

SUMMARY MEETING MINUTES (Subject to ZBA review and approval)
DARIEN ZONING BOARD OF APPEALS (ZBA)
SEPTEMBER 15, 2010

REGULAR MEETING

Darien Town Hall - Room 206 - 7:48 to 10:20 PM

ZBA members present: Vic Capellupo, Al Tibbetts, Chuck Deluca, Jeff Williams,
Ruth Anne Ramsey, and Anthony Simari

Staff Present: Code Compliance Officer Robert Woodside, Zoning Enforcement
Officer David Keating, and Recorder Judy Fazekas

ZBA Chair Vic Capellupo opened the meeting at 7:48 PM. He explained several procedural steps that would be used to conduct the meeting following the posted Agenda. He also noted there is a lot of business to handle and he requested everyone's cooperation.

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. 50-2010 - The application of Robert F. Maslan, Jr., Esq. and Maslan Associates P.C. on behalf of Eric and Barbara Simonson regarding the property of J. Willson Ropp and Adrienne Dreiss filed on June 23, 2010 for an appeal under Section 1122, of the Darien Zoning Regulations, of the order, requirement, decision, and/or determination of the Zoning Enforcement Officer to issue a Zoning Permit for the construction of a replacement residence. The property is an interior lot situated east of Hollow Tree Ridge Road and accessed from a common driveway (which also serves 362 and 366 Hollow Tree Ridge properties) located on the east side of Hollow Tree Ridge Road approximately 500 feet north of the intersection of Nutmeg Lane and Hollow Tree Ridge Road and is shown on Assessor's Map #9 as Lots #111A-1 and 114, being 364 Hollow Tree Ridge Road and located in an R-2 (residential) Zone.

Bob Maslan answered various questions and explained the Simonson objection to the issuance of a Zoning Permit for construction of a replacement residence at the Ropp/Dreiss property. David Keating provided documents relative to the Permit, explained his decision, and answered various questions. Amy Zabetakis spoke on behalf of Ropp/Dreiss. The Public Hearing was then closed

CALENDAR NO. 54-2010 - The application of Robert F. Maslan, Jr., Esq. and Maslan Associates P.C. on behalf of Richard Sanislo filed on August 18, 2010 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a one and one-half story addition; Section 406: 6.8 in lieu of 10.0 feet minimum required side yard setback and 10.3 in lieu of 25.0 feet minimum required total of two side yards setback. 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.

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

CONTINUATION OF PUBLIC HEARING

The following hearing was continued from the July 21, 2010 meeting:
CALENDAR NO. 43-2010 - the application of Oscar Guidoli on behalf of Jeff & Cathryn Nelson filed on June 23, 2010 for a variance of Section 825d6 of the Darien Zoning Regulations, to allow the existing basement to remain with substantial improvements to the residence structure; Section 825d6: maintenance of existing basement space at 11.25 in lieu of 15.0 feet minimum required floor elevation. The property is situated on the south side of Renshaw Road approximately 300 feet west of the intersection of Renshaw Road and Boston Post Road and is shown on Assessor's Map #41 as Lots #87 and 88, being 23 Renshaw Road and located in an R-1/3 (residential) Zone.

Due to an apparent misunderstanding, neither the applicant, property owner, nor any representative appeared to explain the application. The ZBA determined that this Public Hearing be continued to the next scheduled meeting on September 22nd.

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. 45-2010 - the application of Bruce Vetti filed on June 23, 2010 for variances of Sections 406, 226 and 906.3 of the Darien Zoning Regulations, to allow the construction of second story and two story additions with the installation of a Bilco style door, HVAC equipment; Section 406: 23.3 in lieu of

30.0 feet minimum required front yard setback, 47.7 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Wakemore Street, 3.1 in lieu of 10.6 feet minimum required west side yard setback, 14.4 in lieu of 21.9 feet minimum required east side yard setback, and 17.5 in lieu of 25.0 feet minimum required total of two side yards setback, for the additions; 7.1 in lieu of 10.6 feet minimum required west side yard setback for the Bilco Door; and 19.0 in lieu of 21.9 feet minimum required east side yard setback for the HVAC equipment. The property is situated on the north side of Wakemore Street approximately 500 feet east of the intersection of Wakemore Street and Hoyt Street and is shown on Assessor's Map #8 as Lot #219, being 20 Wakemore Street and located in an R-1/3 (residential) Zone.

Bruce Vetti and Brian Munger 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. 46-2010 - the application of Howard A Patterson Jr. on behalf of Jeffrey L. & Maureen R. Marston filed on August 18, 2010 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a two story addition and deck; Section 406: 34.3 in lieu of 40.0 feet minimum required front yard setback, 54.7 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Goodwives River, and 16.3 in lieu of 25.0 feet minimum required side yard setback for the addition; and 24.0 in lieu of 25.0 feet minimum required side yard setback for the deck. The property is situated on the west side of Goodwives River Road approximately 600 feet north of the intersection of Goodwives River Road and Sunswyck Road and is shown on Assessor's Map #49 as Lot #8, being 49 Goodwives River Road and located in an R-1 (residential) Zone.

Howard Patterson 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. 47-2010 - the application of Aquarion Water Co. of Conn. filed on August 18, 2010 for an interpretation of Section 385 and variances of Sections 334 and 406 of the Darien Zoning Regulations to allow the construction of a two and one half story residence with HVAC equipment and a detached two story garage. Section 385: a determination that the subject lot is a legal nonconforming building lot with 10,500 in lieu of 14,520 square feet minimum required lot size and 50.0 in lieu of 80.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; Section 334: construction on a building lot with 50.0 in lieu of 80.0 feet minimum required lot width; and Section 406: 9.5 in lieu of 12.5 feet minimum required west side yard setback, and 22.0 in lieu of 25.0 feet minimum required total of two side yard setbacks for the residence; 9.5 in lieu of 12.5 feet minimum required west side

yard setback for the garage; and 8.0 in lieu of 12.5 feet minimum required side yard setback for the HVAC equipment. The property is situated on the south side of Chestnut Street approximately 230 feet east of the intersection of Chestnut Street and Noroton Avenue and is shown on Assessor's Map #21 as Lot #55, to be 23 Chestnut Street and located in an R-1/3 (residential) Zone.

And CALENDAR NO. 48-2010 - the application of Aquarion Water Co. of Conn. filed on August 18, 2010 for an interpretation of Section 385 and variances of Sections 334 and 406 of the Darien Zoning Regulations to allow the construction of a two story residence with HVAC equipment and a detached two story garage. Section 385: a determination that the subject lot is a legal nonconforming building lot with 13,377 in lieu of 14,520 square feet minimum required lot size and 60.0 in lieu of 80.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; Section 334: construction on a building lot with 60.0 in lieu of 80.0 feet minimum required lot width; and Section 406: 25.0 in lieu of 30.0 feet minimum required Chestnut front yard setback and 45.0 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Chestnut Street for the residence and garage; and 27.0 in lieu of 30.0 feet minimum required Chestnut front yard setback and 47.0 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Chestnut Street for the HVAC equipment. The property is situated at the southeast corner formed by the intersection of Chestnut Street and Noroton Avenue and is shown on Assessor's Map #21 as Lot #56, to be 27 Chestnut Street and located in an R-1/3 (residential) Zone.

ZBA Staff noted that a procedural challenge has been made relative to these matters. Ben Proto made a few brief comments. Peter Rogers also made a few brief comments and requested more time to review the proposals. The ZBA determined, and the applicant agreed, that these Public Hearings be continued to the ZBA meeting scheduled on October 20th.

CALENDAR NO. 49-2010 - the application of Charles E. Coates III and Whitman Breed Abbott & Morgan LLC on behalf of Giovanni Gabriele filed on August 18, 2010 for variances of Sections 381-387, 406, and 904 if necessary of the Darien Zoning Regulations, to allow the construction of a one story deck with pergola above and parking under structure; Sections 381-387: changes in and expansion of a legally nonconforming use; Section 406: 6.9 in lieu of 10.9 feet minimum required side yard setback and 24.8 in lieu of 20.0% maximum allowable coverage; and Section 904 if necessary: expansion of gross floor area and a possible reduction in the total number of parking spaces on a property with deficient existing parking quantity. The property is situated opposite the intersection of Brookside Drive and Boston Post Road and is shown on Assessor's Map #54 as Lot #35, being 2748 Boston Post Road and located in an R-1/3 (residential) Zone.

Terry Coates 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. 50-2010 - The application of Robert F. Maslan, Jr., Esq. and Maslan Associates P.C. on behalf of Eric and Barbara Simonson regarding the property of J. Willson Ropp and Adrienne Dreiss, 364 Hollow Tree Ridge Road. Upon a motion by Chuck Deluca, seconded by Al Tibbetts, the ZBA voted 5-0 to DENY the above delineated, requested appeal. Vic Capellupo, Al Tibbetts, Jeff Williams, Chuck Deluca, and Anthony Simari voted in favor of the motion.

CALENDAR NO. 54-2010 - The application of Robert F. Maslan, Jr., Esq. and Maslan Associates P.C. on behalf of Richard Sanislo, 29 Hazel Street. Upon a motion by Anthony Simari, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances. Vic Capellupo, Al Tibbetts, Jeff Williams, Chuck Deluca, and Anthony Simari voted in favor of the motion.

CALENDAR NO. 45-2010 - The application of Bruce Vetti, 20 Wakemore Street. Upon a motion by Chuck Deluca, seconded by Anthony Simari, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances. Vic Capellupo, Al Tibbetts, Jeff Williams, Chuck Deluca, and Anthony Simari voted in favor of the motion.

CALENDAR NO. 46-2010 - The application of Howard A Patterson Jr. on behalf of Jeffrey L. & Maureen R. Marston, 49 Goodwives River Road. Upon a motion by Chuck Deluca, seconded by Al Tibbetts, the ZBA voted 5-0 to DENY the above delineated, requested variances. Vic Capellupo, Al Tibbetts, Jeff Williams, Chuck Deluca, and Anthony Simari voted in favor of the motion.

CALENDAR NO. 49-2010 - The application of Charles E. Coates III and Whitman Breed Abbott & Morgan LLC on behalf of Giovanni Gabriele, 2748 Boston Post Road. Upon a motion by Vic Capellupo, seconded by Chuck Deluca, the ZBA voted 5-0 to DENY the above delineated, requested variances. Vic Capellupo, Al Tibbetts, Jeff Williams, Chuck Deluca, and Anthony Simari voted in favor of the motion.

OTHER BUSINESS

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

Requested six month extension, received August 10, 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. Upon a motion by Vic Capellupo, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT the request.

Approval of Minutes of meeting on June 16, 2010. ZBA members attending this meeting were Gary Greene, Chuck Deluca, Jeff Williams, John Ashburne, and Anthony Simari. Upon a motion by Chuck Deluca, seconded by Jeff Williams, the ZBA voted 3-0 to APPROVE the subject minutes. Chuck Deluca, Jeff Williams, and Anthony Simari voted in favor of the motion. Gary Greene and John Ashburne also previously indicated their approval.

Approval of Minutes of meeting on June 23, 2010. ZBA members attending this meeting were Al Tibbetts, Chuck Deluca, Jeff Williams, Ruth Anne Ramsey, and Anthony Simari. Upon a motion by Chuck Deluca, seconded by Jeff Williams, the ZBA voted 4-0 to APPROVE the subject minutes. Al Tibbetts, Chuck Deluca, Jeff Williams, and Anthony Simari voted in favor of the motion. Ruth Anne Ramsey also previously indicated her approval.

Approval of Minutes of meeting on July 21, 2010. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey, and John Ashburne. Upon a motion by Vic Capellupo, seconded by Jeff Williams, the ZBA voted 2-0 to APPROVE the subject minutes. Vic Capellupo and Jeff Williams voted in favor of the motion. Gary Greene, Ruth Anne Ramsey and John Ashburne also previously indicated their approval.

The meeting was adjourned at 10:20 PM.

Respectfully submitted September 20, 2010,
by Robert Woodside,
Code Compliance Officer
ZBA Staff