

**SUMMARY MEETING MINUTES**  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**January 23, 2013**

**REGULAR MEETING**

Darien Town Hall - Room 206 - 7:49 to 10:10 PM

ZBA members present: Gary Greene, Chuck Deluca, Vic Capellupo, Jeff Williams and John Ashburne

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.

**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. 60-2012** - the application of Robert A. Cardello, AIA and Robert A. Cardello Architects LLC on behalf of Craig and Cassandra Jones filed on January 16, 2013 for variances of Sections 416 and 354 of the Darien Zoning Regulations; to allow the raising of the existing house and the construction of one story, two story and second story additions with entry stairs/deck; Section 416: 26.0 in lieu of 30.0 feet Mayflower Road front yard setback for the house and additions; and Section 354: 21.0 in lieu of 27.0 feet minimum required Mayflower Road front yard setback for the entry stairs. The property is situated on the south side of Shipway Road at the southeast corner formed by the intersection of Shipway Road and Mayflower Road and is shown on Assessor's Map #55 as Lots #51 and #52, being 9 Shipway Road and located in the R-NBD (Noroton Bay District - Residential) Zone.

Architect David Vayda 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. 61-2012** - the application of Robert A. Cardello, AIA and Robert A. Cardello Architects LLC on behalf of Frank and Carrie Maturo filed on January 16, 2013 for variances of Sections 416, 334, 354, 904 and 906.3 and an interpretation of Sections 210 and 361 of the Darien Zoning Regulations; to allow the construction of a two and one half story replacement house with entry stairs, terraces and parking; Section 416: 29.7 in lieu of 30.0 feet minimum required front yard setback, 14.6 in lieu of 15.0 feet minimum required south side yard setback, 32'- 6" in lieu of 30' maximum allowable building height, 22.0 in lieu of 20.0% maximum allowable building coverage for the house; Section 334: construction on a lot with 67.0 in lieu of 100 feet minimum required lot depth, and 50.0 in lieu of 80.0 feet minimum required lot width; Section 354: 15.0 in lieu of 27.0 feet minimum required front yard setback for the entry stairs; Sections 904 and 906.3: 1 of the required 2 parking spaces developed within the front or side yard spaces; and Sections 210 and 361: a determination that terraces retained by walls 6'+ above grade level are not deemed to be structures. The property is situated on the southwest side of Baywater Drive approximately 100 feet east of the north intersection of Plymouth Road and Baywater Drive and is shown on Assessor's Map #55 as Lot #87, being 40 Baywater Drive and located in the R-NBD (Noroton Bay District - Residential) Zone.

Attorney Wilder Gleason, Architect David LaPierre and Frank Maturo answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Anthony Lazzara spoke in favor of the application. The Public Hearing was then closed.

**CALENDAR NO. 64-2012** - the application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Michael Bret Pastor and Devon Field Pastor filed on January 16, 2013 for an amendment to the approved plans of Calendar No. 19-2012 and ZBA consideration of the terms and conditions of that approval. The property is situated on the west side of Five Mile Road approximately 800 feet north of the intersection of Davis Lane and Five Mile River Road and is shown on Assessor's Map #66 as Lot #41, being 90 Five Mile River Road and located in an R-1/2 (residential) Zone.

Attorney Wilder Gleason, Contractor Jim Dean, Engineer James Barton and Mike Pastor 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. 60-2012** - The application of Robert A. Cardello, AIA and Robert A. Cardello Architects LLC on behalf of Craig and Cassandra Jones, 9 Shipway Road. Upon a motion by John Ashburne, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

**CALENDAR NO. 61-2012** - The application of Robert A. Cardello, AIA and Robert A. Cardello Architects LLC on behalf of Frank and Carrie Maturo, 40 Baywater Drive. Upon a motion by Gary Greene, seconded by Chuck Deluca, the ZBA voted 4-1 to DENY IN PART AND GRANT IN PART the above delineated, requested variances and interpretations. Those members voting in favor of the motion were Gary Greene, Chuck Deluca, Vic Capellupo, and John Ashburne. Jeff Williams was opposed to the motion.

**CALENDAR NO. 64-2012** - The application of Wilder G. Gleason, Esq. and Gleason & Associates LLC on behalf of Michael Bret Pastor and Devon Field Pastor, 90 Five Mile River Road. Upon a motion by Gary Greene, seconded by Chuck Deluca, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the above delineated, requested amendment. Those members voting in favor of the motion were Gary Greene, Chuck Deluca, Jeff Williams, and John Ashburne. Vic Capellupo was opposed to the motion.

## **OTHER BUSINESS**

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Approval of Summary Minutes of meeting on December 12, 2012. ZBA members attending this meeting were Vic Capellupo, Ruth Anne Ramsey, Rich Wood and John Ashburne.

Upon a motion by John Ashburne, seconded by Vic Capellupo, the ZBA voted 2-0 to APPROVE the subject minutes. John Ashburne and Vic Capellupo voted in favor of the motion. Ruth Anne Ramsey and Rich Wood previously indicated their approval.

Discussion and possible recommendations for Zoning Regulation changes to the Planning & Zoning Commission.

The ZBA determined to have a Special Meeting on February 6, 2013 to discuss this matter.

General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/guidelines/ staff questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.

The ZBA determined to have a Special Meeting on February 6, 2013 to discuss this matter.

### ADJOURNMENT

The meeting was adjourned at 10:10 PM.

These Meeting Minutes,  
Respectfully submitted February 6, 2013,  
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 4-0 at the ZBA meeting on April 10, 2013. Gary Greene, Vic Capellupo, Jeff Williams and John Asburne voted in favor of the motion. Chuck Deluca previously indicated his approval.