

**REGULAR MEETING**  
**AGENDA**

Wednesday, June 16, 2004 7:45 P.M.  
Public Meeting Room 206  
Darien Town Hall, 2 Renshaw Road  
Darien, Connecticut

**EXECUTIVE SESSION**

To discuss pending litigation with Town Attorney Jim Murphy and Planning and Zoning Director Jeremy Ginsberg.

**APPROVAL OF MINUTES**

1. **Minutes of decisions from May 19, 2004** (seated ZBA members for these decisions were Ramsay Bell, Dick Sanford, Vic Capellupo, Al Tibbetts, and Everett Drugge):
  - a. CALENDAR NO. 23-2004, the application of Darien Boat Club on behalf of Town of Darien, 135 Pear Tree Point Road, R-1 (residential) Zone.
  - b. CALENDAR NO. 29-2004, the application of William W. Seymour & Assoc. on behalf of Robert & Catherine Sullivan, 33 Georgian Lane, R-1/3 (residential) Zone.
  - c. CALENDAR NO. 32-2004, the application of Laura & Roger Thompson, 502 Hoyt Street, R-1/2 (residential) Zone.
  
2. **Minutes of decisions from May 26, 2004** (seated ZBA members for these decisions were Ramsay Bell, Dick Sanford, Al Tibbetts, Gary Greene, and Everett Drugge):
  - a. CALENDAR NO. 36-2004, the application of Stamford Health System (lessee) and Michael P. Sweeney on behalf of SHR 1 LLC (owner), 1500 Boston Post Road, OB (commercial) Zone.
  - b. CALENDAR NO. 37-2004, application of Gleason, Hill & Ambrette, LLC on behalf of Jerry V. Elliot and Susan S. Elliot, 97 Five Mile River Road, R-1/2 (residential) Zone.

## CONTINUATION OF PUBLIC HEARING

Opened on May 26, 2004 and continued to tonight, June 16, 2004. Seated ZBA members for this request are Dick Sanford, Al Tibbetts, Gary Greene, Everett Drugge, and Jeff Williams. This hearing must be completed by June 30, 2004 (within 35 days after its May 26<sup>th</sup> opening). The next scheduled regular ZBA meeting is June 23, 2004. Therefore, if the ZBA determines to continue this hearing further, all of you will have to attend on June 23<sup>rd</sup>. A special meeting could be scheduled by June 30<sup>th</sup>. Or the applicant may provide a 35 day extension allowing the ZBA to continue this hearing until August 4, 2004.

CALENDAR NO. 38-2004

The application of Gleason, Hill & Ambrette, LLC on behalf of St. Luke's Episcopal Church filed on April 21, 2004 for variations of Sections 406 and 362 of the Darien Zoning Regulations to allow the installation of an air conditioning chiller/compressor and a screening fence. Section 406: 17.0 in lieu of 40.0 feet minimum required front yard setback for the air conditioning chiller/compressor, and 16.0 in lieu of 40.0 feet minimum required front yard setback for the screening fence; and Section 362: 7.5 in lieu of 4.0 feet maximum height of fence in front yard. The property is situated on the south side of Boston Post Road at the southeast corner formed by the intersection of Rings End Road and Boston Post Road, and is shown on Tax Assessor's Map #49 as Lots #52, 54, 55, and 56, being 1864 Boston Post Road and located in an R-1/2 (residential) Zone.

## GENERAL MEETING

1. Discussion, deliberation, and possible decision of Calendar No. 22-2004, Gleason, Hill & Ambrette, LLC on behalf of Robin and Janet Mills, regarding property of Denis & Jennifer Manelski at 11 Pratt Island, previously heard by the ZBA on April 14, 2004. Decision deadline is June 18, 2004. Seated ZBA members for this request are Ramsay Bell, Dick Sanford, Al Tibbetts, Gary Greene, and Jeff Williams.
2. Discussion, deliberation and possible decision for Public Hearing request item listed above.

## **PUBLIC HEARINGS**

### CALENDAR NO. 39-2004

The application of Steven & Susan Pettit filed on May 19, 2004 for a variation of Section 406 of the Darien Zoning Regulations to allow the construction of a one story addition. Section 406: 51.1 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Robinson Street. The property is situated on the south side of Bellaval Street at the southeast corner formed by the intersection of Bellaval Street and Robinson Street and is shown on Tax Assessor's Map #24 as Lot #32, being 2 Bellaval Street and located in an R-1/3 (residential) Zone.

### CALENDAR NO. 30-2004

**This Public Hearings must be opened by June 25, 2004** (within 65 days after its April 21, 2004 Receipt Date). The application was submitted in April and originally scheduled for a May 19 Hearing. However, the applicant did not properly notify neighbors of that Hearing date. The ZBA may open this hearing tonight (June 16, 2004) and continue it for 35 days if necessary.

The application of Patterson Bigosinski Architects on behalf of Whitman Foods LLC dba Uncles Deli filed on April 21, 2004 for variations of Sections 226, 904 and 909 of the Darien Zoning Regulations to allow the construction of a one story addition. Section 226: maintenance of existing non-conforming parking spaces with substandard dimensions; Section 904: 6 in lieu of 9 minimum required parking spaces; and Section 909: 0 in lieu of 1 minimum required loading space. The property is situated on the north side of Boston Post Road at the northwest corner formed by the intersection of Brook Street and Boston Post Road and is shown on Tax Assessor's Map #73 as Lot #11, being 1041 Boston Post Road and located in a CBD (commercial) Zone.

### CALENDAR NO. 33-2004

**This Public Hearing must be opened by June 25, 2004** (within 65 days after its April 21, 2004 Receipt Date). The application was submitted in April and originally scheduled for a May 26 Hearing. However, the applicant did not properly notify neighbors of that Hearing date. The ZBA may open this hearing tonight (June 16, 2004) and continue it for 35 days if necessary.

The application of Robert F. Maslan, Jr, Esq. on behalf of Mitchell Ross & Kerry Ross filed on April 21, 2004 for an appeal under Section 1122 of the order, requirement, decision, and/or determination of the Zoning Enforcement Officer. The property is situated on the southwest side of Nickerson Lane approximately 650 feet west of the intersection of Nickerson Lane and Nearwater Lane and is shown on Tax Assessor's Map #52 as Lots #8&9, being 10 Nickerson Lane and located in an R-1 (residential) Zone.

CALENDAR NO. 40-2004

The application of William W. Seymour & Assoc. on behalf of Edward & Penelope Glassmeyer filed on May 19, 2004 for variations of Section 406 of the Darien Zoning Regulations to allow the construction of a chimney and utility niche. Section 406: 53.5 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Searles Road; 14.5 in lieu of 25.0 feet minimum required side yard setback; 9.5 in lieu of 40.0 feet minimum required rear yard setback; and 20.40 in lieu of 20.0% maximum allowable building coverage. The property is situated on the west side of Searles Road approximately 380 feet south of the intersection of Searles Road and Cross Road and is shown on Tax Assessor's Map #67 as Lot #86, being 26 Searles Road and located in an R-1 (residential) Zone.

CALENDAR NO. 41-2004

The application of Patterson Bigosinski Architects on behalf of Samuel V. Schoonmaker IV filed on May 19, 2004 for a variation of Section 406 of the Darien Zoning Regulations to allow the construction of a two story addition. Section 406: 29.5 in lieu of 40.0 feet minimum required rear yard setback. The property is situated at the south end of Cedar Gate Road approximately 2000 feet south of the intersection of Cedar Gate Road and Delafield Island Road and is shown on Tax Assessor's Map #64 as Lot #71, being 55 Cedar Gate Road and located in an R-1 (residential) Zone.

CALENDAR NO. 42-2004

The application of Patterson Bigosinski Architects on behalf of Frank A. Miller and Number 1335-Fam, LLC dba Darien Automotive Group filed on May 19, 2004 for variations of Sections 923.1b and 926.4 of the Darien Zoning Regulations to allow the installation of 4 wall signs with 2 figure/logos. Section 923.1b: 20 in lieu of 10" maximum figures/logos height; and Section 926.4: 4 in lieu of 1 maximum number of wall signs. The property is situated on the north side of Boston Post Road at the northwest corner formed by the intersection of Boston Post Road and Thorndal Circle and is shown on Tax Assessor's Map #39 as Lot #18A, being 1335 Boston Post Road and located in an SB (commercial) Zone.

CALENDAR NO. 43-2004

The application of Rucci, Burnham, Carta & Edelberg on behalf of Janice A. Mahaney filed on May 19, 2004 for an interpretation of Sections 210 and 371; and variations of Sections 334 and 406 of the Darien Zoning Regulations to allow the construction of a replacement two and one-half story residence. Sections 210 and 371: an interpretation that the proposed eyebrow windows are acceptable architectural features exempt from the building height regulations; Section 334: construction on a portion of the lot with 100.0 in lieu of 150.0 feet minimum required lot width; Section 406: 25.4 in lieu of 40.0 feet minimum required rear yard setback to the west property line; 19.4 in lieu of 40.0 feet minimum required rear yard setback from the east property line; 32.0 in lieu of 30.0 feet maximum building height for an exercise room roof tower; and if necessary 33.5 in lieu of 30.0 feet maximum building height for the eyebrow windows. The property is situated on the north side of Shipway Road approximately 270 feet east of the intersection of Plymouth Road and Shipway Road and is shown on Tax Assessor's Map #57 as Lot #43, being 26 Shipway Road and located in an R-1 (residential) Zone.

**GENERAL MEETING**

**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 legal 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. Election of Officers (to be determined by regular members only). Current term expires June 30<sup>th</sup>.
2. Discussion, deliberation and possible decisions for Public Hearing request items listed above.
3. Requested six month extension to obtain all required permits and begin on-site construction for ZBA Calendar No. 87-2003, Christopher & Nicola Mehan, 19 Bayberry Lane. Initial ZBA approval expires on June 30, 2004.
4. Requested three month extension to obtain all required permits and begin on-site construction for ZBA Calendar No. 30-2003, Mark & Christina Weber, 101 Old King's Highway South. Initial ZBA approval would have expired on December 12, 2003. On December 17, 2003 the ZBA granted a six month extension to June 12, 2004. On March 31, 2004 the ZBA granted an amendment to the approved plans.
5. Requested amendment to the approved plans of Calendar No. 90-2003, Mark & Stasha Cohen, 5 Indian Trail.
6. Any other business (requires 2/3 vote of members present and voting).