



Michael Battinelli
Stephen Garst
Barry Michelson

29 December 2021

To: Jeff Curtis, President, Board of Representatives
David Stein, Chairman, Zoning Board

Re: Petition to Appeal Zoning Board Approval No. 221-20

We have reviewed the decision provided by the office of Legal Affairs and Ralph Blessing, Land Use Bureau Chief. We do not concur with the findings of either.

In both opinions, language and qualifiers were inserted that do not appear within the City Charter C6 -40 -9. This language was contrived to provide a structure in order to build and support a definition that is blatantly misleading and false and not found anywhere in the City Code.

The Charter and Code of the City of Stamford states:

“The number of signatures required on any such written petition shall be one hundred, or twenty percent of the owners of privately-owned land within five hundred feet of the area so zoned, whichever is least, if the proposed amendment applies to only one zone. All signers must be landowners in any areas so zoned, or in areas located within five hundred feet of any areas so zoned. If any such amendment applies to two or more zones, or the entire City, the signatures of at least three hundred landowners shall be required, and such signers may be landowners anywhere in the City”.

There is no differentiation or definition as to whether the Charter refers to a single zone that appears multiple times in the City or to two completely different zones.

There is no mention or discussion of (i) zoning districts, (ii) zoning classifications or (iii) classes of districts in the entirety of C6-40-9. The opinions of the Law Department and the Land Use Bureau hinge falsely on the supposition that the proposed regulation amendment applies to more than one zoning district, zoning classification or class of districts or of the entire City. The language was inserted by the Land Use Bureau Chief and repeated in the opinion of the Office of Legal Affairs. The structure is a fiction designed to bolster their position.

The charter talks only of zones. In fact, the Office of Legal Affairs recognizes 6 C-D zones throughout the City. The Land Use Bureau's decision states *"Although there is more than one area zoned C-D, the change only affects the C-D zone and no other zones."* This is completely true, there are multiple CD zones and they should not be treated singularly.

Both The Land Use Bureau and The Office of Legal Affairs acknowledge that there are multiple C-D zones throughout the City. This acknowledgement supports the judgment and conclusion of the Stamford Neighborhoods Coalition and allows signatures to be obtained from the owners of 300 properties within the City of Stamford.

Via its memo dated December 28, 2021, in violation of the Charter, The Land Use Bureau, on behalf of the Zoning Board, has informed the Neighborhoods Coalition and the President of the Board of Representatives, among other parties, that it will not be turning over to the Board of Representatives the signed Petitions with its findings.

With this decision, the Land Use Bureau has taken it upon itself to deprive the citizens of Stamford of their right of appeal of this text change and further deprives the Board of Representatives from consideration of this appeal. In fact, according to the Charter, it is the Zoning Board itself, NOT the Land Use Bureau, that is charged with the responsibility of referring the petition to the Board of Representatives.

According to the timetable specified in the Charter, the petition and the findings should have been turned over to the Board of Representatives by December 28, 2021. The Land Use Bureau has therefore violated the provisions of the Charter in multiple ways, an unconscionable dereliction of its responsibilities.

The Charter is clear and definitively states "the matter shall be referred by the Zoning Board to the Board of Representatives within twenty days after such official publication together with written findings, recommendations and reasons" and that the Board of Representatives shall have the sole ability to approve or reject the amendment approved by the Zoning Board within a specified period of time. The Charter does not confer this role upon any other body of government - not the Office of Legal Affairs and not the Land Use Bureau.

The Land Use Bureau should be directed to turn over Petitions and documents pertaining to the Petition to the Board of Representatives immediately.

The Charter is clear that that the Board of Representatives should review this petition as The Neighborhoods Coalition has submitted more than the requisite number of signatures for its consideration. Therefore, via this letter, the Land Use Bureau is hereby directed to present the petition to the Board of Representatives.

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cc: Caroline Simmons, Mayor
Kathy Emmett, Corporation Counsel
Bradley Bewkes, Chairman, Land Use Committee
Ralph Blessing, Land Use Bureau Chief
Valerie Rosenson, Legislative Officer, Board of Representatives

Addendum

Sec. C6-40-9. Referral to Board of Representatives by Opponents or Proponents of Amendments to the Zoning Regulations, Other Than the Zoning Map, After the Effective Date of the Master Plan.

After the effective date of the Master Plan, if following a public hearing at which a proposed amendment to the Zoning Regulations, other than the Zoning Map was considered, a petition is filed with the Zoning Board within ten days after the official publication of the Board's decision thereon opposing such decision, such decision with respect to such amendment shall have no force or effect, but the matter shall be referred by the Zoning Board to the Board of Representatives within twenty days after such official publication, together with written findings, recommendations, and reasons. The Board of Representatives shall approve or reject any such proposed amendment at or before its second regularly scheduled meeting following such referral. 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. The failure by the Board of Representatives either to approve or reject said amendment within the above time limit shall be deemed as approval of the Zoning Board's decision. The number of signatures required on any such written petition shall be one hundred, or twenty percent of the owners of privately-owned land within five hundred feet of the area so zoned, whichever is least, if the proposed amendment applies to only one zone. All signers must be landowners in any areas so zoned, or in areas located within five hundred feet of any areas so zoned. If any such amendment applies to two or more zones, or the entire City, the signatures of at least three hundred landowners shall be required, and such signers may be landowners anywhere in the City.