

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
July 9, 2002**

Application Number: Business Site Plan #95-I/Special Permit

Street Address: 164 Noroton Avenue

Tax Assessor's Map #40 Lots #31 and #32

Name and Address of Applicant:               Sohail Mehmood  
  164 Noroton Avenue  
  Exit 10 Texaco  
  Darien, CT 06820

Name and Address of Applicant's Representative: David F. Sherwood, Esq.  
  Alter and Sherwood, LLC  
  701 Hebron Ave, PO Box 1420  
  Glastonbury, CT 06033-6620

Name and Address of Property Owner:       Rocco J. Palmer, Tr., et. al.  
  264 Heights Road  
  Darien, CT 06820

Activity Being Applied For: proposing to renovate the existing service station by converting the existing office area and inactive service bays into retail space.

Property Location: east side of Noroton Avenue approximately 100 feet northeast of its intersection with Heights Road.

Zone: SB

Date of Public Hearing: June 25, 2002

Time and Place: 8:00 P.M.    Room 206        Town Hall

Publication of Hearing Notices  
Dates: June 13 & June 20, 2002                               Newspaper: Darien News-Review

Date of Action: July 9, 2002                                   Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:               Newspaper: Darien News-Review  
July 18, 2002

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 660, 1000 and 1020 of the Darien Zoning Regulations for the Commission to approve this project.

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- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds that:

- A. During the public hearing, the applicant explained that this proposal is generally the same as Business Site Plan #95-G/Special Permit, approved in 1997 (that approval has since lapsed, and is now null and void). As one of the findings in that proposal, it was noted that the applicant proposes a 1,100 square foot accessory retail convenience store selling pre-packaged foods and beverages, an enlargement from the existing 230 square foot store. As part of that prior application, it was noted that coffee will be brewed on the premises, and donuts, muffins, and/or bagels will be brought in from another location, but not baked on the premises. A microwave oven is proposed for re-heating food. No other cooking or heating facilities have been proposed by the applicant besides a microwave oven, coffee machine and hot dog grill. No indoor or outdoor seating has been proposed or has been approved.
- B. Approval for a groundwater remediation shed was granted in September, 2001 as part of Business Site Plan #95-H/Special Permit. That shed and equipment is now located in parking spaces 8, 9, and 10 on the submitted plans. The Commission acknowledges that the shed is temporary, and that the proposed accessory convenience retail store, even with the presence of the remediation shed, will still have sufficient parking.
- C. The applicant has proposed no change to the signage of the existing facility. The Architectural Review Board, at its meeting of June 18, 2002, approved the new design to the facade of the building. That approval is hereby incorporated by reference.
- D. There are no automobile repair services, towing services, or truck and trailer rentals conducted at the site, and none are proposed.
- E. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
- F. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

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- G. The location and size of the use, the nature and intensity of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
- H. The location and nature of the proposed use, the size and height of the building are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
- I. The elements of the Site Plan, submitted as part of this application, accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Business Site Plan #95-1/Special Permit is hereby approved subject to the foregoing and following stipulations, modifications, and understandings:

- A. Construction and renovation shall be in accordance with the plans entitled:

“Convenience Store Conversion 164 Noroton Avenue” by TO Design. Date: 1/22/02. 3 pages—  
Sheets L-1, A-1.0 (last revised 2/15/02) and A-2.0.  
except as to be modified herein.

- B. Because there are residences immediately to the east of this property (on Palmer Lane), the maximum hours of operation shall be from 6 AM to 12 midnight every day for all business operations conducted on this property.
- C. The seven parking spaces on the north side of the property shall be properly designed and striped, so that the sizes of the spaces meet the Darien Zoning Regulations, even with the presence of the car vacuum and air machines in that area. Revised plans reflecting this change shall be submitted prior to the issuance of a Zoning or Building Permit.
- D. The plans submitted at the public hearing show the relocation of the existing trash enclosure. Due to the existing adjacent residential properties on Palmer Lane, and the loading and unloading associated with the dumpster(s) possibly impacting these residences, the Commission hereby requires that the proposed trash enclosure and fence be relocated to the area shown on the plans as “Existing undersized trash enclosure to be removed”. Revised plans reflecting this change shall be submitted prior to the issuance of a Zoning or Building Permit.
- E. Now that there will be internal retail sales of goods, there shall be no display or storage of goods for sale outside of the building. This includes the relocation of the existing outdoor ice machine and newspaper racks to inside of the building prior to the issuance of a Certificate of Zoning Compliance for the new building. The existing exterior pay telephone(s) and the car vacuum and air machines may remain.
- F. Because this application is for an accessory convenience store, and retail sales are not permitted in this SB Zone, the Commission hereby requires that there be no retail sales activity without the

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gas pumping facilities being in operation. The convenience store shall not become a principal use on-site, and shall not be in operation without the gasoline pumps also being in operation.

- G. The granting of this Business Site Plan/Special Permit does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes, but is not limited to, review and action by the Darien Health Department prior to approval of a Zoning or Building Permit.
- H. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- I. This permit shall be subject to the provisions of Sections 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (July 8, 2003). This may be extended as per Sections 1009 and 1028.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials, including revised plans, shall be submitted to the Planning and Zoning Department within 60 days of this action or this approval shall become null and void.