

**SUMMARY MEETING MINUTES**  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**April 8, 2015**

**REGULAR MEETING**

Darien Town Hall - Auditorium – 7:52 to 10:28 PM

ZBA members present: Chuck Deluca, Vic Capellupo, Gary Greene, Ruth Anne Ramsey  
and Mike Nedder

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

**OPENING**

ZBA Chair Chuck Deluca opened the meeting at 7:52 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. 16-2015, the application of Matt & Lucia Zachowski, 71 Goodwivews River Road, is postponed to May 13, 2015, at the applicant's request.

**CONTINUATION OF PUBLIC HEARINGS**

The following hearing was continued from the March 11, 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. 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.

Nolan Redding of Penske Auto Group, 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 Public Hearing was then closed.

The following hearing was continued from the January 14, 2015, February 11, 2015 and March 11, 2015 meetings 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. 01-2015** - the application of Kathleen Willcox submitted on December 5, 2014 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of second story dormers and a deck for additional living/studio/office space in a non-conforming garage structure; Section 406: enlargements of a structure 8.4 in lieu of 10.0 feet minimum required northeast side yard setback. The property is situated on the southeast side of West Avenue approximately 450 feet southwest of the intersection of Stony Brook Road and is shown on Assessor's Map #39 as Lot #93, being 117 West Avenue and located in an R-1/3 (residential) Zone.

Kathleen Willcox 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. 17-2015** - the application of Beth Harrington-Howes and Beth Harrington-Howes, LLC on behalf of Tucker E. & Meredith V. Martin submitted on March 6, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a second story addition and the installation of HVAC equipment;

Section 406: 16.0 in lieu of 25.0 minimum feet required Leroy Avenue front yard setback and 37.2 in lieu of 50.0 minimum feet required front yard setback as measured from the center line of Leroy Avenue; 1.0 in lieu of 25.0 minimum feet required Shadbush Lane front yard setback and 31.1 in lieu of 50.0 minimum feet required front yard setback as measured from the center line of Shadbush Lane for the addition; 0.0 in lieu of 25.0 minimum feet required Shadbush Lane front yard setback and 25.0 in lieu of 50.0 minimum feet required front yard setback as measured from the center line of Shadbush Lane for the HVAC equipment; and construction of additional building volume on a lot with 44.25 in lieu of 20.0% maximum allowable building coverage. The property is situated on the southwest corner of the intersection of Shadbush Lane and Leroy Avenue and is shown on Assessor's Map #18 as Lot #15, being 89 Leroy Avenue and located in an R-1/5 (residential) Zone.

Architectural Designer Beth Harrington-Howes and Surveyor Mark Lebow 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. 18-2015** - the application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Equity One, LLC submitted on March 11, 2015 for variances of Sections 381-387 as necessary of the Darien Zoning Regulations; an amendment of the approved plans and stipulations of prior variances as necessary; and an amendment of the settlement agreement for Calendar Nos. 25-1994 and 41-1994 as necessary; to allow construction of additional Trader Joe's space in existing Orvis space; Sections 381-387: 2,564 square foot expansion of a non-conforming use; and amendments to permit Trader Joe's to offer up to 3,575 SKU's, to allow approximately 20 employees on site at one time, and to allow up to 286 customers in the store (per local fire safety code). The subject property is located on the southeast corner of the intersection of Boston Post Road and Old King's Highway North and is shown on Assessor's Map #35 as Lot #1, being 430 Boston Post Road and located in an DB-2 (Designed Business Two - commercial) Zone.

Attorney Wilder Gleason and Ehud Kupperman of Equity One answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. David Bourque expressed concerns about various aspects of the application. 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. 14-2015** - The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of PAG Connecticut LR1, LLC, 1335 Boston Post Road. Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances and interpretations.

**CALENDAR NO. 1-2015** - The application of Kathleen Willcox, 117 West Avenue. Upon a motion by Chuck Deluca, seconded by Gary Greene, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

**CALENDAR NO. 17-2015** - The application of Beth Harrington-Howes and Beth Harrington-Howes, LLC on behalf of Tucker E. & Meredith V. Martin, 89 Leroy Avenue. Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, the ZBA voted 3-2 to Grant with Stipulations the above delineated, requested variances. Those voting in favor of the motion were Gary Greene, Ruth Anne Ramsey and Mike Nedder. Those opposed to the motion were Chuck Deluca and Vic Capellupo. 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. 18-2015** - The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Equity One, LLC, 430 Boston Post Road. Upon a motion by Gary Greene, seconded by Ruth Anne Ramsey, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the above delineated, requested variances and amendments. Those voting in favor were Gary Greene, Ruth Anne Ramsey, Chuck Deluca and Mike Nedder. Opposed to the vote was Vic Capellupo. 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.

## **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 April 1, 2015, to obtain all required permits and begin on-site construction for ZBA Calendar No. 43-2014, Julie & Jack Hekker, 85 Goodwives River Road. The Public Hearing of this matter was October 15, 2014. Initial ZBA approval expires on April 24, 2015.

Upon a motion by Vic Capellupo, seconded by Gary Greene, the ZBA voted 5-0 to APPROVE the requested extension.

Approval of Minutes of meeting on March 11, 2015. ZBA members attending this meeting were Jeff Williams, Vic Capellupo, Gary Greene, Mike Nedder, and Ruth Anne Ramsey.

Upon a motion by Gary Greene, seconded by Vic Capellupo, the ZBA voted 4-0 to APPROVE the subject minutes. Those voting in favor of the motion were Gary Greene, Vic Capellupo, Mike Nedder and Ruth Anne Ramsey. Jeff Williams also previously indicated his approval.

Possible extension to obtain all required permits and begin on-site construction for ZBA Calendar No. 25-2014, Standard Realty, LLC, dba Valero, 1927 Boston Post Road. The Public Hearing of this matter was July 16, 2014. Initial ZBA approval expired on January 25, 2015. The Planning and Zoning Commission held a two session Public Hearing regarding the project on July 29 and August 4, 2014. On September 9, 2014 the P&ZC approved the project with conditions including a one year implementation deadline of September 9, 2015.

Upon a motion by Chuck Deluca, seconded by Gary Greene, the ZBA voted 5-0 to DENY the requested extension.

Possible review of structure preservation plans for ZBA Calendar No. 8-2015, Joseph & Rita Maruszewski, 102 Mansfield Avenue.

Rich Wood and Mike Nedder volunteered to review the structure preservation plans for the subject project.

Discussion of Verrillo v. Branford ZBA Appellate Court decision. It was determined that a review with Town Counsel of the consequences of this case is needed.

## **ADJOURNMENT**

Upon a motion by Gary Greene, seconded by Mike Nedder, and a ZBA vote of 5-0, the meeting was adjourned at 10:28 PM.

These Meeting Minutes,  
Respectfully submitted April 15, 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 June 24, 2015. Chuck Deluca, Vic Capellupo, Gary Greene and Mike Nedder voted in favor of the motion.*