

Memorandum

To: Virgil de la Cruz & Charles Pia, Co-Chairs
Land Use/Urban Redevelopment Committee

CC: Matt Quinones, President, Board of Representatives
Susan Nabel, Clerk, Board of Representatives
Kathryn Emmett, Corporation Counsel

From: Valerie T. Rosenson

Date: 01/25/2019

Re: LU30.025 – Verification of Petition for Appeal of Amendments to the Master Plan for B&S Carting Site (Planning Board Master Plan Applications MP-432 & MP-433) (B&S Carting Site) pursuant to Charter §C6-30-7

The Board of Representatives has received a referral from the Planning Board, pursuant to §C6-30-7 of the Charter, objecting to two proposed amendment to the Master Plan Map. The amendments propose to change a portion of properties located in Categories 4 (Residential – Medium Density Multifamily) and 6 (Commercial – Neighborhood) to Category 5 (Residential – High Density Multifamily). The subject properties are commonly known as 701, 705 & 707 Pacific Street; 5, 9, 13, 17, 21 23, 25, 29, 39, 41 & 43 Woodland Avenue; 0, 784, 796 & 804 Atlantic Street; and 12, 18 & 20 Walter Wheeler Drive. These amendments were approved by the Planning Board. Under the Charter, the petition objecting to such a proposed amendment must meet certain requirements:

1. The petition must be filed with the Planning Board within ten days after the official publication of the decision on the application; and
2. The petition must be signed by either twenty percent or more of the owners of the privately-owned land in the area included in the proposed amendment or the owners of twenty percent or more of the privately-owned land located within five hundred feet of the borders of the land included in the proposed amendment.

Based upon my review, the petition was not validly filed. The petition was filed in a timely manner but was not signed by either twenty percent or more of the owners of the privately-owned land in the area included in the proposed amendment or the owners of twenty percent or more of the privately-owned land located within five hundred feet of the borders of the land included in the proposed amendment.

1. VERIFICATION OF FILING DATE

In order to verify the petition, I first determined whether the petition was filed within 10 days of the public notice. The public notice was published in the *Stamford Advocate* on January 9, 2019. (The page from the Stamford Advocate is on file in the Board office.) The date stamp on the petition reflects that it was filed with the Planning Board on January 18, 2019, within the ten day limit. The petition was filed within 10 days of the public notice.

2. VERIFICATION OF SIGNATURES

I then determined whether or not the petition was signed by either twenty percent or more of the owners of the privately-owned land in the area included in the proposed amendment or the owners of twenty percent or more of the privately-owned land located within five hundred feet of the borders of the land included in the proposed amendment.

The petition, attached as [Exhibit A](#), contains 39 signatures, with 27 different addresses, as follows:

Last Name	First Name	Property Address
Tomas	Carmelo	701 Pacific Street
Tomas	Carmelo	705 Pacific Street
Tomas	Carmine	701 Pacific Street
Tomas	Carmine	705 Pacific Street
Tomas	Elisabeth	701 Pacific Street
Tomas	Elisabeth	705 Pacific Street
Tomas	Maria	701 Pacific Street
Tomas	Maria	705 Pacific Street
Adams	Mac	773 Atlantic Street
Adams	Terry	195 Henry Street
Adams	Clayton	773 Atlantic Street
Adams	Terry	761 Atlantic Street
Adams	Terry	199 Henry Street
Adams	Terry	79 Henry Street
Adams	Terry	15 Lipton Place
Snell	Robert	175 Henry Street
Radesky	Thomas	14 Lipton Place
Radesky	Thomas	24 Berkeley St
Adams	Gloria	191 Henry Street
Adams	Gloria	189 Henry Street
Adams	Gloria	195 Henry Street
Adams	Eric	14 E. Walnut St
Hunter	Sandra	56 Ludlow Street
Anwar	Rafiquil	759 Atlantic Street
Kole	Sabina S	759 Atlantic Street

Last Name	First Name	Property Address
Cruz	Milton	756 Atlantic Street
Rosario	Gina	10 Woodland Ave
Rosario	Romejio	10 Woodland Ave
Edwards	Johnnie	15 Woodland Pl
Ruffin	May	40 Ludlow St
Turkvan	Eldridge	13 Lipton Place
Barney	Sheila	74 Ludlow St
Barney	Sheila	66 Ludlow St
Barney	Sharonnie	66 Ludlow St
Koziol-Cal	Genevieve	274 Washington Blvd
Twal (Pawlik)	Monika	780-784 Atlantic St
Patchett	Melanie	18 Walter Wheeler Dr
Swiatowicz	Nancy	20 Remington St
Halpern	Susan	30 Elmcroft Road

a. Verification of Signatures within 500 foot buffer

I first determined whether or not the petition was signed by the owners of twenty percent or more of the privately-owned land located within five hundred feet of the borders of the land included in the proposed amendment.

I obtained an abutter's map from the Tax Assessor's office, showing all of the parcels within a 500 foot buffer of the subject property (including the area of each parcel located outside of the buffer) of the proposed amendment as well as an abutters list, listing the owners of all of the property within the 500 foot buffer, with the total area for each parcel. This list did not, however, determine how much area of each parcel was included within the 500 foot buffer. A copy of this map is attached as [Exhibit B](#), and the list of each of the owners and the total acreage is attached as [Exhibit C](#).

I then obtained a 500 foot buffer map from GIS, with designation of all of the privately owned land within the 500 foot buffer. GIS calculated the total area of the privately owned land within the 500 foot buffer as 1,457,360.33 square feet. 20% of this value is 291,472.07 square feet. I provided GIS with all of the street addresses included on the petition and GIS calculated the area within the buffer of all of these properties as 102,255.15 square feet or 7.02% of the area of the privately owned land within the 500 foot buffer zone. The GIS Map, with the data calculated, is attached as [Exhibit D](#).

Based upon the abutters list and the buffer map, I determined that 9 properties listed on the petition are not within the 500 foot buffer:

Property Address
701 Pacific Street
705 Pacific Street
195 Henry Street
199 Henry Street
24 Berkeley St
195 Henry Street
780-784 Atlantic St
18 Walter Wheeler Dr
30 Elmcroft Road

These properties were not included in the following review of the signatures for the properties within the 500 foot buffer.

I then compared the list of signatures and addresses on the petition to the ownership records for the properties listed on the petition. First I searched the tax assessment database by address to confirm that the petitioners matched the owners on record for each of the properties listed on the petition. I then checked each address included on the abutters list. If the ownership did not match or if the records reflected that there were multiple owners, I searched the land records in the Town Clerk's office to determine ownership.

This search revealed the following ownership results for each property (as well as the area of each property) listed on the petition located within the 500 foot buffer):

Property Address	Property Owner Search Results	Signature(s)	Square Footage
773 Atlantic Street	Adams Terry B & Clayton L Adams	Mac Adams & Clayton Adams	7573.445
761 Atlantic Street	Adams Terry B	Terry Adams	4085.23
79 Henry Street	Adams Terry B	Terry Adams	5011.55
15 Lipton Place	Adams Terry B	Terry Adams	5344.526
175 Henry Street	Snell Robert Sr	Robert Snell	8610.737
14 Lipton Place	Radesky Thomas George III	Thomas Radesky	4142.942
191 Henry Street	Adams Gloria	Gloria Adams	100.99
189 Henry Street	Adams Gloria A	Gloria Adams	1090.046
14 E. Walnut St	Adams Eric T & Gloria A. Adams	Eric Adams	4979.531
56 Ludlow Street	Hunter Sandra D	Sandra Hunter	7703.221

Property Address	Property Owner Search Results	Signature(s)	Square Footage
759 Atlantic Street	Anwar Rafiqui & Sabiha S. Koli	Rafiqui Anwar & Sabiha S. Koli	4623.432
756 Atlantic Street	Zoila Cruz	Milton Cruz	5942.816
10 Woodland Ave	Rosario Gina E & Rosario Romejio	Gina Rosario & Romejio Rosario	6726.128
15 Woodland Pl	Edwards Johnnie	Johnnie Edwards	4967.104
40 Ludlow St	Ruffin May (Lu) & Tamika Cope	May Ruffin	7217.479
13 Lipton Place	Turkvan Eldridge	Eldridge Turkvan	6074.091
74 Ludlow St	Barney Sheila	Sheila Barney	7532.039
66 Ludlow St	Barney Sheila	Sheila Barney & Sharonnie Barnie	7333.055
274 Washington Blvd	Koziol Izydor Est Ann E Koziol 1/2	Genevieve Koziol-Cal	3083.273
20 Remington St	Swiatowicz Nancy	Nancy Swiatowicz	113.518

Total area

102255.153

If all of these signatures were valid, they would constitute the signatures of the owners of 7.01% of the total area of the privately owned land within the 500 foot buffer.

Removing the properties which were not signed by the owner(s) of the property, below is the list of the properties on the petition which correspond to properties within the buffer, signed by the owner(s), and the area of the property located within the 500 foot buffer.¹

Property Address	Property Owner Search Results	Signature(s)	Square Footage
761 Atlantic Street	Adams Terry B	Terry Adams	4085.23
79 Henry Street	Adams Terry B	Terry Adams	5011.55
15 Lipton Place	Adams Terry B	Terry Adams	5344.526
175 Henry Street	Snell Robert Sr	Robert Snell	8610.737
14 Lipton Place	Radesky Thomas George III	Thomas Radesky	4142.942
191 Henry Street	Adams Gloria	Gloria Adams	100.99

¹ According to guidance from the Law Department, owners must specify the parcels for which they are signing, thus, although Terry Adams signed the petition for multiple properties, his signature may not be assumed for 773 Atlantic Street. Even if that signature had been counted, it would not have changed the conclusion.

Property Address	Property Owner Search Results	Signature(s)	Square Footage
189 Henry Street	Adams Gloria A	Gloria Adams	1090.046
56 Ludlow Street	Hunter Sandra D	Sandra Hunter	7703.221
759 Atlantic Street	Anwar Rafiqui & Sabiha S. Koli	Rafiqui Anwar & Sabiha S. Koli	4623.432
10 Woodland Ave	Rosario Gina E & Rosario Romejio	Gina Rosario & Romejio Rosario	6726.128
15 Woodland Pl	Edwards Johnnie	Johnnie Edwards	4967.104
13 Lipton Place	Turkvan Eldridge	Eldridge Turkvan	6074.091
74 Ludlow St	Barney Sheila	Sheila Barney	7532.039
66 Ludlow St	Barney Sheila	Sheila Barney & Sharonnie Barnie	7333.055
20 Remington St	Swiatowicz Nancy	Nancy Swiatowicz	113.518
Total			80676.088

These signatures constitute the signatures of the owners of 5.36% of the total area of the privately owned land within the 500 foot buffer. Thus the petition did not meet the requirement of Charter §C6-30-7 that the petition be signed by the owners of 20% or more of the privately-owned land located within 500 feet of the borders of the area included in the proposed amendment to the Master Plan.

b. Verification of Signatures within the area included in the proposed amendment to the Master Plan

I then determined whether the petition met the other standard set forth in Section C6-30-7 - whether it contained the signatures of 20% of the owners of the privately-owned land in the area included in the proposed amendment to the Master Plan sign the petition.

I asked GIS to provide me with a list of all of the parcels contained in the area of the proposed amendment to the Master Plan. The list from GIS is attached as [Exhibit E](#). The following is the list of the properties and owners

Property Owner	Address
Pawlik Joseph Est Of	0 Atlantic Street
Pawlink Joseph Antoni Estate Of	784 Atlantic Street
Walter Wheeler Drive Spe LLC	796 Atlantic Street
Holy Name Athletic Club Inc	804 Atlantic Street
699 Pacific Street LLC	701 Pacific Street
Tomas Carmelo Et Al 51% Interest	705 Pacific Street

Woodland Pacific LLC	707 Pacific Street
12 WWD LLC	12 Walter Wheeler Drive
Mccauley Estelle Et Al	18 Walter Wheeler Drive
Duda Leslaw	20 Walter Wheeler Drive
5-9 Woodland LLC	5 Woodland Avenue
5-9 Woodland LLC	9 Woodland Avenue
Neighborhood Housing Serv	13 Woodland Avenue
Woodland Pacific LLC	17 Woodland Avenue
Woodland Pacific LLC	21 Woodland Avenue
Woodland Pacific LLC	23 Woodland Avenue
Woodland Pacific LLC	25 Woodland Avenue
Woodland Pacific LLC	29 Woodland Avenue
Woodland Pacific LLC	39 Woodland Avenue
Woodland Pacific LLC	41 Woodland Avenue
Katchko Properties LLC	43 Woodland Avenue

Based on this list, there are 12 owners of property in the area of the proposed amendment to the Master Plan.²

There are 4 properties listed on the petition within the area of the proposed amendment to the Master Plan. I verified whether the signatures for these properties matched the owners of the properties. Again, I searched the tax assessment database by address to confirm that the petitioners matched the owners on record for each of the properties listed on the petition. If the ownership did not match or if the records reflected that there were multiple owners, I searched the land records in the Town Clerk's office to determine ownership. Where the owner was listed as an LLC, I then checked the State database to confirm the names of the principals of the LLC.

² I considered "Pawlik Joseph Est Of" and "Pawlink Joseph Antoni Estate Of" to be the same owner

This search revealed the following ownership results for each property listed on the petition located within the area of the proposed amendment to the Master Plan:

Property Address	Signature(s)	Property Owner Search results
701 Pacific Street	Carmelo Tomas; Carmine Tomas; Elisabeth Tomas Maria Tomas	699 Pacific Street LLC (per State records, this LLC was dissolved and the principal & registered agent for this LLC was Harold F. Bernstein); there are no subsequent records showing who received the assets of the LLC and no update in the Town Clerk's records
705 Pacific Street	Carmelo Tomas; Carmine Tomas; Elisabeth Tomas Maria Tomas	Carmelo Tomas 51%; Carmine Tomas 25%; Maria Tomas 12%; Elisabeth Tomas 12%
780-784 Atlantic St	Monika Twal (Pawlik)	Estate of Joseph Antoni Pawlink [sic]; Administrator Joseph W. Pawlik; I can find no transfer of the property to Monika Twal (Pawlik)
18 Walter Wheeler Dr	Melanie Patchett	Melanie J. Patchett, Michael Bogdanski and Michelle Moran

Only 1 of the properties listed on the petition within the area of the proposed amendment to the Master Plan was properly signed by the owner(s) of the property. One owner constitutes 8.3% of the owners of the privately-owned land in the area included in the proposed amendment to the Master Plan. Thus, the petition does not meet the threshold of the signatures of 20% of the owners of the privately-owned land in the area included in the proposed amendment to the Master Plan.³

CONCLUSION

Based on all of the foregoing, I conclude that, although the petition was filed in a timely manner, the petition does not meet the requirements of Charter §C6-30-7. The petition was not signed by either 20% or more of the owners of the privately-owned land in the area included in the proposed amendment or the owners of 20% or more of the privately-owned land located within 500 feet of the borders of the land included in the proposed amendment.

³ Based on guidance from the Law Department, the signatures of all owners of a property must sign on behalf of a property.