LAW DEPARTMENT

CITY OF STAMFORD, CONNECTICUT

INTER-OFFICE CORRESPONDENCE

Date: April 4, 2014

To: Randall Skigen, President
Board of Representatives

From: James Minor
Special Corporation Counsel

You have asked the Law Department to answer questions arising out of a petition objecting to a zoning map change from R-20 to RA-1 for Saddle Rock Road, Zoning Board #213-33.

The Board of Representatives will vote on this Zoning Board map change based upon a report by the Land Use Committee (LU29.015).

The file summary on the Board of Representatives website contains the following material, which includes the "written findings, recommendations and reasons" for the Zoning map change from the Zoning Board:

- application for the map change dated 10/10/2013 from Rick Redniss, together with a map of the properties on Saddle Rock Road requesting the change, and a letter of authorization of the application by Rick Redniss from the owners of two of the properties, Cullman and Kirby (Ex. A, excerpt);

- minutes of the Planning Board dated 11/19/2013 recommending approval "based upon good planning principles to lessen density in a flood prone area" (Ex. B, excerpt);

- minutes of the Zoning Board hearing the application on 12/2/13, 1/6/14 and 1/27/14 (decision 4-0 granting the Zone Map change) (Ex. C is the excerpt of minutes of the 1/27/14 decision);

- Certificate of Zoning Board approval with map of area rezoned, dated 2/15/2014 (Ex. D)

- two letters of transmittal from Norman Cole referring the petition objecting to the Zoning Board decision dated 2/11/2014 and 2/28/2014, together with the above minutes and legal notice (Ex. E is the 2/28/14 transmittal letter).

In addition, there are many other documents submitted to the Zoning Board by proponents (12 items) and opponents (7 items not including many other items in the 12/2/13 50 page Appendix by Karen Murphy, her 20 page letter in opposition 1/6/14, her 125 pages in the two Second Appendices dated 1/6/14) of the Zoning Map change.

The reasons for the Zoning Board decision are stated in the 1/27/14 minutes (Ex. C) and include "reduction of density...(and) the increase in height is needed to elevate flood prone buildings", and are further summarized in the transmittal letter from Norman Cole dated February 28, 2014.

This February 28,2014 transmittal letter from Mr. Cole (Ex. E) states that the principal reason for approval of the zoning map amendment is to facilitate elevation of structures located in a high hazard coastal flood zone to comply with FEMA standards and decrease risk of damage and loss of property.

Mr. Cole also testified before the Land Use/Urban Redevelopment Committee on February 25, 2014 (see minutes, pages 1-3; "the key differences between the two zones are that R-20 is zoned for half acre, with a 30 ft. height limit... RA-1 is zoned for 1 acre, with a 35 ft height limit...") and again at the public hearing on March 11, 2014 (see minutes, pages 6-7, 8-9).

A motion to reject the decision of the Zoning Board was defeated by a vote of 3 in favor, 3 opposed and 2 abstentions.

There are three questions.

1) Is the proper motion a Motion to Reject the decision of the Zoning Board?

Answer: Yes.

C6-40-5[1] states that "the Board of Representatives shall approve or reject such proposed amendment". The Supreme Court rejected a claim that the vote should be to

[1] **Sec. C6-40-5. Referral to Board of Representatives by Opponents of Proposed Amendment to Zoning Map After the Effective Date of the Master Plan.** After the effective date of the Master Plan, if twenty percent or more of the owners of the privately-owned land in the area included in any proposed amendment to the Zoning Map, or if the owners of twenty percent or more of the privately-owned land located within five hundred feet of the borders of such area, file a signed petition with the Zoning Board, within ten days after the official publication of the decision thereon, objecting to the proposed amendment, said decision shall have no force or effect but the matter shall be

approve or reject the petition. The vote must be to approve or reject the Zoning Board decision:

"after the petition is referred to the board the "board of representatives shall *approve or reject such proposed amendment....*" The charter does not provide for the approval or rejection of the "petition" itself. "The manifest legislative intent expressed in the Stamford charter is that the board of representatives, in considering an amendment to the zoning map, shall review the legislative action of the zoning board on that board's written findings, recommendations and reasons. *The question before the board of representatives is whether to approve or to reject the amendment.* That board, in reviewing the action of the zoning board, is called upon to perform a legislative function." Benenson v. Stamford Board of Representatives, 223 Conn 777, 784 (1992); Burke v. Board of Representatives, 148 Conn 33, 39 (1961).

The Charter doesn't specify the form of the vote, and whether it should be in the affirmative or negative, to approve or reject the Zoning Board decision.

The petition protests the Zoning Board amendment ("We, the undersigned... hereby protest against any Map/Zone Change from R-20 to RA-1...")., so a vote to reject the Zoning Board decision would be consistent with the petition.

In addition, the Board's prior vote on the Lake Windermere petition, objecting to a Zoning Board zone map change and site plan approval to allow a cluster housing development in 2005, was framed as a vote to reject the Zoning Board decision. The Board voted 19 in favor to reject the Zoning Board decision granting a zone map change and site plan, which failed to reject the Zoning Board decision, since 21 votes were needed. (See Board of Representatives Certificate, 9/8/05).

Based on this, the Land Use Committee chair, Harry Day, decided that the Land Use Committee vote was framed as a vote to reject the Zoning Map amendment, which was how the vote was taken on March 11, 2014.

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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 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 of 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.

2) What is the vote required to reject the Zoning Board decision?

Answer: Pursuant to C6-40-182, the affirmative vote of a majority of the entire membership of the Board is required--in other words, 21 votes are required to reject the ZB decision:

"In deciding all matters referred to the Board of Representatives pursuant to this Chapter, the affirmative vote of a majority of the entire membership of said Board shall be required." Benenson v. Stamford Board of Representatives, 223 Conn 777, 781 (1992) (vote on the zoning amendment concerning the plaintiffs' properties was fifteen votes in favor of approving the amendment, twenty opposed to the amendment, one abstention and two not voting; the board took no action on the petition because of the lack of majority votes of the entire membership of the board needed and this constituted an affirmance of the zoning amendment.)

3) What is the role of the Board of Representatives when it reviews the action of the Zoning Board under the Charter?

Answer: The Charter states in C6-40-5 that when the Board of Representatives reviews a decision of the Zoning Board, it "**shall be guided by the same standards** as are prescribed for the Zoning Board".

In Burke v. Board of Representatives, 148 Conn 33 (1961), the Board of Representatives reversed the action of the Zoning Board in changing a zone from residential to commercial, and the trial court sustained the appeal, because the Board considered letters that the petitioners did not have the right to rebut since the letters were not received in a public hearing. The trial court found that this meant the Board did not act by the "same standards as those prescribed for the zoning board".

The Supreme Court disagreed, noting that the Charter did not require a public hearing by the Board, as there was before the Zoning Board, and said that a court could not "by judicial fiat" write such a requirement for a public hearing into the Charter.

The Supreme Court stated that the Board was required to act as a zoning board, and use the same standards, but this did not include holding a public hearing, when a public hearing was not required by the Charter.

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[2] **Sec. C6-40-18. Vote Required by Board of Representatives.** In deciding all matters referred to the Board of Representatives pursuant to this Chapter, the affirmative vote of a majority of the entire membership of said Board shall be required.

"True, the charter provides that the board of representatives shall be guided by the same standards as those prescribed for the zoning board, but these standards are typical legislative standards; viz., promotion of health and the general welfare, provision for adequate light and air, prevention of overcrowding, and avoidance of undue population concentration ... They are found in most zoning acts..." (Burke, 148 Conn at 38)

The standards in C6-40-1[3] that are relevant in this Zoning Map change, to increase the lot size from half acre to one acre and to increase the height of buildings from 30 feet to 35 feet; to facilitate elevation of houses to comply with FEMA standards, are:

"The Zoning Board is authorized to regulate the height, number of stories and size of buildings ... the percentage of the area of the lot that may be occupied; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to prevent the overcrowding of land... Such regulation shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City."

The record supplied by the Zoning Board, including by the minutes of the Zoning Board decision on 1/27/14, and as reported by Norman Cole in his transmittal letter relate to the promotion of Coastal Area Management policies and related federal floodplain management policies; the potential impact of coastal flooding; "to minimize damage to and destruction of life and property of future development from such hazards" as the properties on Saddle Rock road are located in a high hazard flood zone the rezoning will "decrease the risk of damage and loss of property".

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[3] **Sec. C6-40-1. Powers and Duties of Zoning Board.** The Zoning Board is authorized to regulate the height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land or trade, industry, residence or other purposes; and the height, size, location and character of advertising signs and billboards. Said Board may divide the City into districts of such number, shape and area as may be best suited to carry out the purposes of this Chapter; and, within such districts, it may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land. All such regulations shall be uniform for each class or kind of buildings or structures throughout each district, but the regulations in one district may differ from those in another district, shall be made in accordance with a comprehensive plan and shall be designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements. Such regulation shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

In light of the above, the Board should review the decision of the Zoning Board using the same standards as set forth in C6-40-1 as the Zoning Board.

If you have any further questions, please feel free to contact me.

Very truly yours,

James Minor

Special Corporation Counsel
(203) 977-5158
jminor@stamfordct.gov

REDNISS & MEAD

LAND SURVEYING | CIVIL ENGINEERING | PLANNING & ZONING CONSULTING | PERMITTING

213-33

October 10, 2013

Norman Cole, Land Use Bureau Chief
City of Stamford
888 Washington Boulevard
Stamford, CT 06901

RECEIVED
OCT 11 2013
ZONING BOARD

Re: Saddle Rock Road
Zone Change (from R-20 to RA-1)

Dear Norman,

As discussed, enclosed please find an application for a Zone Change for seven properties along the southern tip of Saddle Rock Road along the Long Island Sound from R-20 (20,000 min lot size) to RA-1 (1 acre min lot size).

As you are aware, new construction and substantial renovations are required to meet the Stamford and FEMA flood regulations and minimum elevations. This requires raising the first finished floor above the flood elevation, which significantly limits the height and design of any new or redeveloped home. Changing the zone to RA-1 will allow residents an additional 5' (from 30' to 35') and one half story (from 2½ to 3), which will enable more flexible siting of homes and building design, reduce the need for more building coverage, and avoid the extra approval of the ZBA. Plans would still undergo the vigorous ZB/CAM and building permit process.

In support of the application, enclosed please find:

1. One (1) check in the amount of $880, which includes:
   - Public Hearing Fee - $500;
   - Zone Change Application Fee- $380
2. Twelve (12) copies of the Application for Zone Change:
3. Twelve (12) copies of Exhibit A (Zone Change Description);
4. Twelve (12) copies of Exhibit B (Property Owners List); and
5. Twelve (12) copies of the Zone Change map;

As always, we look forward to working with the Planning and Zoning Boards to facilitate this helpful change for the area residents. Please do not hesitate to contact us if you have any questions or require additional information.

Sincerely,

Richard W. Redniss, AICP

Enclosures
cc: Included Property Owners
Mary Deery Uva, R-1
Patrick J. White, D-1

22 First Street | Stamford, CT 06905 | Tel: 203.327.0500 | Fax: 203.357.1118 | www.rednissmead.com

E&A

City of Stamford
Zoning Board · Land Use Bureau
Government Center 888 Washington Boulevard · Stamford, CT 06904-2152
Phone: 203 977 4719 · Fax. 203.977.4100

APPLICATION FOR CHANGE IN THE ZONING MAP OF STAMFORD, CONNECTICUT

Complete, notarize, and forward twelve (12) copies to Clerk of the Zoning Board with a **$500.00 Public Hearing Fee** and the required **$380.00 Filing Fee**, payable to the City of Stamford. **NOTE:** Cost of required Public Hearing advertisements are payable by the Applicant and performance of mailing of required property owners is the sole responsibility of the applicant.

RECEIVED
OCT 11 2013
ZONING BOARD

APPLICANT NAME (S): Richard W. Redniss, AICP

APPLICANT ADDRESS: 22 First Street, Stamford, CT 06905

APPLICANT PHONE #: 203-327-0500

IS APPLICANT AN OWNER OF PROPERTY IN THE CITY OF STAMFORD? Yes

PRESENT ZONING DISTRICT: R-20 PROPOSED ZONING DISTRICT: RA-1

LOCATION OF PROPOSED CHANGE: (Give boundaries of each parcel in proposed change and indicate dimensions from nearest intersecting street. Also include Assessor's Card number and Town Clerk's Block number, and square footage of land. Attach four (4) copies of map showing area proposed for change.)

See attached Exhibit A (Zone Change Area Description)

LIST NAME AND ADDRESS OF THE OWNERS OF ALL LAND INCLUDED WITHIN THE PROPOSED CHANGE:

NAME & ADDRESS — LOCATION

See attached Exhibit B (Owner's List)

ARE THERE DEED RESTRICTIONS THAT CONFLICT WITH THE PROPOSED ZONE DISTRICT FOR THIS PROPERTY?

No

IF YES, LIST REFERENCE TO TOWN CLERK BOOK & PAGE #:

DOES ANY PORTION OF THE PREMISES AFFECTED BY THIS APPLICATION LIE WITHIN 500 FEET OF THE BORDER LINE WITH GREENWICH, DARIEN OR NEW CANAAN? No *(If yes, notification must be sent to Town Clerk of neighboring community by registered mail within 7 days of receipt of application – PA 87-307).*

DATED AT STAMFORD, CONNECTICUT, THIS 9th DAY OF October 20 13

SIGNED: [signature]

NOTE: The application cannot be scheduled for public hearing until 35 days have elapsed from the date of referral to the Stamford Planning Board. If applicant wishes to withdraw the application, this must be done in writing, and be received by the Zoning Board at least three (3) working days prior to public hearing in order to provide sufficient time to publicize the withdrawal. Applications withdrawn less than three (3) days prior to a schedule hearing date will not be rescheduled within 90 days.

STATE OF CONNECTICUT
ss STAMFORD October 9th 20 13
COUNTY OF FAIRFIELD

Personally appeared Richard W. Redniss, signer of the foregoing application, who made oath to the truth of the contents thereof, before me.

[signature]
Notary Public Commissioner of the Superior Court

ANTONIA FIORDAN
Notary Public, State of Connecticut
My Commission Expires Aug. 31, 2017

FOR OFFICE USE ONLY

APPL. #: Received in the office of the Zoning Board: *Date:*

By:

Revised 01/04/10

10/10/13

Saddle Rock Road
Zone Change Application
Exhibit A
Area Description

Zone Change Description: R-20 Zone to RA-1 Zone

Block #: 25

Assessor Card #: 003-0145; 000-1912; 001-9627; 002-2187; 003-4168; 003-4167; 003-4166

Area: 1.08 + 1.16 + 1.67 + .98 + .65 + 1.24 + 0.99 + 0.58 (Saddle Rock Road) = 8.35 Acres

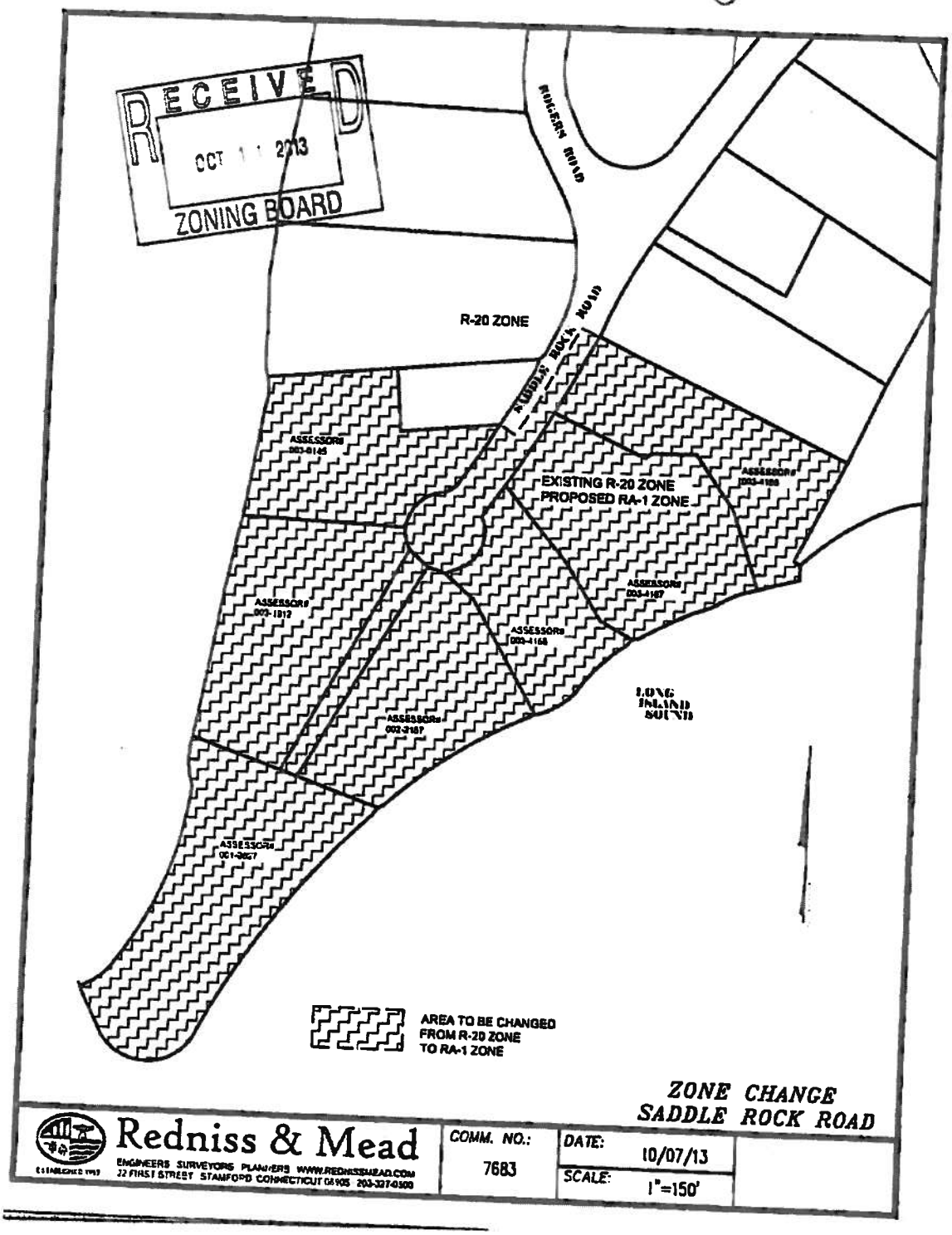
All those certain tracts, pieces or parcels of land situate, lying and being in the City of Stamford, County of Fairfield, and State of Connecticut, beginning at a point on the intersection of the centerline of Saddle Rock Road and the projection of the northerly property line of land n/f of Karen A. Murphy et al and Kathleen A. Murphy (Assessor #003-4166); said land is bound by the following:

Northerly	381'± by a portion of Saddle Rock Road and said land n/f of Kevin M. Dwyer (Assessor #002-0569), each in part;
Easterly	1,169' ± by land n/f of Ocean Drive West Associates LLC (Assessor #004-2275) and the Long Island Sound, each in part;
Southerly	210'± by Long Island Sound;
Westerly	844'± by Long Island Sound
Northerly	167'± by land n/f of David P. Tunick (Assessor #002-3700);
Easterly	81' ± by land n/f of Robert Rangelov et al (Assessor #003-0144);
Northerly	151' by said land of Robert Rangelov et al and a portion of Saddle Rock Road, each in part;
Westerly	161'± by the centerline of Saddle Rock Road.

10/10/2013

Saddle Rock Road
Zone Change Application
Exhibit B
Property Owners List

Properties Changing from R-20 to RA-1			
Property Address	**Property Owner**	**Owner Mailing Address**	**Parcel ID**
89 Saddle Rock Road	Stewart Shanley, et al; Rachael, sur ci	89 Saddle Rock Road, Stamford, CT 06902	003-0145
107 Saddle Rock Road	Steven G. Chrust, et al; Sharon L. Chrust, sur ci	107 Saddle Rock Road, Stamford, CT 06902	000-1912
123 Saddle Rock Road	Allen Silverman, et ux; Eleonora A.	123 Saddle Rock Road, Stamford, CT 06902	001-9627
102 Saddle Rock Road	William W. Ward, Ir	102 Saddle Rock Road, Stamford, CT 06902	002-2187
88 Saddle Rock Road	John J. Kirby Jr., et al; Susan R. Cullman, sur ci	812 Park Avenue #14E, New York, NY 10021	003-4168
74 Saddle Rock Road	John J. Kirby Jr., et al; Susan R. Cullman, sur ci	74 Saddle Rock Road, Stamford, CT 06902	003-4167
68 Saddle Rock Road	Karen A. Murphy, et al; Kathleen A. Murphy sur ci	68 Saddle Rock Road, Stamford, CT 06902	003-4166


RECEIVED
OCT 11 2013
ZONING BOARD
ROGERS ROAD
R-20 ZONE
SADDLE ROCK ROAD
EXISTING R-20 ZONE
PROPOSED RA-1 ZONE
LONG ISLAND SOUND
AREA TO BE CHANGED FROM R-20 ZONE TO RA-1 ZONE
ZONE CHANGE
SADDLE ROCK ROAD
Redniss & Mead
ENGINEERS SURVEYORS PLANNERS WWW.REDNISSMEAD.COM
22 FIRST STREET STAMFORD CONNECTICUT 06905 203-327-0500
COMM. NO.: 7683
DATE: 10/07/13
SCALE: 1"=150'

Susan R. Cullman & John J. Kirby, Jr.
88 Saddle Rock Road
Stamford, CT 06902

October 15, 2013

Norman Cole
Land Use Bureau Chief
City of Stamford
888 Washington Boulevard
Stamford, CT 06901

Re: ***Saddle Rock Road***
Zone Change and CAM Applications

Dear Mr. Cole:

We hereby authorize the office of Redniss & Mead, Inc. (with offices located at 22 First Street), to act as our agent in connection with the above referenced land use approvals. Thank you for your acknowledgment of said authority.

We have been in contact with all of our neighbors whose property is included in the proposed zone change. The owners of 102 Saddle Rock Road are still reviewing the application. All other owners have expressed their support of the application.

Sincerely,

Susan R. Cullman & John J. Kirby, Jr.

STAMFORD PLANNING BOARD
REGULAR MEETING
APPROVED MINUTES, TUESDAY, NOVEMBER 19, 2013
4th FLOOR CAFETERIA, GOVERNMENT CENTER
888 WASHINGTON BLVD., STAMFORD, CT

Stamford Planning Board Members present were: Theresa Dell, Chair, Claire Fishman, Roger Quick, Jay Tepper, Michael Totilo, and Dudley Williams (came in at 6:45 p.m.). Zbigniew Naumowicz was representing the Board at the Metro North Rail Road/Atlantic Avenue Bridge public meeting at the time of the Planning Board meeting. Present for staff was David W. Woods, Ph.D., AICP, Principal Planner. Other City officials present: Frank Cerasoli, District 15 of the Board of Representatives, James Hricay, Director of OPM and Anthony Romano of OPM.

Ms. Dell called the regular meeting to order at 6:35 p.m. with Mr. Williams absent (until 6:45 p.m., he did not participated in the vote of the first item; Jay Tepper acted in his place for that item, Mr. Williams voted on the remaining items on the agenda), and announced that the regular public meeting would be followed by the Joint Public Meeting on the 2014/15 Capital Budget.

Regular Meeting *(6:30 PM & Followed immediately by the Joint Public Meeting)*

Request for Authorization:

1. **Amend Lease Agreement between City of Stamford and Soundwaters regarding The Holly Mansion at Cove Island Park in support of CT Historic Preservation Office Hurricane Sandy Disaster Relief Assistance Grant (SHPO).** The applicant is seeking a SHPO grant to raise the structures up to fifteen (15) feet, which represents raising the structures an additional six (6) feet as per coastal zone area regulations and other improvements. As a condition of the grant, a preservation restriction needs to be imposed for twenty (20) years. Mr. Woods presented that key facts that the Planning Board took into consideration including: (1) SoundWaters already has a lease with restrictions on what they are able to do with the property for another fifteen (15) years, this would add an additional five more years; (2) The Holly Mansion is on the National Registrar of Historic Places; and (3) with this grant the buildings on the City's Cove Island Park will meet FEMA requirements. After a brief discussion, Mr. Totilo moved to recommend approval of amending the lease agreement between the City of Stamford and SoundWaters to place a twenty year preservation restriction on the property known as The Holly Mansion at Cove Island Park in support of CT Historic Preservation Office Hurricane Sandy Disaster Relief Assistance Grant (SHPO); Ms. Fishman seconded the motion, and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Tepper and Totilo).

Subdivision Reconsideration of Existing Condition:

1. **166 Hubbard Avenue,** the applicant is requesting amending condition number four "Driveway easement as shown on map dated 3/10/05 serving lots 1 and 2 shall be delineated on the final map and vehicular ingress and egress to be restricted to said easement." Section 3.8 of the Subdivision Regulations outlines the requirements for reconsideration of approval, which require three quarters majority of the Board to approve. Richard Redness, AICP, principal of Redness & Mead made a brief presentation to add a second easement on the north side of the property for access to the back lot; all other conditions will remain as adopted in 2005. After a brief discussion, Mr. Williams moved to

B

recommend approval of changing Subdivision Condition Number Four from requiring a shared easement to the back lot to adding an easement along the north lot line for access to the back lot; Mr. Quick seconded the motion, and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo and Williams).

Zoning Board Referral:

213-33 Map Change from R-20 (20,000 minimum lot size) to RA-1 (One acre minimum lot size) for seven properties on Saddle Rock Road along the Long Island Sound. After a brief discussion, Ms. Fishman moved that the Zoning Board approve this map change from R-20 to RA-1 on the seven properties on Saddle Rock Road along the Long Island Sound based on good planning principles to lessen density in a flood prone area; Mr. Quick seconded the motion, and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo and Williams).

Zoning Board Appeals Referrals:

1. **ZBA Appl. 073-13 103 Westover Avenue**, a variance due to the determination that the municipal boundary, which overlaps with the Town of Greenwich leaves their west side yard at zero (0) feet. After a brief discussion, Mr. Totilo moved to recommend approval of ZBA Appl. 073-13; Mr. Quick seconded the motion, and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo and Williams).

2. **ZBA Appl. 078-13 11 Sherman Street**, a variance to the side yard setback requirements allow the applicant an existing two-family dwelling to expand without exceeding the 30 feet height limit. After identifying a number of issues, such as this addition is not in character of the neighborhood, and the street is already overbuild, Mr. Williams moved to recommend denial of ZBA Appl. 078-13; Ms. Fishman seconded the motion, and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo and Williams).

3. **ZBA Appl. 080-13 20 Ocean Drive, North**, a variance to side yard setback requirements of six feet in lieu of ten feet required to "square off" the back portion of the house, as well as asking for relief of the side yard setback of 6.7 feet for a total of 8.9 feet in order to mount their A/C units on the roof. After a brief discussion, Mr. Totilo moved to recommend approval of ZBA Appl. 080-13; Mr. Quick seconded the motion, and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo and Williams).

4. **ZBA Appl. 081-13 143 Mulberry Street**, a variance to lower the parking requirements from four spaces to three spaces in order to apply for a Special Exception to expand a child daycare center. After identifying a number of issues, such as that this is not in character of the neighborhood, parking is already difficult and the turn-around radius is almost non-existent, Mr. Williams moved to recommend denial of ZBA Appl. 81-13; Mr. Quick seconded the motion, and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo and Williams).

5. **ZBA Appl. 071-13 264 Mill Road (Revisited)**, a variance to provide relief from side yard setback requirements of 10.5 feet instead of the required 15.0 feet. After considerable discussion regarding the reasoning given in support of their hardship claims, which the Board found to be woefully inadequate for both Section A. "The existing structure was built too close to the property line to allow expansion," given that many properties in the City were built too close to the property line; nor was the explanation given on Section B.

MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
HELD MONDAY, JANUARY 27, 2014, 7:00 P.M.,
4TH FLOOR, CAFETERIA, GOVERNMENT CENTER
BUILDING, 888 WASHINGTON BLVD,
STAMFORD, CT 06901

Present for the Board: Thomas Mills, Barry Michelson, William Morris, Rosanne McManus and Joanna Gwozdziowski. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner

Chairman Mills called the meeting to order and opened the Public Hearing at 7:20 p.m.

PUBLIC HEARING

1. **Application 213-39 – 467 GLENBROOK ROAD, LLC Site & Architectural Plans and/or Requested Uses and Special Exception,** proposes to construct a 17 unit residential development on 0.31 acres in a VC zone with site improvements and landscaping.

Mr. Mills read a description of the application into the record. Mr. Michelson read a letter dated January 27, 2014 from Mario Musilli, Esq. into the record requesting that the application be placed on the February 10th agenda. Based on this request, Mr. Mills asked Staff to schedule the Public Hearing for this matter to be placed on the February 10, 2014 agenda at 7:00pm in the 4th floor Cafeteria.

Ms. Gwozdziowski made a motion to change the order of the agenda to discuss the minutes, seconded by Mr. Morris and unanimously approved 5 to 0 (Mills, Michelson, Morris, McManus and Gwozdziowski).

APPROVAL OF MINUTES:

Minutes of December 9, 2013
After a brief discussion, Ms. Gwozdziowski moved to approve the minutes with the one correction. Ms. McManus seconded the motion and it passed with the eligible members present voting, 4-0 (Mills, Michelson, McManus and Gwozdziowski; Mr. Morris not voting).

Minutes of January 6, 2014
After a brief discussion, Mr. Morris moved to approve the minutes. Ms. McManus seconded the motion and it passed with the eligible members present voting, 5-0 (Mills, Michelson, Morris, McManus and Gwozdziowski).

Minutes of January 13, 2014

E & C

Mr. Mills announced the Public Hearing on this item will be continued to February 10, 2014 at 7:00pm in the 4th Floor Cafeteria of the Government Center.

REGULAR MEETING

PENDING APPLICATIONS:

1. **Application 213-33 – Zoning Map Amendment and CSPR – RICHARD REDNISS, Saddle Rock Road**

Mr. Mills opened discussion on the application.

Ms. McManus said that future subdivisions are not an issue and the Murphy house is already at maximum height. She disagreed with the statement that RA-1 zoning is only in North Stamford.

Mr. Morris said he liked the reduction in density and noted that since the setbacks of R-20 are the same as RA-1, there won't be any impact on views. He said he did have a concern that the zone change only applies to seven lots. He asked Mr. Cole if this constituted "spot zoning". Mr. Cole replied that it was of sufficient size and complied with the Master Plan, and was not "spot zoning".

Mr. Michelson said that the need to elevate houses in response to increasing flood heights should be addressed comprehensively for the entire city, and not just for seven lots. He proposed a design district, floating or overlay be established to follow the Flood Hazard Area along the coastline form the mean high tide mark along the entire coast, and would be coupled with a formula to increase building setbacks as height increased in order to maintain views.

Ms. Gwozdziowski said the increase in height is needed to elevate flood prone buildings. If this is not addressed by the Zoning Board, the only remaining option would be a variance from the ZBA.

Mr. Mills said he would like a comprehensive flood plain regulation allowing more height for all properties in the floodplain.

Ms. McManus made a motion to approve the application for six lots, excluding the Murphy property as requested during the public hearing. Mr. Morris seconded the motion, which carried unanimously by a vote of 4 to 0 (Michelson, Morris, McManus and Gwozdziowski in favor; Mills abstaining).

OLD BUSINESS

1. **APPL 210-16 – FINAL Development Plan (GDP) and Coastal Site Plan Review – GATEWAY, Washington Blvd.** *(Site Plan Modifications).*

Attorney John Freeman described the review process for the change in the driveway, saying that they applied to the State Traffic Commission, received approval from the city traffic engineer and multiple approvals from the Building Department. He said the commuter parking lot is

important to the city and that the change in the driveway configuration was necessary to avoid traffic backups onto Washington Boulevard. He reviewed the recommended remedial measures in the staff memo dated January 23, 2014.

Regarding the recommendation to reestablish a landscaped pedestrian connection on the south side of the driveway by moving the residential building 20+ feet, Attorney Freeman proposed to move the residential building 15 feet.

Regarding screening exposed views of cars on the P1 deck, Attorney Freeman agreed to install a solid architectural screen subject to staff approval. He also agreed to add lighting and enhance the sidewalk and pedestrian signals but said he could not add pavers to the driveway as that would add too much weight to the structure.

Mr. Michelson said this should be reviewed with traffic engineers and the Zoning Board should hold a public hearing. He asked Staff to invite Mani Poola to the next Zoning Board meeting.

Mr. Mills adjourned the meeting at 11:25pm.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board

ZB-PH012714.doc

Block: 25

ZONING BOARD CERTIFICATE

I, Thomas R. Mills, Chairman of the ZONING BOARD of the CITY OF STAMFORD, in compliance with Special Act. No. 619 of the 1953 General Assembly, hereby certify that on December 2, 2013, continued to January 6, 2013, a Public Hearing was held by the ZONING BOARD on the application of:

APPL. 213-33 – RICHARD W. REDNISS

TO Change to RA-1 "One Family Residence District" properties currently zoned R-20 "One Family Residence District."

****

and the following is a statement of its findings: APPROVED AS MODIFIED at its meeting held on January 27, 2014, as follows:

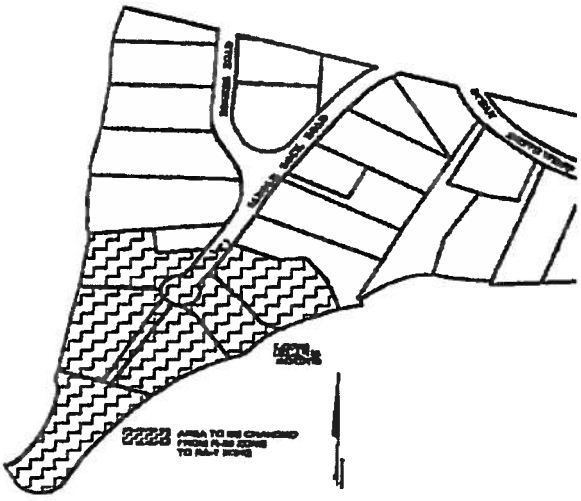
Change to RA-1 "One Family Residence District" properties currently zoned R-20 "One Family Residence District."

All those certain tracts, pieces or parcels of land situate, lying and being in the City of Stamford, County of Fairfield, and State of Connecticut, beginning at a point on the intersection of the centerline of Saddle Rock Road and the projection of the southerly property line of land n/f of Karen A. Murphy et al and Kathleen A. Murphy (Assessor #003-4166); said land is bound by the following:

Northerly	415'± by a portion of Saddle Rock Road and said land n/f of Karen A. Murphy and Kathleen A. Murphy (Assessor #003-4166), each in part;
Easterly	942' ± by the Long Island Sound;
Southerly	210'± by Long Island Sound;
Westerly	844'± by Long Island Sound;
Northerly	167'± by land n/f of David P. Tunick (Assessor #002-3700);
Easterly	81' ± by land n/f of Robert Rangelov et al (Assessor #003-0144);
Northerly	151' by said land of Robert Rangelov et al and a portion of Saddle Rock Road, each in part;
Westerly	52'± by the centerline of Saddle Rock Road.

Block Number: 25; Area: 7.28 Acres (inclusive of portions public and private rights of way).

The premises with respect to which application has been made is shown and delineated on the sketch set forth below:



Effective date of this decision: February 12, 2014.

ATTEST: THOMAS R. MILLS,
CHAIRMAN, ZONING BOARD
CITY OF STAMFORD, CT

Dated at the City of Stamford, CT, this 1st day of February, 2014.

21333CER.doc

LU&9.015

MAYOR
DAVID MARTIN

DIRECTOR OF OPERATIONS
ERNIE ORGERA

LAND USE BUREAU CHIEF
NORMAN F. COLE, A.I.C.P
Tel: (203) 977-4714

CITY OF STAMFORD
ZONING BOARD
LAND USE BUREAU
888 WASHINGTON BOULEVARD
P.O. Box 10152
STAMFORD, CT 06904 -2152

LAND USE BUREAU – MEMORANDUM

Date: February 28, 2014

To: Randal Skigen, President
Board of Representatives

From: Norman F. Cole, Land Use Bureau Chief NC

Re: Petition Opposing Zoning Map Change, Saddle Rock Road

On February 11, 2014, the Land Use Bureau transmitted a petition, pursuant to Section C6-40-5 of the Charter, opposing a zoning map change from R-20 to RA-1 for six properties on Saddle Rock Road – Zoning File #213-33, submitted by Karen Murphy on February 7, 2014.

At the request of the Board of Representatives Office, the referral was expedited with a brief memo and limited information transmitted on February 11, 2014, followed by separate delivery of the staff report and full record of the Zoning Board decision on Friday, February 14,2014. As a result, the February 11, 2014 transmittal memo was separated from the staff report and materials constituting the written findings, recommendations and reasons supporting the Zoning Board's decision.

I wish to supplement the transmittal memo of February 11, 2014 by citing the documents contained within the Zoning Board record constituting the findings and reasons for the Zoning Board's decision. These documents include:

1. Staff Report, dated November 26, 2013, prepared by David Woods, Principal Planner
2. Planning Board referral memo, dated November 26, 2013, signed by Theresa Dell, Chair
3. Memorandum, dated January 6, 2014, signed by Kari L. Olson, Esq.

The principal reason for approval of the zoning map amendment, paraphrasing the Staff Report, is to comply with Coastal Area Management policies and related federal floodplain management policies, by considering in the planning process the potential impact of coastal flooding and erosion patterns on coastal development so as to minimize damage to and destruction of life and property of future development from such hazards. The six affected properties on Saddle Rock Road are located in a high hazard coastal flood zone and the proposed rezoning from R-20 to RA-1 will lower residential density. The rezoning will also facilitate the elevation of structures to comply with FEMA standards and decrease the risk of damage and loss of property.

Ex E

Planning Board Agenda & Minutes

November 19, 2013

Zoning Board Agenda & Minutes

December 2, 2013

January 6, 2014

Decision Approval January 27, 2014

Certificate of Decision

Effective February 12, 2014