

**REGULAR MEETING**  
**AGENDA**

Wednesday, January 20, 2010    7:45 P.M.  
Public Meeting Room 206  
Darien Town Hall, 2 Renshaw Road  
Darien, Connecticut

**Due to necessary scheduling of ZBA members, the following items may be considered out of sequence and application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting.**

**PUBLIC HEARINGS**

**CALENDAR NO. 1-2010**

**POSTPONED TO FEBRUARY 24th**

The application of Foster Kaali-Nagy filed on December 23, 2009 for variances of Sections 322, 406, and 403e if necessary of the Darien Zoning Regulations, to allow the installation of a fixed pier accessway/dock; Section 322: locating an accessory use on a separate lot rather than the same lot to which it is accessory; establishing an accessory structure and use without the prior establishment of a permitted principal use; and Section 406: 2.5 in lieu of 10.0 feet minimum required side yard setback. The property is situated on the north side of Five Mile River Road Street approximately 150 feet east of the intersection of Berry Road and Five Mile River Road and is shown on Assessor's Map #66 as Lot #9, being a portion of 70 Five Mile River Road and located in an R-1/2 (residential) Zone.

**CALENDAR NO. 2-2010**

The application of John & Catherine Josef filed on December 23, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of second story and two story additions; Section 406: 5.0 in lieu of

10.0 feet minimum required side yard setback for the second story and part of the two story addition; and 9.7 in lieu of 10.0 feet minimum required side yard setback for part of the two story addition. The property is situated on the south side of West Avenue approximately 400 feet west of the intersection of West Avenue and Stony Brook Road and is shown on Assessor's Map #39 as Lot #92, being 115 West Avenue and located in an R-1/3 (residential) Zone.

### **CALENDAR NO. 3-2010**

The application of Faesy-Smith Architects on behalf of Tom and Shepard Halsch filed on December 23, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of one half story; second story with a chimney; and one story additions and garage reconstruction; and the relocation of propane and HVAC equipment; Section 406: 15.1 in lieu of 40.0 feet minimum required front yard setback for the one half story addition; 20.5 in lieu of 40.0 feet minimum required front yard setback for the second story and chimney addition; 10.0 in lieu of 25.0 feet minimum required side yard setback and 24.7 in lieu of 40.0 feet minimum required rear yard setback for the one story addition and garage reconstruction; and 7.5 in lieu of 25.0 feet minimum required side yard setback and 35.0 in lieu of 40.0 feet minimum required rear yard setback for the equipment. The property is situated on the north side of Juniper Road at the northeast corner formed by the intersection of Juniper Road and Nearwater Lane and is shown on Assessor's Map #57 as Lot #8, being 2 Juniper Road and located in an R-1 (residential) Zone.

### **CALENDAR NO. 4-2010**

The application of Mark S. Lebow and William W. Seymour & Associates, PC on behalf of Richard Sanislo filed on December 23, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of one half story; one story; two story; and second story additions; and the installation of HVAC equipment; Section 406: 6.9 in lieu of 22.0 feet minimum required southwest side yard setback for the one half story addition; 10.2 in lieu 22.0 feet minimum required southwest side yard setback for the one story addition; 3.0 in lieu of 18.1 feet minimum required northeast side yard setback for the two story addition; 6.0 in lieu of 18.1 feet minimum required northeast side yard setback for the second story addition; 7.0 in lieu of 18.1 feet minimum required northeast side yard setback for the equipment; and 9.9 in lieu of 25.0 feet minimum required total of two side yards setback for the new construction. The property is situated on the east side of Hazel Street approximately 130 feet north of the intersection of

Hazel Street and West Avenue and is shown on Assessor's Map #24 as Lot #20, being 29 Hazel Street and located in an R-1/3 (residential) Zone.

### **CALENDAR NO. 5-2010**

The application of Warrington Homes LLC on behalf of 80 Long Neck Pt. Rd LLC filed on December 23, 2009 for an interpretation of Section 331 and, if necessary, variances of Sections 331 and 402 of the Darien Zoning Regulations to allow the existing cottage residence to remain until the proposed replacement residence is completed and/or to allow the cottage to be altered into an accessory structure; Section 331: two in lieu of one, maximum main building on one lot; and Section 402: two in lieu of one single-family dwelling on its own lot. The property is situated on the west side of Long Neck Point Road approximately 1500 feet north of the south intersection of Long Neck Point Road and Pear Tree Point Road and is shown on Assessor's Map #60 as Lot #12-2, being 90 Long Neck Point Road and located in an R-1 (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 amendment to the approved plans of Calendar No. 44-2009, Daniel & Margaret Smith, 147 Long Neck Point Road.
3. Approval of Minutes and Resolution of the following public hearing application decision made on October 7, 2009. Seated ZBA members for this decision were Vic Capellupo, Gary Greene, Al Tibbetts, Chuck Deluca, and Jeff Williams.

Calendar # 29-2009, Robert F. Maslan, Jr., Esq. on behalf of C. B. Griffith, LLC and Post Road Eleven, LLC, 1292 Boston Post Road.

4. Approval of Minutes of meeting on September 16, 2009. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Chuck Deluca, Jeff Williams, John Ashburne, and Anthony Simari.
5. Approval of Minutes of meeting on September 23, 2009. 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 October 21, 2009. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, and Anthony Simari.
7. Approval of Minutes of meeting on December 16, 2009. ZBA members attending this meeting were Gary Greene, Al Tibbetts, Chuck Deluca, Jeff Williams, and John Ashburne.
8. General discussion of Application Materials, hearing guidelines, hardship criteria, decision practices/guidelines, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.
9. 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).