

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
October 19, 2016

REGULAR MEETING

Darien Town Hall - Room 206 – 7:51 to 8:54 PM

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

Staff Present: Code Compliance Officer Robert Woodside and Recorder Bonnie Syat

OPENING

ZBA Chair Mike Nedder opened the meeting at 7:51 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. Nedder announced that the Public Hearing of Calendar No. 24-2016, the application of Stephen Jones and Jones Green Design, LLC on behalf of David Pereira, 20 Raymond Street, is re-opened and immediately re-continued without testimony to November 16, 2016, at the applicant's request.

PUBLIC HEARING

The following hearing was 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. 31-2016 - the application of Edward Gentile, Director of Public Works, David Wenchell and Silver Petrucelli + Associates on behalf of Town of Darien submitted on September 20, 2016 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of one story and fuel pump canopy additions; and the installation of gates and fencing; Section 406: 20.5 in lieu of 30.0 feet minimum required front yard setback for the addition, and -5.5 in lieu of 30.0 feet minimum required front yard setback for the canopy; and Section 362: 6 in lieu of 4 feet maximum allowable fencing height in the front yard setback space. The property is situated on the north side of Ledge Road approximately 1,400 feet west of the intersection with Boston

Post Road and is shown on Assessor's Map #39 as Lot #s 21 and 20, being 126 Ledge Road and located in the R-1/3 (residential) and SB (commercial) Zones.

Ed Gentile, Director of Public Works, 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 September 21, 2016 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. 25-2016 - the application of John Ricci submitted on August 15, 2016 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a two story addition; Section 406: establishing a finished attic area 66.2 in lieu of 50.0 maximum allowable percentage of the second floor area, effectively creating 3 in lieu of 2 ½ maximum allowable stories. The property is situated on the north side of Tokeneke Road approximately 180 feet east of the intersection with Silver Lakes Drive and is shown on Assessor's Map #37 as Lot #16, being 154 Tokeneke Road and located in the R-1/2 (residential) Zone.

John Ricci 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 HEARING

The following hearing was 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. 33-2016 - the application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Carter Anne Lombard Sullivan submitted on September 21, 2016 for variances of Section 820 of the Darien Zoning Regulations; to allow the construction of additions and an existing basement to remain; Section 820: 11.7 and 11.9 in lieu of 14.0 feet minimum floor elevation for the additions, 4.8 in lieu of 14.0 feet minimum floor elevation for the existing basement with a new outside accessway, and substantial improvements that may exceed 50% of the market value of the structure without making the entire structure conform with all the flood regulations. The property is situated on the west side of Five Mile River Road approximately 300 feet south of the intersection with Davis Lane and is shown on Assessor's Map #67 as Lot #21, being 118 Five Mile River Road and located in R-1/2 and R-1 (residential) Zones.

Attorney Wilder Gleason and property owner Callie Sullivan 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. 31-2016 - The application of Edward Gentile, Director of Public Works, David Wenchell and Silver Petrucelli + Associates on behalf of Town of Darien, 126 Ledge Road. Upon a motion by Gary Greene, seconded by Mike Nedder, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

CALENDAR NO. 25-2016 - The application of John Ricci, 154 Tokeneke Road. Upon a motion by Gary Greene, seconded by Mike Nedder, the ZBA voted 4-0-1 to GRANT 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 abstained from voting. 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.

CALENDAR NO. 33-2016 - The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Carter Anne Lombard Sullivan, 118 Five Mile River Road. Upon a motion by Mike Nedder, seconded by Gary Greene, 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:

Approval of Minutes of meeting on June 22, 2016. ZBA members attending this meeting were Chuck Deluca, Vic Capellupo, Mike Nedder, Ruth Anne Ramsey, and Kevin Fullington.

Upon a motion by Ruth Anne Ramsey, seconded by Mike Nedder, the ZBA voted 3-0 to APPROVE the subject minutes. Ruth Anne Ramsey, Mike Nedder and Jeff Williams voted in favor of the motion. Chuck Deluca also previously indicated his approval.

Approval of Minutes of meeting on July 13, 2016. ZBA members attending this meeting were Chuck Deluca, Vic Capellupo, Gary Greene, Mike Nedder, and Rich Wood.

Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 3-0 to APPROVE the subject minutes. Gary Greene, Vic Capellupo and Mike Nedder voted in favor of the motion. Chuck Deluca also previously indicated his approval.

Review of possible Resolution regarding timetable of ARB and ZBA applications review.

This item was tabled for a future meeting.

Review of proposed application form Item K clarifications.

This item was tabled for a future meeting.

Review of the Hescoock case and its determinations.

This item was tabled for a future meeting.

Possible appointment of a committee to consider possible Bylaws and Policies.

This item was tabled for a future meeting.

Review of recent decisions and consideration of an evaluation.

This item was tabled for a future meeting.

Possible special meeting with Assistant Town Attorney John Louizos regarding ZBA procedures and policies.

This item was tabled for a future meeting.

ADJOURNMENT

The meeting was adjourned at 8:54 PM.

These Meeting Minutes,
Respectfully submitted October 20, 2016,
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 Ruth Anne Ramsey, approved by a vote of 3-0 at the ZBA meeting on November 16, 2016. Mike Nedder, Ruth Anne Ramsey and Jeff Williams voted in favor of the motion. Gary Greene previously indicated his approval.