

SUMMARY MEETING MINUTES
DARIEN ZONING BOARD OF APPEALS (ZBA)
June 1, 2016

SPECIAL MEETING

Darien Town Hall - Room 206 - 7:47 to 10:22 PM

ZBA members present: Gary Greene, Chuck Deluca, Vic Capellupo, Rich Wood, Jeff Williams, Ruth Anne Ramsey, Mike Nedder and Kevin Fullington

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

OPENING

ZBA Chair Gary Greene opened the meeting at 7:47 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

CONTINUATION OF PUBLIC HEARING

The following hearing was continued from the May 18, 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. 18-2016 - the application of Patrick & Lucille Ventker submitted on April 20, 2016 for variances of Section 406 of the Darien Zoning Regulations; to allow the construction of a second story addition; Section 406: 19.8 in lieu of 40.0 feet minimum required front yard setback and 39.8 in lieu of 65.0 feet minimum required front yard setback as measured from the centerline of Locust Hill Road. The property is situated on the north side of Locust Hill Road approximately 300 feet west of the intersection with Settler's Trail and shown on Assessor's Map #38 as Lot #22, being 33 Locust Hill Road and located in an R-1/2 (residential) Zone.

Architectural Designer Arpita Muchal and property owner Patrick Ventker 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. 15-2016 - the application of Robert F. Maslan, Jr., Esq. and Maslan Associates PC on behalf of Baywater 1340 BPR, LLC for Shake Shack submitted on April 15, 2016 for variances of Sections 926 and 923 of the Darien Zoning Regulations; to allow the installation of signs; Section 926: two in lieu of one maximum "wall" sign; 50.01 in lieu of 16.67 square feet maximum wall sign area; internal LED illumination of two burger logos/symbols with exposed side and front light strips which is not permitted; and Section 923: installation of one sign on the side of the building which does not abutt a street where none are permitted; installation of one sign on a trellis structure in lieu of a wall and projecting 10'-6" in lieu of 12" maximum from the wall; installation of a front wall sign with 22" in lieu of 10" maximum letters and logo/symbol height; installation of a southwest right side sign on a trellis structure with 15" in lieu of 10" maximum letters and logo/symbol height. The property is situated on the east side of the Boston Post Road approximately 225 feet north of the intersection with Thorndal Circle and is shown on Assessor's Map #63 as Lot #s 7, 8, 9, 24, 25 & 26, being 1340 Boston Post Road and located in the SB (Service Business - commercial) and R-1/3 (residential) Zones.

Attorney Robert Maslan, property owner David Genovese, Baywater Properties interns Tyler Grant and Bill Platt, and Richard Crawford of Mercer Sign answered various questions and explained the proposal depicted on the submitted plans and described in the application materials.

Don Poland, Town hired peer review consultant, answered various questions and explained his findings based on the application plans/materials submitted.

John Sini of the Planning & Zoning Commission, First Selectman Jayme Stevenson, and Penny Glassmeyer spoke in support of the application and the requested variances.

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. 18-2016 - The application of Patrick & Lucille Ventker, 33 Locust Hill Road. Upon a motion by Mike Nedder, seconded by Rich Wood, the ZBA voted 3-2 to DENY the above delineated, requested variances. Those voting in favor of the motion were Mike Nedder, Rich Wood and Vic Capellupo. Those opposed to the motion were Ruth Anne Ramsey and Chuck Deluca. 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. 15-2016 - The application of Robert F. Maslan, Jr., Esq. and Maslan Associates PC on behalf of Baywater 1340 BPR, LLC for Shake Shack, 1340 Boston Post Road. Upon a motion by Chuck Deluca, seconded by Gary Greene, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances. The voting members were Chuck Deluca, Gary Greene, Mike Nedder, Vic Capellupo, and Jeff Williams.

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 March 23, 2016. ZBA members attending this meeting were Jeff Williams, Vic Capellupo, Gary Greene, Mike Nedder, and Rich Wood.

Upon a motion by Gary Greene, seconded by Jeff Williams, the ZBA voted 5-0 to APPROVE the subject minutes.

Approval of Minutes of meeting on April 20, 2016. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Mike Nedder, Chuck Deluca, and Rich Wood.

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

ADJOURNMENT

Upon a motion by Gary Greene, seconded by Jeff Williams, and a ZBA vote of 5-0, the meeting was adjourned at 10:22 PM.

These Meeting Minutes,
Respectfully submitted June 8, 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 Gary Greene, seconded by Chuck Deluca, approved by a vote of 5-0 at the ZBA meeting on July 13, 2016. Chuck Deluca, Vic Capellupo, Gary Greene, Mike Nedder and Rich Wood voted in favor of the motion.