

**SUMMARY MEETING MINUTES**  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**September 18, 2013**

**REGULAR MEETING**

Darien Town Hall - Room 206 - 7:45 to 9:04 PM

ZBA members present: Gary Greene, Rich Wood, Jeff Williams, John Ashburne, Ruth Anne Ramsey (7:45 - 8:02 PM) and Vic Capellupo (arrived at 8:02 PM)

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

**OPENING**

ZBA Chair Gary Greene opened the meeting at 7:45 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

**POSTPONEMENT AND CONTINUATION**

Mr. Greene announced that the Public Hearing of Calendar No. 55-2013, the application of Wilder G. Gleason Esq. and Gleason & Associates LLC on behalf of Michael & Elizabeth DeSanctis, 9 Plymouth Road, is opened and immediately continued without testimony to October 16, 2013, at the applicant's request.

**PUBLIC HEARING**

The following hearing was 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. 52-2013** - the application of Patrick J. + Cynthia J. Rogers submitted on August 14, 2013 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a one-story addition with deck and to allow the existing garage to remain; Section 406: 8.5 in lieu of 21.7 feet minimum required north side yard setback for the addition, 4.3 in lieu of 16.5 feet minimum required south side yard setback for the garage, and 12.8 in lieu of 25.0 feet minimum required total of two side yard setbacks. The property is situated on the east side of Fairfield Avenue

approximately 50 feet north of its intersection with Elm Street and shown on Assessor's Map #20 as Lot #118, being 40 Fairfield Avenue and in the R-1/3 (residential) Zone.

Pat and Cyndee Rogers answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Changes were made to the deck size and fireplace details. Neighbor Tom Bell supported the application. 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. 52-2013** - The application of Patrick J. + Cynthia J. Rogers, 40 Fairfield Avenue. Upon a motion by Ruth Anne Ramsey, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

*At 8:02 PM, Ruth Anne Ramsey left the meeting and Vic Capellupo joined the meeting.*

### **PUBLIC HEARING**

The following hearing was 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. 51-2013** - the application of James Sackett and CPG Architects on behalf of Pieter & Yvette Eenkema Van Dijk submitted on August 13, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a one-story addition; Section 406: 19.6 in lieu of 25.0 feet minimum required side yard setback. The property is situated on the west side of Nickerson Lane approximately 900 feet northwest of its intersection with Nearwater Lane and shown on Assessor's Map #52 as Lot #10, being 19 Nickerson Lane and in the R-1 (residential) Zone.

Pieter Van Dijk answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbor Mitch Ross questioned and partially objected to aspects of the application. 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. 51-2013** - The application of James Sackett and CPG Architects on behalf of Pieter & Yvette Eenkema Van Dijk, 19 Nickerson Lane. Upon a motion by John Ashburne, seconded by Gary Greene, the ZBA voted 4-0-1 to GRANT WITH STIPULATIONS the above delineated, requested variance. Those voting in favor of the motion were Gary Greene, John Ashburne, Vic Capellupo and Rich Wood. No one voted in opposition. Jeff Williams abstained from voting. 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 and Resolution of Calendar No. 41-2013, Darien Community Association, 274 Middlesex Road.

Attorney Bruce Hill was present on behalf of the Darien Community Association to request modifications to the previously approved fencing and posts material, and the addition of gates. Upon a motion by Gary Greene, seconded by John Ashburne, the ZBA voted 4-1 to APPROVE WITH A MODIFICATION the requested changes. Those voting in favor of the motion were Gary Greene, John Ashburne, Jeff Williams and Rich Wood. Voting in opposition was Vic Capellupo. A majority of 3 affirmative votes out of the 5 voting ZBA members is required to approve a project amendment. Therefore this request is approved.

Approval of Minutes of meeting on July 17, 2013. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Chuck Deluca, Ruth Anne Ramsey, John Ashburne, and Rich Wood.

Upon a motion by Vic Capellupo, seconded by John Ashburne, the ZBA voted 4-0 to APPROVE the subject minutes. Those voting in favor of the motion were Vic Capellupo, John Ashburne, Gary Greene and Rich Wood.

## **ADDITIONAL OTHER BUSINESS**

Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 5-0 to add to the agenda the 2014 Meeting Schedule and Election of Officers:

Review and approval of 2014 Meeting Schedule.

Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to APPROVE the 2014 Meeting Schedule as proposed.

### **Election of Officers**

Upon a motion by Gary Greene, seconded by Jeff Williams, the regular ZBA members voted 3-0 to elect Chuck Deluca as Chair for a term extending to June 30, 2014. Those voting in favor of the motion were Vic Capellupo, Gary Greene and Jeff Williams. Chuck Deluca previously indicated his approval of the motion.

Upon a motion by Gary Greene, seconded by Vic Capellupo, the regular ZBA members voted 2-0 to elect Jeff Williams as Vice Chair for a term extending to June 30, 2014. Those voting in favor of the motion were Vic Capellupo and Gary Greene. Chuck Deluca previously indicated his approval of the motion.

## **ADJOURNMENT**

The meeting was adjourned at 9:04 PM.

These Meeting Minutes,  
Respectfully submitted September 19, 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 Jeff Williams, seconded by Vic Capellupo, approved by a vote of 4-0 at the ZBA meeting on November 13, 2013. Jeff Williams, Vic Capellupo, Ruth Anne Ramsey and Rich Wood voted in favor of the motion.*