

**MEETING MINUTES**  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**MAY 20, 2009**

**REGULAR MEETING**

Darien Town Hall - Room 206 - 7:48 to 10:35 PM

ZBA members present: Vic Capellupo, Gary Greene, Al Tibbetts, Jeff Williams,  
Ruth Anne Ramsey, and John Ashburne

Staff Present: Code Compliance Officer Robert Woodside and Recorder  
Bonnie Syat

ZBA Chair Vic Capellupo opened the meeting at 7:48 PM. He explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

**POSTPONEMENT**

Mr. Capellupo announced that the Public Hearing of Calendar No. 21-2009, the application of Douglas C. & Lynne Curtis, 10 Clocks Lane, has been postponed to June 17, 2009, due to a lack of proper neighbor notification.

**CONTINUATION OF PUBLIC HEARINGS**

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

CALENDAR NO. 18-2009 - the application of Thomas G. Carruthers filed on March 25, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story covered porch addition; Section 406: 25.4 in lieu of 30.0 feet minimum required front yard setback and 50.4 in lieu of 55.0 minimum front yard setback as measured from the centerline of Intervale Road. The property is situated on the south side of Intervale Road approximately 200 feet west of the intersection of Intervale Road and Forest Road and is shown on Assessor's Map #24 as Lot #122, being 34 Intervale Road and located in an R-1/3 (residential) Zone.

Tom Carruthers answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. He

noted that due to a plan revision the total project coverage has been reduced so as to conform with the maximum of 20.0%. The Public Hearing was then closed.

CALENDAR NO. 19-2009 - the application of Robert F. Maslan, Jr., Esq. on behalf of C. B. Griffith, LLC and Post Road Eleven, LLC filed on March 25, 2009 for variances of Sections 662, 226, 334, 666, 904, 906.6, 940 and 944 of the Darien Zoning Regulations, to allow the construction of a two story retail, commercial sales and services and/or business and professional office building with a transformer/generator, storage area, garbage enclosure, and HVAC equipment; Section 662: possible commercial sales and services use with limited generally required external storage or activity which is a normal part of the operation of the use; possible business and professional office use where none is permitted; Section 226: 40.0 in lieu of 44.0 feet minimum required parking space and aisle depth; **allowing a portion of one additional parking space and a portion of the required backup space for another to be on adjacent State property;** Section 334: construction on a portion of the lot with less than 100.0 feet minimum required lot depth; Section 666: 0.0 in lieu of 65.0 feet minimum required parking setback in front of the building; 1.5 in lieu of 0.0 or 4.0 feet minimum required side yard setback for the transformer/generator and storage area; 7.0 in lieu of 25.0 feet minimum required rear yard setback for the transformer/generator and storage area; 3.0 and in lieu of 25.0 feet minimum required rear yard setback for the garbage enclosure; 21.4 and 19.8 in lieu of 30.0 feet minimum required front yard setback for the building and eave; 3.0 in lieu of 0.0 or 4.0 minimum required side yard setback for the building and eave; **3.0 and 1.5 in lieu of 25.0 minimum required rear yard setback for the building and eave;** 37.4 in lieu of 20.0% maximum allowable building coverage; 85.0 in lieu of 80.0% maximum allowable developed site area; 0.0 and -2.5 in lieu of 6.0 feet minimum required front landscape depth; Section 904: 7 in lieu of 30 minimum required parking spaces; Section 906.6: 0.0 and -2.5 in lieu of 6.0 feet minimum required front parking setback; 14.0 in lieu of 25.0 feet minimum required rear parking setback; Sections 666 and 940: 0.0 and -2.5 in lieu of 10.0 feet minimum required front landscape area; and Sections 667 and 944: 0.0 in lieu of 25.0 feet minimum required rear yard landscape buffer abutting the adjacent residential zone lots. The property is situated on the southeast side of Boston Post Road approximately 0 feet west of the intersection of Boston Post Road and the I-95 northbound Exit 11 entrance ramp and is shown on Assessor's Map #63 as Lot #1, being 1292 Boston Post Road and located in an SB (commercial) Zone. Gary Greene announced that he reviewed all of the application materials, submitted documents, and a video of the April 29<sup>th</sup> segment of this hearing in order to participate in this proceeding. Bob Maslan, Todd Ritchie, and Penny Glassmeyer answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. John Rossi, Carol

Bianco, and Angela Holdt objected to various aspects of the application. The Public Hearing was then closed.

## **PUBLIC HEARINGS**

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

CALENDAR NO. 12-2009 - The application of Christian Browning filed on March 25, 2009 for variances of Sections 210 and 406 of the Darien Zoning Regulations, to allow the construction of additional basement living space; Section 210: 58.1 in lieu of 50.0 percent maximum allowable basement living space floor area compared to the first floor living space area; and Section 406: 2.581 in lieu of 2.5 maximum allowable stories. The property is situated on the west side of Greenwood Avenue approximately 500 feet north of the intersection of Greenwood Avenue and Camp Avenue and is shown on Assessor's Map #8 as Lot #146, being 17 Greenwood Avenue and located in an R-1/3 (residential) Zone.

Chris Browning answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The ZBA determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the next ZBA meeting on June 17, 2009.

CALENDAR NO. 20-2009 - The application of Joseph R. Cugno Architect on behalf of Stephen & Christine Alliegro filed on April 22, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of one story, second story, and two and one half story additions and the installation of HVAC equipment; Section 406: 11.8 in lieu of 17.1 feet minimum required side yard setback relative to the north property line, 11.3 in lieu of 21.0 feet minimum required side yard setback relative to the south property line, and 23.1 in lieu of 25.0 feet minimum required total of two side yards setback for the additions; and 12.0 in lieu of 17.1 feet minimum required side yard setback relative to the north property line for the HVAC equipment. The property is situated on the west side of Hillcrest Avenue approximately 150 feet south of the intersection of Christie Hill Road and Hillcrest Avenue and is shown on Assessor's Map #27 as Lot #40, being 6 Hillcrest Avenue and located in an R-1/3 (residential) Zone. Joe Cugno and Stephen Alliegro answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Eileen Raleigh and Greg Nehro questioned an aspect of the application. The Public Hearing was then closed.

CALENDAR NO. 22-2009 - The application of Thomas Carruthers filed on April 22, 2009 for an amendment to the approved plans and an amendment to Stipulation #1 of Calendar #28-2008; to allow the existing detached garage to remain and to delete the required north property line fencing and/or evergreen screening. The property is situated on the east side of Thomasina Lane approximately 500 feet northwest of the intersection of Thomasina Lane and Dubois Street and is shown on Assessor's Map #45 as Lot #65, being 18 Thomasina Lane and located in an R-1/3 (residential) Zone.

Tom Carruthers answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Cordelia Richardson and David Kniffin questioned an aspect of the application. The hearing was continued until later in the meeting to provide the parties an opportunity to resolve their differences. Subsequently a tentative agreement was explained and 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. 18-2009 - The application of Thomas G. Carruthers, 34 Intervale Road. Upon a motion by Al Tibbetts, seconded by Ruth Anne Ramsey, the ZBA voted 4-1 to GRANT WITH A STIPULATION the above delineated, requested variances. Al Tibbetts, Vic Capellupo, Jeff Williams, and Ruth Anne Ramsey voted in favor of the motion. Gary Greene was opposed. 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.

CALENDAR NO. 19-2009 - The application of Robert F. Maslan, Jr., Esq. on behalf of C. B. Griffith, LLC and Post Road Eleven, LLC, 1292 Boston Post Road. Upon a motion by Gary Greene, seconded by John Ashburne, the ZBA voted 5-0 to DENY the above delineated, requested variances. Gary Greene, Jeff Williams, Vic Capellupo, John Ashburne, and Al Tibbetts voted in favor of the motion.

CALENDAR NO. 20-2009 - The application of Joseph R. Cugno Architect on behalf of Stephen & Christine Alliegro, 6 Hillcrest Avenue. Upon a motion by Gary Greene, seconded by Al Tibbetts, the ZBA voted 5-0 to GRANT WITH A STIPULATION the above delineated, requested variances. Gary Greene, Al

Tibbetts, Jeff Williams, Vic Capellupo, and Ruth Anne Ramsey voted in favor of the motion.

CALENDAR NO. 22-2009 - The application of Thomas Carruthers, 18 Thomasina Lane. Upon a motion by Al Tibbetts, seconded by John Ashburne, the ZBA voted 5-0 to GRANT WITH A STIPULATION the above delineated, requested amendment to the approved plans of Calendar #28-2008. Gary Greene, Jeff Williams, Vic Capellupo, Al Tibbetts, and John Ashburne 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 twelve month extension, to obtain all required permits and begin on-site construction for ZBA Calendar No. 59-2008, Andrew & Claire Hunter, 253 Hollow Tree Ridge Road. The Public Hearing of this matter was December 17, 2008. Initial ZBA approval expires on June 30, 2009.

Upon a motion by Ruth Anne Ramsey, seconded by Al Tibbetts, the ZBA voted 5-0 to GRANT the request. Ruth Anne Ramsey, Al Tibbetts, Vic Capellupo, Jeff Williams, and Gary Greene voted in favor of the motion.

Approval of Minutes of meeting on April 29, 2009. ZBA members attending this meeting were Vic Capellupo, Chuck Deluca, Al Tibbetts, Jeff Williams, Polly Davis, and John Ashburne.

Upon a motion by Jeff Williams, seconded by John Ashburne, the ZBA voted 4 -0 to APPROVE the subject minutes. Jeff Williams, John Ashburne, Vic Capellupo, and Al Tibbetts voted in favor of the motion. Chuck Deluca and Polly Davis also previously indicated their approval.

Approval of Minutes and Resolutions of the following public hearing application decisions made on March 18, 2009. Seated ZBA members for these decisions were Vic Capellupo, Chuck Deluca, Ruth Anne Ramsey, John Ashburne, and Polly Davis.

Calendar #3-2009 Trautmann, 4 Laurel Lane

Calendar #4-2009 Baywater Post Road Associates II, LLC, 1020 Boston  
Post Road

Upon a motion by Vic Capellupo, seconded by John Ashburne, the ZBA voted 3-0 to APPROVE the subject minutes. Vic Capellupo, John Ashburne, and Ruth Anne Ramsey voted in favor of the motion. Chuck Deluca and Polly Davis also previously indicated their approval.

The meeting was adjourned at 10:35 PM.

These Meeting Minutes were reviewed by the attending ZBA members, and upon a motion by Al Tibbetts, seconded by Vic Capellupo, approved 5-0 at the ZBA meeting on June 17, 2009. Vic Capellupo, Gary Greene, Al Tibbetts, Jeff Williams, and John Ashburne voted in favor of the motion. Ruth Anne Ramsey also previously indicated her approval.

Respectfully submitted May 26, 2009,  
by Robert Woodside,  
Code Compliance Officer  
ZBA Staff