

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
March 11, 2015

REGULAR MEETING

Darien Town Hall - Room 206 – 7:47 to 9:34 PM

ZBA members present: Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey
and Mike Nedder

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

OPENING

ZBA Vice-Chair Vic Capellupo opened the meeting at 7:47 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

POSTPONEMENTS AND CONTINUATIONS

Mr. Capellupo announced that the Public Hearing of Calendar No. 01-2015, the application of Kathleen Willcox, 117 West Avenue, is re-opened and immediately re-continued without testimony to April 8, 2015, at the applicant's request.

Mr. Capellupo announced that the Public Hearing of Calendar No. 05-2015, the application of Douglas McKay on behalf of 537 Post Road LLC, 537 Boston Post Road, is postponed to April 8, 2015, at the applicant's request.

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. 08-2015 - the application of John Toates and JTAD LLC on behalf of Joseph & Rita Maruszewski submitted on January 14, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of effectively a replacement house with one story, two story, second story, attic and bilco door additions; Section 406: 12.2 in lieu of 18.1 feet minimum required south side yard setback, 11.9 in lieu of

17.8 feet minimum required north side yard setback, and 24.1 in lieu of 30.0 feet minimum required total of two side yards setback. The property is situated on the east side of Mansfield Avenue approximately 130 feet north of the intersection with Roland Drive and is shown on Assessor's Map #15 as Lot #114, being 102 Mansfield Avenue and located in an R-1/2 (residential) Zone.

Architect John Toates 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. 12-2015 - the application of Timothy & Lauren Stisser submitted on February 10, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a second story, two story, and covered porch additions; Section 406: 25.2 in lieu of 40.0 feet minimum required Hollow Tree Ridge Road front yard setback, 53.3 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Hollow Tree Ridge Road, and 26.3 in lieu of 40.0 feet minimum required rear yard setback. The property is situated at the southeast corner of the intersection formed by Nutmeg Lane and Hollow Tree Ridge Road and is shown on Assessor's Map #9 as Lot #126, being 334 Hollow Tree Ridge Road and located in an R-1 (Residential) Zone.

Builder Bob Calve and Designer Charlie Saverine 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. 13-2015 - the application of Amy S. Zabetakis, Esq. and Rucci Law Group, LLC on behalf of William & Susannah Lewis for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of second story and covered porch additions; Section 406: 33.4 in lieu of 40.0 feet minimum required Great Hill Road front yard setback. The property is situated on the northeast corner of the intersection formed by Great Hill Road and Tokeneke Road and is shown on Assessor's Map #36 as Lot #15, being 1 Great Hill Road and located in an R-1/2 (residential) Zone.

Attorney Amy Zabetakis 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. 14-2015 - the application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of PAG Connecticut LR1, LLC submitted on February 11, 2015

for variances and interpretations of Sections 926 and 923 of the Darien Zoning Regulations; to allow the installation of wall signs with logos and lighting, the installation of vehicle display areas, and the construction of colored pylon wall additions; Sections 926 and 923: installation of four in lieu of two maximum wall signs; installation of 93.16 in lieu of 41.28 square feet maximum allowable front wall signage; installation of wall signs extending to 23'-5" and 23'-11½" in lieu of 15' maximum allowable height above ground level; 2'-6 3/8" in lieu of 10" maximum height Jaguar leaper logo; 11½" in lieu of 10" maximum height "Land Rover" letters; the installation of two side wall "Darien" signs where none are permitted; internal LED sign illumination where none is permitted; and/or interpretations that halo lit "Darien" signs, colored pylon wall additions, and special vehicle display areas are permitted under the Regulations. The property is situated on the northwest corner of the intersection formed by Boston Post Road and Thorndal Circle and is shown on Assessor's Map #39 as Lot#19, being 1335 Boston Post Road and located in the SB (Service Business - commercial) Zone.

Attorney Wilder Gleason and Architect Jacek Bigosinski answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The ZBA determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the next ZBA meeting on April 8, 2015.

CALENDAR NO. 15-2015 - the application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Tokeneke Club, Inc. submitted on February 13, 2015 for an amendment of the approved plans for Calendar No. 13-2014; to allow alterations to the existing bathhouse. The property is situated on the southeast corner of the intersection formed by Butler's Island Road and Tokeneke Beach Drive and is shown on Assessor's Map #67 as Lot #83, being 4 Tokeneke Beach Drive and located in an R-1 (residential) Zone.

Attorney Wilder Gleason answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

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. 8-2015 - The application of John Toates and JTAD LLC on behalf of Joseph & Rita Maruszewski, 102 Mansfield Avenue. Upon a motion by Gary Greene, seconded by Mike Nedder, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the above delineated, requested variances. Those voting in favor of the motion were Gary Greene, Mike Nedder, Jeff Williams and Ruth Anne Ramsey. Vic Capellupo was opposed to the motion. State of Connecticut Statutes require 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore, this request is granted with stipulations.

CALENDAR NO. 12-2015 - The application of Timothy & Lauren Stisser, 334 Hollow Tree Ridge Road. Upon a motion by Jeff William, seconded by Gary Greene, the ZBA voted 3-2 to DENY the above delineated, requested variances. Those voting in favor of the motion were Jeff Williams, Gary Greene and Vic Capellupo. Mike Nedder and Ruth Anne Ramsey were opposed to the motion. State of Connecticut Statutes require 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore, this request is denied.

CALENDAR NO. 13-2015 - The application of Amy S. Zabetakis, Esq. and Rucci Law Group, LLC on behalf of William & Susannah Lewis, 1 Great Hill Road. Upon a motion by Mike Nedder, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT the above delineated, requested variance.

CALENDAR NO. 15-2015 - The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Tokeneke Club, Inc., 4 Tokeneke Beach Drive. Upon a motion by Mike Nedder, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT the above delineated, requested amendment.

OTHER BUSINESS

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Approval of Minutes of meeting on February 11, 2015. ZBA members attending this meeting were Chuck Deluca, Vic Capellupo, Gary Greene, Mike Nedder, and Kevin Fullington.

A revision to the minutes of Calendar No. 10-2015 was discussed and agreed to. Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 3-0 to

APPROVE the subject minutes, subject to the revision. Those voting in favor were Gary Greene, Vic Capellupo and Mike Nedder. Chuck Deluca also previously indicated his approval, including the revision.

Possible extension to obtain all required permits and begin on-site construction for ZBA Calendar No. 32-2014, PR Partnership, LLC dba Giovanni's - Water's Edge, 2748 Boston Post Road. The Public Hearing of this matter was July 16, 2014 and the deliberation concluded September 17, 2014. Initial ZBA approval expires on March 25, 2015 and may be extended upon settlement of litigation.

ZBA staff explained the status of the proposed settlement agreement which will include a new expiration date for the project construction to begin.

Discussion of subcommittee work with a Planning and Zoning Commission subcommittee on recommended Zoning Regulation changes.

ZBA staff reported that a meeting to discuss this subject has not taken place yet.

ADJOURNMENT

Upon a motion by Jeff Williams, seconded by Mike Nedder, and a ZBA vote of 5-0, the meeting was adjourned at 9:34 PM.

These Meeting Minutes,
Respectfully submitted March 18, 2015,
by Robert Woodside,
Code Compliance Officer
ZBA Staff

These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by Gary Greene, seconded by Vic Capellupo, approved by a vote of 4-0 at the ZBA meeting on April 8, 2015. Vic Capellupo, Gary Greene, Mike Nedder and Ruth Anne Ramsey voted in favor of the motion.