

**REGULAR MEETING**  
**AGENDA**

Wednesday, November 14, 2012 7:45 P.M.  
Public Meeting Room 206  
Darien Town Hall, 2 Renshaw Road  
Darien, Connecticut

**OPENING**

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce another's protections as defined within the Zoning Regulations. Therefore any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium. And in order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

**The ZBA will make every reasonable effort to complete this agenda in a timely manner. However complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently.** Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting. And some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

**CONTINUATION OF PUBLIC HEARING**

Opened on October 17, 2012 and continued to tonight, November 14, 2012. The previously seated ZBA members for this request are Vic Capellupo, Gary Greene, Ruth Anne Ramsey, John Ashburne and Rich Wood. Chuck Deluca, Jeff Williams and/or

Steve Olvany may participate in the rehearing of this proposal. This hearing must be completed by tonight. However if the ZBA determines to continue this hearing further, the applicant would have to provide an additional extension allowing the ZBA to continue this hearing at a later date. The next scheduled regular ZBA meeting is December 12, 2012.

### **CALENDAR NO. 46-2012**

The application of Amy Zabetakis and Rucci Law Group, LLC on behalf of Maplewood of Darien filed on September 19, 2012 for a variance of Section 924 of the Darien Zoning Regulations, to allow the installation of two monument signs; Section 924: installation of monument signs where none are permitted, in lieu of wall signage. The property is situated on the north side of Boston Post Road at the northeast corner formed by the intersection of Brookside Road and Boston Post Road and is shown on Assessor's Map #14 as Lot #33, being 599 Boston Post Road and located in a DB-2 (commercial) Zone and an R-1/2 (residential) Zone.

### **PUBLIC HEARINGS**

### **CALENDAR NO. 47-2012**

The application of Donald Sibilio and Darien Construction on behalf of Edgewood Partners, LLC filed on October 17, 2012 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a replacement two and one-half story dwelling; Section 385: a determination that the subject lot is a legal nonconforming building lot with 68.0 in lieu of 80.0 feet minimum required lot width, and 10,889 in lieu of 14,520 minimum required lot area, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 68.0 in lieu of 80.0 feet minimum required lot width. The property is situation on south side of Edgewood Road at the southeast corner formed by the intersection of Herman Avenue and Edgewood Road and is shown on Assessor's Map #20 as Lot #94, being 31 Edgewood Road and located in an R-1/3 (residential) Zone.

### **CALENDAR NO. 48-2012**

The application of Christopher McCagg and James G. Rogers Architects on behalf of Pat Morrissey and Darien YMCA Inc. filed on October 17, 2012 for variances of Section 927 of the Darien Zoning Regulations; to allow installation of a replacement hanging sign and the installation of two wall signs; 0 in lieu of 40 feet front yard setback for the hanging sign, 2 in lieu of 1 maximum wall sign, and 21.33 in lieu of 6.0 maximum total square feet for the wall signs. The property is situated on the south side of Boston Post Road approximately 150 feet east of the intersection of Weeds Landing and Boston Post Road,

and it is situated south of the intersection of Gardiner Street and Boston Post Road, and is shown on Assessor's Map #53 as Lot #60, being 2420 Boston Post Road and located in an R-1/2 (residential) Zone.

## OTHER BUSINESS

**This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.**

1. Discussion, deliberation and possible decisions for Public Hearing request items listed above. 4 affirmative votes out of the 5 seated ZBA members are required to approve a proposal.
2. Requested six month extension, received October 31, 2012, to obtain all required permits and begin on-site construction for ZBA Calendar No. 5 -2012, Matt and Ashley Cole (contract purchasers from Aquarion Water Company), 23 Chestnut Street. The Public Hearing of this matter was March 21, 2012. Initial ZBA approval would have expired on September 30, 2012. Following an April 10, 2012 request, on April 25, 2012 the ZBA granted a six month extension to March 30, 2013.
3. Requested one year extension, received October 31, 2012, to obtain all required permits and begin on-site construction for ZBA Calendar No. 6 -2012, Gabriela Mocanu and Hassan A. Shakir (contract purchasers from Aquarion Water Company), 27 Chestnut Street (formerly 250 Noroton Ave). The Public Hearing of this matter was March 21, 2012. Initial ZBA approval would have expired on September 30, 2012. Following an April 10, 2012 request, on April 25, 2012 the ZBA granted a six month extension to March 30, 2013.
4. Requested six month extension, received November 2, 2012, to obtain all required permits and begin on-site construction for ZBA Calendar No. 17-2012, Corrine Collins, 114 Nearwater Lane. The Public Hearing of this matter was April 25, 2012. Initial ZBA approval would have expired on November 4, 2012.
5. Approval of Minutes of meeting on September 12, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Jeff Williams, Ruth Anne Ramsey, and John Ashburne.

6. Approval of Minutes of meeting on September 19, 2012. ZBA members attending this meeting were Vic Capellupo, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, and Rich Wood.
7. Approval of Minutes of meeting on October 23, 2012. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, Chuck Deluca, and Al Tibbetts.
8. Discussion and possible recommendations for Zoning Regulation changes to the Planning & Zoning Commission.
9. General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/guidelines/staff questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.
10. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).