

SUMMARY MEETING MINUTES (Subject to ZBA review and approval)
DARIEN ZONING BOARD OF APPEALS (ZBA)
JANUARY 19, 2011

REGULAR MEETING

Darien Town Hall - Room 206 - 7:47 to 9:45 PM

ZBA members present: Gary Greene, Chuck Deluca, Vic Capellupo, 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.

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. 62-2010 - the application of Dwight Collins on behalf of Pear Partners filed on November 17, 2010 for variances of Section 923.1 of the Darien Zoning Regulations, to allow the installation of two wall signs for Jos. A. Bank and a ground sign for The Playhouse; Section 923.1: three in lieu of one maximum wall sign, 28.34 in lieu of 14.33 maximum square feet, and reuse of existing marquee lighting for 2 of the Jos. A. Bank signs; and, one in lieu of zero allowed ground sign, 28.67 per side in lieu of 0.0 maximum square feet, and internal sign illumination where none is permitted for the Playhouse sign. The property is situated on the northwest side of Boston Post Road approximately 100 feet southwest of the intersection of Boston Post Road and Corbin Drive and is shown on Assessor's Map #73 as Lots #7 & 42, being 1077 Boston Post Road and located in the CBD (commercial) Zone.

Dwight Collins 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. 2-2011 - the application of Oliver and Patricia Nisenson filed on December 22, 2010 for an interpretation and if necessary variance of Section 362 of the Darien Zoning Regulations, to allow the installation of six foot fence; Section 362: an interpretation that the subject property is immediately adjacent to a commercial zone; or Section 362: 6 in lieu of 4 feet maximum allowable fence height in the required front yard space. The property is situated on the east side of Old Kings Highway South approximately 150 feet north of the intersection of Old Kings Highway South and Cross Street and is shown on Assessor's Map #49 as Lot #20, being 155 Old Kings Highway South and located in an R-1/2 (residential) Zone.

Oliver Nisenson 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. 4-2011 - the application of Ashley Pelletier and Glen Gate Company on behalf of Sheila & Thomas Daley filed on December 22, 2010 for an amendment to the approved plans of ZBA Calendar No. 61-1995 and a variance of Section 406 of the Darien Zoning Regulations, to allow the installation of pool equipment within an existing garage structure; Amendment: a reduction to less than 20' for the parking space within the garage established by ZBA variance approval; and Section 406: 7.3+ in lieu of 25.0 feet minimum required side yard setback. The property is situated on the east side of Long Neck Point Road approximately 800 feet south of the south intersection of Pear Tree Point Road and Long Neck Point Road and is shown on Assessor's Map #61 as Lot #7, being 181 Long Neck Point Road and located in an R-1 (residential) Zone.

Ashley Pelletier and Brandon Jones 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. 62-2010 - The application of Dwight Collins on behalf of Pear Partners, 1077 Boston Post Road.

Upon a motion by Chuck Deluca, seconded by John Ashburne, the ZBA voted 4-1 to DENY IN PART AND GRANT IN PART WITH STIPULATIONS the above delineated, requested variances relative to the proposed Jos A Bank signage. Gary Greene, Chuck Deluca, John Ashburne, and Ruth Anne Ramsey voted in favor of the motion. Vic Capellupo was opposed to the motion. State of

Connecticut Statutes require a super majority of 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore this request is Denied in Part and Granted in Part with Stipulations. Upon a separate motion by Chuck Deluca, seconded by Ruth Anne Ramsey, the ZBA voted 4-1 to DENY IN PART AND GRANT IN PART WITH STIPULATIONS the above delineated, requested variances relative to the proposed Playhouse signage. Gary Greene, Chuck Deluca, John Ashburne, and Ruth Anne Ramsey voted in favor of the motion. Vic Capellupo was opposed to the motion. State of Connecticut Statutes require a super majority of 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore this request is Denied in Part and Granted in Part with Stipulations.

CALENDAR NO. 2-2011 - The application of Oliver and Patricia Nisenson, 155 Old Kings Highway South. The ZBA deliberated regarding this application and then determined to table the matter and continue discussion at the next scheduled ZBA meeting on February 16, 2011.

CALENDAR NO. 4-2011 - The application of Ashley Pelletier and Glen Gate Company on behalf of Sheila & Thomas Daley, 181 Long Neck Point Road. Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 5-0 to DENY the above delineated, requested variance. Gary Greene, Vic Capellupo, Chuck Deluca, John Ashburne, and Ruth Anne Ramsey voted in favor of the motion.

OTHER BUSINESS

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

Requested six month extension, received December 17, 2010, to obtain all required permits and begin on-site construction for ZBA Calendar No. 36-2010, Greg Cowles & Antoinette Lefebvre, 5 Hillside Court.

Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT the request. Gary Greene, Chuck Deluca, Vic Capellupo, Ruth Anne Ramsey, and John Ashburne voted in favor of the motion.

Requested six month extension, received December 29, 2010, to obtain all required permits and begin on-site construction for ZBA Calendar No. 41-2010, Quirino Pinti, 72 Holmes Avenue.

Upon a motion by Gary Greene, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT the request. Gary Greene, Chuck Deluca, Vic Capellupo, Ruth Anne Ramsey, and John Ashburne voted in favor of the motion.

Approval of Minutes of meeting on November 17, 2010. ZBA members attending this meeting were Gary Greene, Al Tibbetts, Chuck Deluca, Ruth Anne Ramsey, and John Ashburne.

Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, the ZBA voted 4-0 to APPROVE the subject minutes. Gary Greene, Chuck Deluca, John Ashburne, and Ruth Anne Ramsey voted in favor of the motion. Al Tibbetts also previously indicated his approval.

Approval of Minutes of meeting on December 15, 2010. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Jeff Williams, and Ruth Anne Ramsey.

Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, the ZBA voted 3-0 to APPROVE the subject minutes. Gary Greene, Vic Capellupo, and Ruth Anne Ramsey voted in favor of the motion. Al Tibbetts and Jeff Williams also previously indicated their approval.

ADJOURNMENT

Upon a motion by Vic Capellupo, seconded by John Ashburne, and a ZBA vote of 5-0, the meeting was adjourned at 9:45 PM.

These Meeting Minutes,
Respectfully submitted January 26, 2011,
by Robert Woodside,
Code Compliance Officer
ZBA Staff