupo, Stephen Olvany, Ruth Anne Ramsey and John Ashburne.

### **ADJOURNMENT**

The meeting was adjourned at 10:10 PM.

These Meeting Minutes,  
Respectfully submitted February 25, 2013,  
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 Gary Greene, seconded by John Ashburne, approved by a vote of 4-0 at the ZBA meeting on April 10, 2013. Gary Greene, Vic Capellupo, Stephen Olvany and John Ashburne voted in favor of the motion. Ruth Anne Ramsey and Rich Wood previously indicated their approval.