

July 19, 2018

**VIA EMAIL: [VRosenson@StamfordCT.gov](mailto:VRosenson@StamfordCT.gov)**

Virgil de la Cruz and Charles Pia, Jr.  
Co-Chairs  
c/o Valerie T. Rosenson  
Land Use-Urban Redevelopment Committee  
Stamford Board of Representatives  
888 Washington Boulevard, 4th Floor  
Stamford, CT 06901

**Re: Agenda Item LU30.015, Petition to Overturn Zoning Board Appl. #217-01,  
Legal Standards**

Dear Co-Chairs de la Cruz and Pia:

On behalf of the applicant, High Ridge Real Estate Owner, LLC, we respond to the letter of Attorney Braman dated July 18, 2018, in which he purports to describe how the Board of Representatives (“BOR”) should exercise its authority under Section C6-40-9 of the Charter.

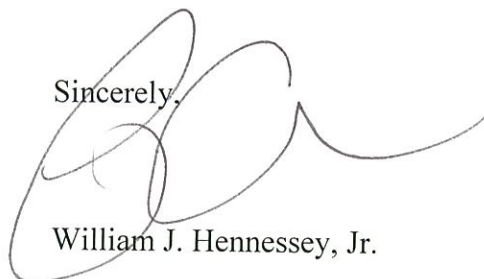
While we agree with Atty. Braman that the authority that the BOR exercises in these appeals is legislative, Supreme Court precedent and the language of the Charter make it clear that this authority is constrained by several fundamental legal limitations:

1. **BOR Must Engage in a Record Review**—In *Burke v. Board of Representatives* 148 Conn. 33 (1961), the Connecticut Supreme Court stated that in considering a Zoning Board amendment to the zoning map after a petition of objection has been filed, the Board of Representatives “...shall review the legislative action of the zoning board on that board’s written findings, recommendations and reasons.” This is reinforced by the Charter’s requirement that the Board of Representatives be provided with the Zoning Board’s “written findings, recommendations and reasons.”
2. **BOR Stands “In the shoes” of the Zoning Board** – The Charter provides that “when acting upon such matters, the Board of Representatives shall be guided by the same standards as are prescribed for the Zoning Board in Section C6-40-1 of this Charter.” Thus, the BOR effectively “stands in the shoes of the Zoning Board,” exercises similar legislative authority, and is guided by the same standards. It is not to consider the matter “de novo”. As the Supreme Court stated in *Burke*, “(i)f the

Legislature had intended that the Board of Representatives should conduct a hearing de novo instead of a simple review of the action of the zoning board, the legislature could have so stated. But it has not expressed such an intent.”

We urge the Committee and the BOR as a whole to review the “written findings, recommendations, and reasons” of the Zoning Board, and defer to the Zoning Board unless it concludes that the Zoning Board action is inconsistent with the standards set forth in Section C6-40-1 of the Charter and unlawful.

Sincerely,



William J. Hennessey, Jr.

Cc: Ralph Blessing  
James Minor, Esq.  
John Cannavino, Esq.  
Steven Grushkin, Esq.  
Leonard Braman, Esq.  
Edward P. McCreery, Esq.