

SUMMARY MEETING MINUTES (Subject to ZBA review and approval)
DARIEN ZONING BOARD OF APPEALS (ZBA)
JULY 21, 2010

SPECIAL MEETING

Darien Town Hall - Room B-3 – 7:35 to 7:45 PM

ZBA members present: Vic Capellupo, Gary Greene, Ruth Anne Ramsey, and John Ashburne.

Staff Present: Code Compliance Officer Robert Woodside

Upon a motion by Vic Capellupo, seconded by Gary Greene, the ZBA voted 4-0 to go into a Special Meeting Executive Session in order to discuss pending litigation with ZBA Staff. The proposed terms of a settlement of the Pierpont appeal of ZBA approval of David & Kelly Wheeler’s application No. 25-2010, 8 Davis Lane were reviewed. Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 4-0 to go out of Executive Session.

REGULAR MEETING

Darien Town Hall - Room 206 – 7:59 to 10:15 PM

ZBA members present: Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey, and John Ashburne.

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

ZBA Chair Vic Capellupo opened the meeting at 7:59 PM. He 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. 43-2010, the application of Oscar Guidoli on behalf of Jeff & Cathryn Nelson, 23 Renshaw Road, is opened and immediately continued without testimony to September 15, 2010, at the applicant’s request.

Mr. Capellupo announced that the Public Hearing of Calendar No. 45-2010, the application of Bruce Vetti, 20 Wakemore Street, has been postponed to September 15, 2010, due to a lack of proper neighbor notification.

CONTINUATION OF PUBLIC HEARING

The following hearing was continued from the June 16, 2010 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. 33-2010 - the application of Rich Cannale on behalf of Steve & Sue Pettit filed on May 19, 2010 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of one story, two car garage addition; Section 406: 50.0 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Belleval Street. The property is situated on the southeast corner formed by the intersection of Belleval Street and Robinson Street and is shown on Assessor's Map #24 as Lot #32, being 2 Belleval Street and located in an R-1/3 (residential) Zone.

Steve Pettit 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. 41-2010 - The application of Quirino Pinti filed on June 23, 2010 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story front porch addition; Section 406: 26.8 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the south side of Holmes Avenue approximately 300 feet north south of the eastern intersection of Holmes Avenue and West Avenue and is shown on Assessor's Map #48 as Lot #111, being 72 Holmes Avenue and located in an R-1/3 (residential) Zone.

Quirino Pinti 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. 42-2010 - The application of Chris Lionetti filed on June 23, 2010 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of second and two story additions; Section 406: 7.5 in lieu of 15.7 feet minimum required east side yard setback; 8.2 in lieu of 17.5 feet minimum required west side yard setback; 15.7 in lieu of 34.3 feet minimum required total of two side yards setback; and construction of additional building volume on a lot with 21.89 in lieu of 20.0% maximum allowable building coverage. The property is situated on the north side of Fairview Avenue at the intersection of Fairview Avenue and Academy Street and is shown on Assessor's Map #16 as Lot #38, being 31 Fairview Avenue and located in an R-1/3 (residential) Zone.

Chris Lionetti answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Donald Brown supported various aspects of the application. The Public Hearing was then closed.

CALENDAR NO. 44-2010 - The application of Lance E. Zimmerman, A.I.A. on behalf of Victoria Trepp filed on June 23, 2010 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of first floor alterations and a second story addition; Section 406: 35.7 in lieu of 40.0 feet minimum required rear yard setback. The property is situated on the east side of Driftway Lane approximately 700 feet north of the intersection of Driftway Lane and Old Farm Road and is shown on Assessor's Map #66 as Lot #125, being 28 Driftway Lane and located in an R-1 (residential) Zone.

Lance Zimmerman 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. 33-2010 - The application of Steve & Sue Pettit, 2 Belleval Street. Upon a motion by Ruth Anne Ramsey, seconded by Gary Greene, the ZBA voted 5-0 to GRANT the above delineated, requested variance. Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey, and John Ashburne voted in favor of the motion.

CALENDAR NO. 41-2010 - The application of Quirino Pinti, 72 Holmes Avenue. Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance. Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey, and John Ashburne voted in favor of the motion.

CALENDAR NO. 42-2010 - The application of Chris Lionetti, 31 Fairview Avenue. Upon a motion by Gary Greene, seconded by John Ashburne, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances. Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey, and John Ashburne voted in favor of the motion.

CALENDAR NO. 44-2010 - The application of Lance E. Zimmerman, AIA on behalf of Victoria Trepp, 28 Driftway Lane. Upon a motion by John Ashburne, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance. Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey, and John Ashburne 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 June 24, 2010, to obtain all required permits and begin on-site construction for ZBA Calendar No. 2-2010, John & Catherine Josef, 115 West Avenue. Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT the request.

Requested amendment to the approved plans of Calendar No. 4 -2010, Richard Sanislo, 29 Hazel Street. Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to DENY the request and require a full Public Hearing to fully evaluate alternatives.

Requested amendment to the approved plans and a stipulation of Calendar No. 25-2010, Robert Maslan and Maslan Associates on behalf of David & Kelly Wheeler, 8 Davis Lane. This request was not discussed.

Discussion, deliberation and possible authorization for Town Attorney John Louizos and Planning and Zoning Director Jeremy Ginsberg to settle the pending litigation of the appeal of the ZBA decision of Calendar No. 25-2010 regarding 8 Davis Lane. ZBA Staff Robert Woodside briefly explained the current circumstances of this matter. Vic Capellupo suggested that the ZBA determine that it has no objection to the proposed relocation of the proposed driveway provided that the project engineer ensures that any potential increase in impervious surface and any resulting potential increase in runoff drainage be properly handled. Upon a motion by John Ashburne, seconded by Gary Greene, based on the reviewed settlement terms and the above understanding regarding drainage, the ZBA voted 5-0 to authorize Town Counsel John Louizos to settle the pending litigation of the Pierpont appeal of ZBA approval of David & Kelly Wheeler's application No. 25-2010.

Staff request to clarify details of the approved plans of Calendar No. 10 -2010 and Calendar No. 40-2010, Sam & Anthia Nickerson, 19 Lakeside Avenue. The ZBA determined that the project can proceed to construction with the façade details as depicted on the plans reviewed at the Public Hearing on June 23, 2010.

Requested six month extension, received July 16, 2010, to obtain all required permits and begin on-site construction for ZBA Calendar No. 30-2009, Christian Zawacki & Ann Marie Paturno, 7 Mansfield Place. Upon a motion by Gary Greene, seconded by John Ashburne, the ZBA voted 5-0 to GRANT the request with the understanding that an additional extension may not be granted.

Approval of Minutes of meeting on April 21, 2010. ZBA members attending this meeting were Vic Capellupo, Al Tibbetts, Jeff Williams, John Ashburne, and Ruth Anne Ramsey.

Upon a motion by Vic Capellupo, seconded by Jeff Williams, the ZBA voted 4-0 to APPROVE the subject minutes.

Approval of Minutes of meeting on April 28, 2010. ZBA members attending this meeting were Vic Capellupo, Al Tibbetts, Jeff Williams, Gary Greene, John Ashburne, and Anthony Simari. Upon a motion by Vic Capellupo, seconded by Jeff Williams, the ZBA voted 4-0 to APPROVE the subject minutes.

Approval of Minutes of meeting on May 19, 2010. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, John Ashburne, and Chuck Deluca. Upon a motion by Vic Capellupo, seconded by Jeff Williams, the ZBA voted 4-0 to APPROVE the subject minutes.

Approval of Minutes of meeting on May 26, 2010. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, John Ashburne, and Anthony Simari. Upon a motion by Vic Capellupo, seconded by Jeff Williams, the ZBA voted 4-0 to APPROVE the subject minutes.

Review of proposed 2011 Meeting Schedule. Questions were raised about potential conflicts with February and April dates and adjustments were subsequently made.

The meeting was adjourned at 10:15 PM.

These Meeting Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by ..., seconded by ..., approved ... at the ZBA meeting on ..., 2010. Vic Capellupo, Gary Greene, Ruth Anne Ramsey, John Ashburne, and Jeff Williams ... voted in favor of the motion. ... also (or previously) indicated his/her/their approval.