

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
June 17, 2015

REGULAR MEETING

Darien Town Hall - Room 206 – 7:48 to 10:08 PM

ZBA members present: Chuck Deluca, Vic Capellupo, Rich Wood, Jeff Williams and Mike Nedder

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

OPENING

ZBA Chair Chuck Deluca opened the meeting at 7:48 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. Deluca announced that the Public Hearing of Calendar No. 35-2015, the application of Scott Church on behalf of LTB Properties, 74 Brookside Road, has been postponed to July 15, 2015, due to a lack of proper neighbor notification.

CONTINUATION OF PUBLIC HEARINGS

The following hearing was continued from the May 20, 2015 meeting 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. 29-2015 - the application of Jacqueline Kaufman and Carmody Torrance Sandak & Hennessey LLP on behalf of Noroton Yacht Club Inc. submitted on April 16, 2015 for variances of Sections 416, 362 and 825 of the Darien Zoning Regulations; to allow the construction of a launch shed, a replacement two and one half story clubhouse, a two story sailing center, and the installation of dumpster enclosure fencing; Section 416: 18.1 in lieu of 30.0 feet minimum required front yard setback and 12.6 in lieu of 25.0 feet minimum required rear yard setback for the clubhouse; and 4.6 in lieu of 25.0 feet minimum required rear yard setback for the launch shed; Section 362: installation of 6 in lieu of 4 feet maximum height fencing for the dumpster enclosure; and Section 825:

construction of habitable space and installation of electrical and code required systems at 9.0 in lieu of 15.0 feet minimum required floor elevation. The property is situated on the south/southeast side of Baywater Drive approximately 100 feet east of the intersection with Plymouth Road and is shown on Assessor's Map #55 as Lots #96, 95 & 92, being 23 Baywater Drive and located in the R-NBD (residential) Zone.

Chuck Deluca and Rich Wood reviewed the application materials, tape recording of the May 20, 2015 segment of the hearing, and the submitted documents in order to be fully informed of this request and to be prepared to sit on this application.

Attorney Jackie Kaufman, Club Manager Peter Wilson, Engineer Craig Flaherty, and Architect Rob Lambert answered various questions and explained the proposal depicted on the submitted plans and described in the application materials.

Attorney Bruce Hill represented the Noroton Bay Association and addressed the Association's concerns but did not express objection to the ZBA application. The Public Hearing was then closed.

The following hearing was continued from the May 13, 2015 meeting 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. 21-2015 - the application of Siyu Zhou on behalf of Huang Li submitted on April 15, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of second story dormers, second story and two story additions; Section 406: 10.4 in lieu of 19.4 feet minimum required north side yard setback; 10.0 in lieu of 14.6 feet minimum required south side yard setback; and 20.4 in lieu of 25.0 total of two side yards setback. The property is located on the west side of Dickinson Road approximately 150 feet south of the intersection with Clock Avenue and is shown on Assessor's Map #42 as Lot #34, being 33 Dickinson Road and located in an R-1/3 (residential) Zone.

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

The following hearing was continued from the May 13, 2015 meeting 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. 22-2015 - the application of Edison Acevedo and E and Acevedo's Contractors on behalf of Curtis & Nancy Troeger submitted on April 15, 2015 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of deck, second story and two story additions; Section 406: 16.8 in lieu of 30.0 feet minimum required Noroton Avenue front yard setback. The property is located on the northeast corner at the intersection of Noroton Avenue and Park Place and is shown on Assessor's Map #42 as Lot #83, being 1 Park Place and located in an R-1/3 (residential) Zone.

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

The following hearing was continued from the May 20, 2015 meeting 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. 25-2015 - the application of John & Bethany Lilliquist submitted on April 15, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of second story and covered porch additions; Section 406: 4.8 in lieu of 10.8 feet minimum required south side yard setback, 17.8 in lieu of 20.2 feet minimum required north side yard setback, and 22.6 in lieu of 25.0 feet minimum required total of two side yards setback for the second story; and 26.1 in lieu of 30.0 feet minimum required front yard setback for the porch. The property is situated on the east side of the western segment of Walmsley Road approximately 100 feet south of the intersection with Hollow Tree Ridge Road and is shown on Assessor's Map #46 as Lot #108, being 42 Walmsley Road and located in an R-1/3 (residential) Zone.

Bethany and John Lilliquist answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

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. 30-2015 - the application of Sebastian Elwart and Elwart Construction on behalf of Yue Huang submitted on April 23, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a two story addition; Section 406:

14.8 in lieu of 25.7 feet minimum required south side yard setback and 19.1 in lieu of 30.0 minimum required total of two side yard setbacks. The property is located on the northeast side of Hillcrest Avenue approximately 800 feet north of the intersection with Middlesex Road and is shown on Assessor's Map #27 as Lot #42, being 11 Hillcrest Avenue and located in an R-1/2 (residential) Zone.

Architect Curtis Streuli and Holly Huang 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. 29-2015 - The application of Jacqueline Kaufman and Carmody Torrance Sandak & Hennessey LLP on behalf of Noroton Yacht Club Inc., 23 Baywater Drive. The ZBA deliberated regarding this application and then determined to table the matter and continue discussion at the next scheduled ZBA meeting on June 24, 2015.

CALENDAR NO. 21-2015 - The application of Siyu Zhou on behalf of Huang Li, 33 Dickinson Road. Upon a motion by Rich Wood, seconded by Mike Nedder, the ZBA voted 5-0 to GRANT the above delineated, requested variances.

CALENDAR NO. 22-2015 - The application of Edison Acevedo and E and Acevedo's Contractors on behalf of Curtis & Nancy Troeger, 1 Park Place. Upon a motion by Rich Wood, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT the above delineated, requested variance.

CALENDAR NO. 25-2015 - The application of John & Bethany Lilliquist, 42 Walmsley Road. Upon a motion by Jeff Williams, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT the above delineated, requested variances.

CALENDAR NO. 30-2015 - The application of Sebastian Elwart and Elwart Construction on behalf of Yue Huang, 11 Hillcrest Avenue. Upon a motion by Mike Nedder, seconded

by Rich Wood, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

OTHER BUSINESS

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

Requested amendment to the approved plans of Calendar No. 14-2015, PAG Connecticut LR1,LLC, 1335 Boston Post Road.

Upon a motion by Chuck Deluca, seconded by Vic Capellupo, the ZBA voted 5-0 to APPROVE the requested amendment.

Requested amendment to the approved sign plans of Calendar No. 56-2013, PR Partnership,LLC dba Giovanni's - Water's Edge, 2748 Boston Post Road. The Public Hearing of this matter was November 13, 2013, December 11, 2013, January 15, 2014, and February 12, 2014 and the deliberation concluded March 12, 2014.

Upon a motion by Vic Capellupo, seconded by Rich Wood, the ZBA voted 5-0 to APPROVE WITH MODIFICATIONS the requested amendment.

Requested amendment to the approved plans of Calendar No. 60-2014, T.G. Diners LLC, 275 Boston Post Road.

The ZBA requested more information on the requested amendment.

Possible request to approve amended entry canopy and site plans 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.

The applicant must submit a new application to the ZBA.

Possible amendment of project plans for ZBA Calendar No. 8-2015, Joseph & Rita Maruszewski, 102 Mansfield Avenue.

This matter was tabled until a future meeting.

Discussion of Verrillo v. Branford ZBA Appellate Court decision.

This matter will be discussed in a Special Meeting on June 30, 2015 at 7:15 P.M. at Town Hall.

Election of Officers by regular members.

This matter was tabled until a future meeting.

ADJOURNMENT

The meeting was adjourned at 10:08 PM.

These Meeting Minutes,
Respectfully submitted June 25, 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 Mike Nedder, seconded by Jeff Williams, approved by a vote of 5-0 at the ZBA meeting on July 22, 2015. Mike Nedder, Jeff Williams, Chuck Deluca, Vic Capellupo and Rich Wood voted in favor of the motion.

ZBA/06.17.2015MtgMin