

DRAFT MEETING MINUTES (Subject to ZBA review and approval)
DARIEN ZONING BOARD OF APPEALS (ZBA)
JULY 15, 2009

REGULAR MEETING

Darien Town Hall - Room 206 - 7:47 to 10:42 PM

ZBA members present: Vic Capellupo, Al Tibbetts, Chuck Deluca, Jeff Williams,
and Ruth Anne Ramsey

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

ZBA Chair Vic Capellupo opened the meeting at 7:50 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. 27-2009, the application of Ken & Karla Coe, 19 Pembroke Road, has been postponed to September 16, 2009, due to a lack of proper neighbor notification.

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. 32-2009 - The application of Roger Frate on behalf of AJR Darien, LLC filed on June 17, 2009 for variances of Sections 406 and 605 of the Darien Zoning Regulations, to allow the installation of a storage container; Section 406: 1.0 in lieu of 30.0 feet minimum required front yard setback and 26.0 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Garden City Road in the R 1/3 zoned portion of the property; and Section 605: 1.0 in lieu of 10.0 feet minimum required front yard setback and 26.0 in lieu of 35.0 feet minimum required front yard setback as measured from the centerline of Garden City Road in the NB zoned portion of the property. The property is situated on the north side of Boston Post Road at the northeast corner formed by the intersection of Boston Post Road and Garden City Road and is shown on Assessor's Map #42 as Lots #2 and 47, being 1941 Boston Post Road and located in an R-1/3 (residential) Zone and an NB (commercial) Zone.

Joe Warren answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. John Stewart asked that the Garden City Road edge adjacent to the subject property be cleaned up and better cared for. The Public Hearing was then closed

CALENDAR NO. 26-2009 - The application of Gaelle & Alexander Dudley filed on June 17, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the reconstruction of a one and one story mudroom/porch with a second floor deck; Section 406: 9.6 in lieu of 27.9 feet minimum required side yard setback and 11.7 in lieu of 30.0 feet minimum required total of two side yards setback. The property is situated on the west side of Raymond Heights approximately 200 feet northwest of the intersection of Raymond Heights and Raymond Street and is shown on Assessor's Map #36 as Lot #86, being 9 Raymond Heights and located in an R-1/2 (residential) Zone. Alex Dudley and Beth Howes 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. 28-2009 - The application of Nicholas & Luz Alieth Barker filed on June 17, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow alterations to the existing structure, the reconstruction of a one story covered front porch, and the construction of a two story addition; Section 406: 20.0 in lieu of 30.0 feet minimum required front yard setback for the covered porch reconstruction; 15.2 in lieu of 19.0 feet minimum required side yard setback relative to the east property line and 21.2 in lieu of 25.0 minimum required total of two side yards setback for the proposed addition construction. The property is situated on the north side of Chestnut Street approximately 400 feet east of the intersection of Chestnut Street and Noroton Avenue and is shown on Assessor's Map #20 as Lot #64, being 16 Chestnut Street and located in an R-1/3 (residential) Zone. Nicholas Barker and Beth Howes 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. 30-2009 - The application of Lance E. Zimmerman on behalf of Christian Zawacki & Ann Marie Paturno filed on June 17, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of one story, two story, and second story additions with HVAC equipment; Section 406 for Plan A: 11.6 in lieu of 25.0 feet minimum required side yard setback for the HVAC equipment; 9.7 in lieu of 25.0 feet minimum required side yard setback for the additions; and 16.9 in lieu of 40.0 feet minimum required front yard setback relative to Oriole Lane for the additions; or Section 406 for Plan B: 11.6 in lieu of 25.0 feet minimum required side yard setback for the HVAC equipment;

13.1 in lieu of 25.0 feet minimum required side yard setback for the additions; and 16.9 in lieu of 40.0 feet minimum required front yard setback relative to Oriole Lane and 32.5 in lieu of 40.0 feet minimum required front yard setback relative to Mansfield Place for the additions. The property is situated on the north side of Mansfield Place at the northeast corner formed by the intersection of Mansfield Place and Oriole Lane which is also approximately 400 feet east of the intersection of Mansfield Place and Mansfield Avenue and is shown on Assessor's Map #10 as Lot #66, being 7 Mansfield Place and located in an R-1 (residential) Zone.

Lance Zimmerman answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Upon consideration with the owner, the applicant stated that they would withdraw the Plan A request and would prefer the Plan B proposal. After ZBA questioning, the applicant also stated that the proposed HVAC equipment can be relocated and the requested side yard setback variance for it is therefore withdrawn. The Public Hearing was then closed.

CALENDAR NO. 31-2009 - The application of Neil Hauck, AIA on behalf of David Delucia filed on June 17, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story detached garage; Section 406: 58.5 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Runkenhage Road. The property is situated on the northeast side of Runkenhage Road approximately 200 feet southeast of the intersection of Runkenhage Road and Tokeneke Trail and is shown on Assessor's Map #69 as Lot #29, being 1 Runkenhage Road and located in an R-1 (residential) Zone.

Neil Hauck 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. 29-2009 - The application of Robert F. Maslan, Jr., Esq. on behalf of C. B. Griffith, LLC and Post Road Eleven, LLC filed on June 17, 2009 for variances of Sections 662, 226, 334, 666, 906.6, 940, 943b, 944, and 904 if necessary, 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, 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: 41.0 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; 7.0 in lieu of 25.0 feet minimum required rear yard setback for the transformer/generator; 7.0 and in lieu of 25.0 feet minimum required rear yard setback for the garbage enclosure; 21.5 and 19.5 in lieu of 30.0 feet minimum required front yard setback for the building and eave; 2.0 in lieu of 0.0 or 4.0 minimum required side yard setback for the building and eave; 7.7 and 5.9 in lieu of 25.0 minimum required rear yard setback for the building and eave; 5.6 in lieu of 25.0 minimum required rear yard setback for the HVAC equipment; 35.0 in lieu of 20.0% maximum allowable building coverage; 0.0 and -2.5 in lieu of 6.0 feet minimum required front landscape depth; Section 666, 906.6, and/or 943b: 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; Sections 667 and 944: 5.6 in lieu of 25.0 feet minimum required rear yard landscape buffer abutting the adjacent residential zone lots; and Section 904 if necessary: 7 in lieu of 24 minimum required parking spaces. 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.

Bob Maslan, Dave Lapierre, Penny Glassmeyer, and Todd Ritchie answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Carole Bianco and John Rossi objected to various aspects of 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 16, 2009.

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. 32-2009 - The application of Roger Frate on behalf of AJR Darien, LLC, 1941 Boston Post Road. Upon a motion by Jeff Williams, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances. Vic Capellupo, Al Tibbetts, Jeff Williams, Chuck Deluca, and Ruth Anne Ramsey voted in favor of the motion.

CALENDAR NO. 26-2009 - The application of Gaelle & Alexander Dudley, 9 Raymond Heights. Upon a motion by Chuck Deluca, seconded by Al Tibbetts,

the ZBA voted 5-0 to GRANT the above delineated, requested variances. Vic Capellupo, Al Tibbetts, Jeff Williams, Chuck Deluca, and Ruth Anne Ramsey voted in favor of the motion.

CALENDAR NO. 28-2009 - The application of Nicholas & Luz Alieth Barker, 16 Chestnut Street. Upon a motion by Al Tibbetts, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT WITH A STIPULATION the above delineated, requested variances. Vic Capellupo, Al Tibbetts, Jeff Williams, Chuck Deluca, and Ruth Anne Ramsey voted in favor of the motion.

CALENDAR NO. 30-2009 - The application of Lance E. Zimmerman on behalf of Christian Zawacki & Ann Marie Paturno, 7 Mansfield Place. Upon a motion by Chuck Deluca, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances for Plan B excluding the requested side yard setback for the HVAC equipment. Vic Capellupo, Al Tibbetts, Jeff Williams, Chuck Deluca, and Ruth Anne Ramsey voted in favor of the motion.

CALENDAR NO. 31-2009 - The application of Neil Hauck, AIA on behalf of David Delucia, 1 Runkenhage Road. Upon a motion by Chuck Deluca, seconded by Jeff Williams, the ZBA voted 4 -1 to DENY the above delineated, requested variance. Vic Capellupo, Jeff Williams, Chuck Deluca, and Ruth Anne Ramsey voted in favor of the motion. Al Tibbetts was opposed.

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 use and plans of Calendar No. 14 -2008, Athos Real Estate, Inc., 71 Boston Post Road.

Amy Zabetakis explained that the owner has proceeded with construction of the approved building, however Starbucks withdrew from the project. Therefore she requested amendments to the project approval. Upon a motion by Chuck Deluca, seconded by Al Tibbetts, the ZBA voted 5-0 to GRANT the requested amendments. Vic Capellupo, Al Tibbetts, Jeff Williams, Chuck Deluca, and Ruth Anne Ramsey voted in favor of the motion.

Approval of Minutes of meeting on June 17, 2009. ZBA members attending this meeting were Vic Capellupo, Al Tibbetts, Gary Greene, Chuck Deluca, Jeff Williams, and John Ashburne. Upon a motion by Al Tibbetts, seconded by Vic Capellupo, the ZBA voted 4-0 to APPROVE the subject minutes. Al Tibbetts, Vic

Capellupo, Jeff Williams, and Chuck Deluca voted in favor of the motion. Gary Greene and John Ashburne also previously indicated their approval.

Approval of Minutes and Resolutions of the following public hearing application decisions made on June 17, 2009. ZBA members attending this meeting were Vic Capellupo, Al Tibbetts, Gary Greene, Chuck Deluca, Jeff Williams, and John Ashburne. Upon a motion by Al Tibbetts, seconded by Vic Capellupo, the ZBA voted 4-0 to APPROVE the subject minutes. Al Tibbetts, Vic Capellupo, Jeff Williams, and Chuck Deluca voted in favor of the motion. Gary Greene and John Ashburne also previously indicated their approval.

Calendar #12-2009 Browning, 17 Greenwood Avenue
Calendar #21-2009 Curtis, 10 Clocks Lane
Calendar #23-2009 Imbrogno, 25R Gardiner Street
Calendar #24-2009 Norelli, 18 West Elm Street
Calendar #25-2009 Demark, 225 Middlesex Road

The meeting was adjourned at 10:42 PM.

These Meeting Minutes were reviewed by the attending ZBA members, and upon a motion by ..., seconded by ..., approved ... at the ZBA meeting on ..., 2009. ... voted in favor of the motion. ... also (or previously) indicated his/her approval.

Respectfully submitted July 22, 2009,
by Robert Woodside,
Code Compliance Officer
ZBA Staff