

**SUMMARY MEETING MINUTES**  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**March 23, 2016**

**REGULAR MEETING**

Darien Town Hall - Room 206 - 7:49 to 9:50 PM

ZBA members present: Gary Greene, Vic Capellupo, Rich Wood, Jeff Williams and Mike Nedder

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

**OPENING**

ZBA Chair Gary Greene opened the meeting at 7:49 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 November 18, 2015, December 16, 2015, January 20, 2016, January 27, 2016 and February 24, 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. 53-2015** - the application of Jeffrey McDougal and William W. Seymour & Assoc. on behalf of ERI Building & Design, LLC, and Devin & Michael Conroy, owner, submitted on October 20, 2015 for variances of Section 406 of the Darien Zoning Regulations; to allow the installation of AC equipment and the construction of front steps, side steps, front porch, second story, two story, and garage/deck additions; Section 406: 16.4 in lieu of 30.0 feet minimum required front yard setback and 40.8 in lieu of 55.0 feet minimum required front yard setback as measured from the centerline of Wakemore Street; 2.5 in lieu of 10.0 feet minimum required west side yard setback; 15.8 in lieu of 22.5 feet minimum required east side yard setback; and 18.3 in lieu of 25.0 feet minimum required total of two side yards setback. The property is situated on the north side of Wakemore Street approximately 450 feet east of the intersection with Hoyt Street and is shown on Assessor's Map #8 as Lot #219, being 20 Wakemore Street and located in an R-1/3 (residential) Zone.

Surveyor Jeff McDougal and Builder Kent Eppley 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. 05-2016** - the application of Robert F. Maslan, Jr., Esq. and Maslan Associates PC on behalf of Baywater 1340 BPR, LLC for Shake Shack submitted on December 23, 2015 for variances of Sections 926 and 923 of the Darien Zoning Regulations; to allow the installation of signs; Section 926: four in lieu of one maximum "wall" sign; 63.33 in lieu of 16.67 square feet maximum wall sign area; internal LED illumination of four burger logos/symbols with exposed side and front light strips which is not permitted; and Section 923: installation of three signs on the sides of the building which do not abut 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 two burger logos/symbols signs 21' in lieu of 15' maximum above ground level and 24" in lieu of 10" maximum height; installation of a front wall sign with 24" 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 Bob Maslan, property owner David Genovese and Shake Shack representative Lilly Jordan 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. 10-2016** - the application of Amy S. Zabetakis, Esq. and Rucci Law Group, LLC on behalf of Carnegie Hill Skin Care P.C. submitted on January 25, 2016 for an amendment of Calendar No. 40-2014 and variances of Sections 381-387, 660, and 904 of the Darien Zoning Regulations; to allow the expansion of a "personal service business and/or doctor's office" use; Section 381-387: expansion of a non-conforming use; Section 660: personal service business and/or doctor's office use where none is permitted, with 40.76% in lieu of 20.0% maximum building coverage, and 96.2% in lieu of 80.0% maximum developed site area; and Section 904: 14 in lieu of 24 minimum required parking spaces with less than the required onsite parking depth and backup space. The property is situated on the northeast corner of the intersection formed by Cross Street and Boston Post Road and is shown on Assessor's Map #63 as Lot #18, being 1472 Boston Post Road and located in an SB (Service Business - commercial) Zone.

Attorney Amy Zabetakis and designer Frank Diurno 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. 12-2016** - the application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Laura J. Woznitski submitted on February 24, 2016 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a two story addition; Section 406: 30.0 in lieu of 40.0 feet minimum required rear yard setback. The property is situated on the west side of Delafield Island Road approximately 1400 feet south of the intersection with Locust Hill Road and is shown on Assessor's Map #64 as Lot #101, being 38 Delafield Island Road and located in the R-1 (residential) Zone.

Attorney Wilder Gleason and architects Chris Pagliarulo and Nick Saida 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. 53-2015** - The application of Jeffrey McDougal and William W. Seymour & Assoc. on behalf of ERI Building & Design, LLC, and Devin & Michael Conroy, 20 Wakemore Street. Upon a motion by Mike Nedder, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

**CALENDAR NO. 05-2016** - 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 Gary Greene, seconded by Rich Wood, the ZBA voted 5-0 to DENY the above delineated, requested variances.

**CALENDAR NO. 10-2016** - The application of Amy S. Zabetakis, Esq. and Rucci Law Group, LLC on behalf of Carnegie Hill Skin Care P.C., 1472 Boston Post Road. The ZBA deliberated regarding this application and then determined to table the matter and continue discussion at the next scheduled ZBA meeting on April 20, 2016.

**CALENDAR NO. 12-2016** - The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Laura J. Woznitski, 38 Delafield Island 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 January 20, 2016. ZBA members attending this meeting were Jeff Williams, Vic Capellupo, Gary Greene, Mike Nedder, Rich Wood, and Kevin Fullington.

Upon a motion by Gary Greene, seconded by Mike Nedder, the ZBA voted 5-0 to APPROVE the subject minutes. Those voting in favor were Gary Greene, Mike Nedder, Jeff Williams, Vic Capellupo and Rich Wood.

Approval of Minutes of meeting on January 27, 2016. ZBA members attending this meeting were Jeff Williams, Vic Capellupo, Mike Nedder, Ruth Anne Ramsey, and Rich Wood.

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

Review of March 9, 2016 Special Meeting determinations and Town Counsel assistance  
This matter was tabled until the next meeting on April 20, 2016

## **ADJOURNMENT**

Upon a motion by Vic Capellupo, seconded by Jeff Williams, and a ZBA vote of 5-0, the meeting was adjourned at 9:50 PM.

These Meeting Minutes,  
Respectfully submitted March 28, 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 Jeff Williams, approved by a vote of 5-0 at the ZBA meeting on June 1, 2016.*