

REGULAR MEETING
AGENDA

Wednesday, April 21, 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.

CONTINUATION OF PUBLIC HEARINGS

Opened on March 17, 2010 and continued to tonight, April 21, 2010. The previously seated ZBA members for these requests are Vic Capellupo, Gary Greene, Jeff Williams, John Ashburne, and Anthony Simari. These hearings must be completed by tonight (within 35 days after their March 17th opening). However if the ZBA determines to continue any of these hearings further, the applicant may provide an additional extension allowing the ZBA to continue their hearing until no later than June 25, 2010 (up to 100 total days from their March 17 opening). The next scheduled regular ZBA meetings are April 28, 2010 and May 19, 2010. Or the ZBA may provide an advisory of the deficient information available and Deny the application Without Prejudice.

CALENDAR NO. 9-2010

The application of Lorence Signworks on behalf of Grade A. Market, Inc. and CVS filed on January 27, 2010 for variances of Sections 923.1d and 923.5 of the Darien Zoning Regulations, to allow the installation of 3 replacement wall signs with internal illumination; Section 923.1d: 24 in lieu of 10 inches maximum letter height; and Section 923.5: internal sign illumination where that is prohibited. The property is situated on the east side of Boston Post Road at the southeast

corner formed by the intersection of Boston Post Road and Center Street and is shown on Assessor's Map #72 as Lot #4, being 964 Boston Post Road and located in the CBD (commercial) Zone.

CALENDAR NO. 13-2010

The application of Gleason & Associates LLC on behalf of Athos Real Estate, Inc. and Chipotle Mexican Grill of Colorado, LLC filed on January 27, 2010 for variances of Section 926.1, 923.1b, and 926.2 of the Darien Zoning Regulations, to allow the installation of wall signs and a pole sign; Section 923.1b: 31.32 square feet in lieu of 27 maximum allowable square feet, 12.125 in lieu of 10 inches maximum allowable letter height, and 17 in lieu of 10 inches maximum allowable figure height for the wall sign facing the Post Road; 31.32 square feet in lieu of 9 maximum allowable square feet, 12.125 in lieu of 10 inches maximum allowable letter height, and 17 in lieu of 10 inches maximum allowable figure height for the wall sign facing West Norwalk Road; and 11.67 in lieu of 30.0 feet minimum required front yard setback for the pole sign. The property is situated at the northwest corner formed by the intersection of West Norwalk Road and Boston Post Road and is shown on Assessor's Map #12 as Lot #40, being 71 Boston Post Road and located in an SB-E (commercial) Zone.

CALENDAR NO. 15-2010

The application of Robert F. Maslan, Jr., on behalf of C.B. Griffith, LLC and Post Road Eleven, LLC filed on January 27, 2010 for variances of Sections 334, 373, 666, 667, 906, 943, 854, 904, and 226 of the Darien Zoning Regulations, to allow the construction of a replacement two story commercial building and related site improvements; Section 334: construction on a lot with 80.0 in lieu of 100 feet minimum lot depth; Section 373: display of materials in the front yard where that is prohibited; Section 666: 21.6 in lieu of 30.0 feet minimum required front yard setback, 1.5 in lieu of 0.0 or 4.0 minimum required side yard setback, and 5.5 in lieu of 25.0 feet minimum required rear yard setback for the building; Section 666: 34.0 in lieu of 20.0 maximum allowable building coverage, and 84.1 in lieu of 80.0% maximum allowable developed site area; Sections 666a, 667, 906.6 and 944: 5.5 in lieu of 25.0 feet minimum required rear landscape buffer; placement of a transformer, garbage area, and a portion of the parking within the required landscape buffer; to allow a portion of the landscape buffer to be located on the abutting property; Sections 666, 906.6, and 943b: 0.0 in lieu of 6.0 feet (Section 666) minimum required front landscape depth and 0.0 in lieu of 10.0 feet (Section 943b) minimum required front landscape depth; 0.0 in lieu of 6.0 feet minimum required front parking setback; 21.5 in lieu of 25.0 feet minimum required rear

parking setback; Section 854 if necessary: grading and filling within 15 feet of the rear property line; Section 904 if necessary: 7 in lieu of 23 minimum required parking spaces; and Section 226 if necessary: 22.7 in lieu of 24.0 minimum required parking aisle width. The property is situated on the southeast side of Boston Post Road at the intersection of the I-95 interchange 11 entry ramp and Boston Post Road and is shown on Assessor's Map #63 as Lot #1, being 1292 Boston Post Road and located in an SB (commercial) Zone.

PUBLIC HEARINGS

CALENDAR NO. 18-2010

The application of Donald Agnoli on behalf of Stop & Shop and Thomas E. Golden Realty Co. filed on March 24, 2010 for variances of Section 923 of the Darien Zoning Regulations, to allow the installation of a replacement internally illuminated wall sign and a replacement internally illuminated ground sign; Section 923: 24 in lieu of 10" maximum allowable letter height; 32 in lieu of 10" maximum allowable figure height; internal illumination where none is permitted; and ground sign installation where none is permitted. The property is situated on the east side of Edgerton Street at the southeast corner formed by the intersection of West Avenue and Edgerton Street and is also accessed from a Heights Road driveway and is shown on Assessor's Map #74 as Lots #8 and 13, being 138 Heights Road and located in a DC (commercial) Zone.

CALENDAR NO. 19-2010

The application of Michael & Monica Keady filed on March 24, 2010 for variances of Sections 334 and 406 of the Darien Zoning Regulations to allow the reconstruction of a covered front porch and the construction of a second story addition; Section 334: Construction of additional building volume on a lot with 92.0 in lieu of 100.0 feet required minimum depth; and Section 406: construction of additional volume on a lot with 23.0% in lieu of 20.0% maximum allowable building coverage; 15.8 in lieu of 30.0 feet minimum required front yard setback and 23.8 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Hillside Court; and 19.2 in lieu of 30.0 feet minimum front yard setback and 29.2 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of a short unnamed side road. The property is situated on the south side of Hillside Court approximately 190 feet west of the intersection of Hillside Court and Hillside Avenue and is shown on Tax Assessor's Map #47 as Lot #35, being 3 Hillside Court and located in an R-1/3 (residential) Zone.

CALENDAR NO. 21-2010

The application of Gregory & Lois Willis filed on March 24, 2010 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a second story addition; Section 406: 23+ in lieu of 40.0 feet minimum required front yard setback; and 38+ in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of East Trail. The property is situated on the east side of Arrowhead Way at the southeast corner formed by the intersection of East Trail and Arrowhead Way and is shown on Assessor's Map #65 as Lot #59, being 11 Arrowhead Way and located in an R-1 (residential) Zone.

CALENDAR NO. 22-2010

The application of Donald Agnoli on behalf of Stop & Shop and Urstadt Biddle Prop. Inc. filed on March 24, 2010 for variances of Section 923 of the Darien Zoning Regulations, to allow the installation of a replacement internally illuminated wall sign; Section 923: 36 in lieu of 10" maximum allowable letter height; 36 in lieu of 10" maximum allowable figure height; and internal illumination where none is permitted. The property is situated on the east side of Old Kings Highway North and is part of the Goodwives Shopping Center at the southeast corner formed by the intersection of Old Kings Highway North and Sedgwick Avenue and is shown on Assessor's Map #71 as Lot #19, being 25 Old Kings Highway North and located in a DC (commercial) 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 March 29, 2010, to obtain all required permits and begin on-site construction for ZBA Calendar No. 34 -2009, Wai Ping Wong & Shuk-Han K. Wong, 31 Relihan Road. The

- Public Hearing of this matter was September 23, 2009. Initial ZBA approval would have expired on April 8, 2010.
3. Approval of Minutes of meeting on February 11, 2009. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, John Ashburne, and Anthony Simari.
 4. Approval of Minutes and Resolutions of the Whole Foods application public hearing and decision made on March 11, 2010. Seated ZBA members for this decision were Vic Capellupo, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, and John Ashburne.
 5. 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.
 6. Review of April 15, 2009 Joint Meeting discussions with the Architectural Review Board and possible recommendations for sign regulation changes or procedural adjustments.
 7. 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).