

**SPECIAL MEETING OF BOARD OF REPRESENTATIVES
CONCERNING FINAL ACTION ON TWO APPEALS FROM
DECISIONS OF ZONING BOARD - THE STAMFORD HALL
COMPANY (LORD & TAYLOR) & (FIDELITY BANK)**

March 24, 1965

4273

A Special Meeting of the Board of Representatives of the City of Stamford was held WEDNESDAY, MARCH 24, 1965, at 8:30 P.M. in the Board's meeting room, Municipal Office Building, 429 Atlantic Street, Stamford, Connecticut.

The meeting was called to order by the President, Alan H. Ketcham, at 8:55 P.M. (Note: This meeting was broadcast.)

ROLL CALL was taken by the Clerk. There were 37 present and 3 absent. Mr. Truglia arrived shortly after, changing the roll call vote to 38 present and 2 absent. The absent members were: Booth Hemingway, and William Murphy. The President informed the Board he was in receipt of a letter from Mr. Murphy explaining his reason for not attending the meeting, which he will read at the proper time.

The President read the following "Call" of the meeting:

March 22, 1965

TO: ALL MEMBERS OF BOARD OF REPRESENTATIVES

SUBJECT: SPECIAL BOARD MEETING

**I, ALAN H. KETCHAM, President of the Board of Representatives
of the City of Stamford, pursuant to Section 202 of the Stamford
Charter, hereby call a SPECIAL MEETING of said Board of Repre-
sentatives, for**

WEDNESDAY, MARCH 24, 1965

In the Board of Representatives meeting room

MUNICIPAL OFFICE BUILDING

at 8:30 P.M.

for the following purposes:

- 1. To consider, and take final action on the appeal
from decision of Zoning Board - Application No. 64-038 of
the Stamford Hall Company (Lord & Taylor) denying change
to C-L Limited Business District. (their letter dated 2/3/65)**

Special Meeting held Wednesday, March 24, 1965

2. To consider, and take final action on the appeal from decision of Zoning Board - Application No. 64-039 of the Stamford Hall Company (Fidelity Bank) denying change to C-L Limited Business District. (Their letter dated 2/3/65)

Alan H. Ketcham, President
Board of Representatives

THE PRESIDENT said: "In considering these appeals this Board is functioning under Section 552.3 of the Stamford Charter. Referral to Board of Representatives by proponents of proposed amendments to zoning map after the effective date of the master plan. For the record I shall read this section:

"Section 552.3. After the effective date of the master plan, if the owners of more than fifty per cent of the privately-owned land in the area included in the proposed amendment to the zoning map, or if the owners of more than fifty per cent of the privately-owned land located within five hundred feet of the borders of such area, file a signed petition favoring such amendment with the zoning board within ten days after the official publication of a contrary decision thereon, said decision 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 its 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 550 of this act. 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. (S. A. No. 619, 1953)

"I will refer to Section 550, "Powers & Duties of the Zoning Board", which according to the charter, this Board is following tonight.

"Section 550. 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 for trade, industry, residence or other purposes; and the height, size, location and character of advertising signs and bill boards. Said Board may divide the municipality 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 municipality. (S. A. No. 619, 1953)"

THE PRESIDENT said due to the fact this Board is, in effect, acting as the Zoning Board, he would rule any debate dealing with extraneous matters not within the province of zoning, out of order.

MR. SELSBERG said he would like to be heard in reference to the continuation of this meeting.

THE PRESIDENT asked if this pertains to what is before the Board.

MR. SELSBERG said it pertains to the existence of continuing this meeting.

THE PRESIDENT declared him out of order.

MR. SELSBERG objected to the ruling of the chair and asked to continue.

THE PRESIDENT said in accordance with Sections 550 and 552.3 of the Charter we are operating as the Zoning Board. He ruled that such discussion is out of order.

MR. CONNORS reminded the Board that any ten members have the right to call a meeting.

THE PRESIDENT said the Board is forced to operate under the provisions of the Charter.

MR. MARTIN said he wished to speak pertaining to the call of the meeting.

THE PRESIDENT said the call of the meeting was in order, and ruled remarks would be out of order and if at the close of the meeting he wished to address remarks to the Board, he would so allow.

MR. RUSSELL explained that certain members wish to be heard in regard to the "Call" of the meeting before adjournment.

THE PRESIDENT assured Mr. Russell that everyone who wished to speak would have an opportunity, after the business at hand was completed.

(1) APPEAL from decision of Zoning Board - Application No. 64-038 of THE STAMFORD HALL COMPANY (Lord & Taylor) Denying change to C-1 Limited Business District, land now in C-N Neighborhood Business District and R-7½ One Family Residence District

MR. RUSSELL presented the following report of his Committee:

Special Meeting held Wednesday, March 24, 1965

The Planning and Zoning Committee met at least on 6 occasions on either full or partial committee meetings on these appeals referrals. The committee met (which all members attended) an open meeting which was open to the public on Thursday, March 11, 1965 at 8:30 P.M. in the Rippowam High School. The committee also met on Friday the 20th at 7:00 p.m. in City Hall with the Zoning Board and the Urban Redevelopment Commission. The committee also met at 9:00 o'clock Saturday morning with the Planning Board. The committee also had a meeting with the Mayor on Monday night at 7:30. These were the basic meetings which the committee felt would enable them to gather full information and arrive at a decision. The Committee also held a meeting tonight at 6:45 to further consider any differences of feeling on the information that was before them that the committee as a whole has passed over this period of time. I would like to say that every member of the Board as well as the Committee has an 83 page transcript which we all agreed came to us unfortunately very very late, and delayed many, and delayed by several weeks action that the committee might have taken if they had had it. The Committee also in its deliberation, and I think should be pointed out at this time, had considerable reams of information, both from the proponents and the opponents, concerning this application. I would like to state with the report and would ask if somebody just for record purposes, I have some information here; (an aerial view map) which I would like to have put up, which would show the area we are talking about.
(Note: Map passed to each member of the Board)

Application Number 64-038 - In the matter of the appeal of the Stamford Hall Company -(Lord & Taylor).

This is an appeal from the action of the Zoning Board, pursuant to Section 552.3 of the Stamford Charter. On July 11, 1961 the proponents of the change of zonal classification of the land in question appeared before the Planning Board of the City requesting said change. In August of 1961 the Planning Board approved the application by a unanimous vote. Thereafter, the proponents applied to the Zoning Board for a change and after a public hearing was held, the Zoning Board on November 30, 1961 approved the change of zone by a 3 to 2 vote and thereby extended the commercial use of the then and there existing adjacent property. Thereafter an appeal was taken to the Court of Common Pleas and the Zoning Board's decision was upheld in February of 1963. Subsequently, the Supreme Court of Errors, on a further appeal, reversed the lower court, based on technical reasons, rather than on the merits of the zoning change. The proponents, thereafter, again applied to the Planning Board in September 1964 and, in November of 1964, the Planning Board again unanimously granted the Master Plan Change. Upon application to the Zoning Board on December 9th, 1964 for the specific change, the Zoning Board denied the application on January 20, 1965 by a 3 to 2 decision. The Planning and Zoning Committee held an open meeting for the general public on Thursday, March 11, 1965 at Rippowam High School, at which time the proponents and all interested parties and citizens were given an opportunity to be heard. All members of the committee were present, and by looking in the audience, I would say about 25 Board members were there. On March 19th, 1965 the committee met with the Zoning Board and Urban Redevelopment Commission, at which time all members were present and also, Mr. Philpot, Mr. Rich and Mr. Tom Morris, Majority Leader, attended.

On March 20, 1965 the committee met with the Planning Board. Both Majority and Minority leaders were at the meeting; also Mr. Philpot. After exhaustive discussions on this appeal, the committee voted to approve the appeal and thus reverse the decision of the Zoning Board.

It was the opinion of the committee that a change should be approved for the following reasons:

- (1) The land which is the subject of this proposed zone change is unusual, due to the fact that topography is of an extremely rocky nature, bounded by two state highways and already partially commercially zoned land. Maps and photographs, both aerial and surface, were presented, which clearly indicated that the general characteristics of the land lends itself to commercial development. Other uses which were proposed by the opponents of the change were not deemed by the committee to be the most appropriate use of the land, and further, would result in a detriment to the community.
- (2) An expert on traffic studies testified that the highways abutting the property are more than adequate for an increase in traffic as the roads are not presently being used to their full capacity. Plans of the proposed use of the property indicates that it will not harm the existing traffic pattern, as the volume of business would be conducted at off-peak traffic hours. For a period of 10 years a north-south artery has been proposed by the Planning Board which would also serve to enhance the traffic pattern and make the downtown area more accessible. As pointed out by the Urban Redevelopment Commission, adjustments to the highways would be extremely desirable for its proposed use of the land in question. The committee finds that the proposed change will not have an adverse effect on the traffic pattern which presently exists.
- (3) The present trend of population growth in the city, being mainly to the north, is an indication that more commercially zoned property will be required, which fact is borne out by the Urban Redevelopment Commission's "Market and land use analysis" prepared by Brown, Harris, Stevens, consultants in real estate economics and appraisal. In their report it is clearly set forth that the success of the Urban Redevelopment program, and naturally, the welfare of the community, will not be harmed or adversely affected by the proposed use. The Committee wholeheartedly agreed with this statement, and the recent upsurge of building activity bears this out. The Committee is cognizant of the fact that approximately 60 acres lies to the west of the property in question, which property is presently zoned for residential purposes. Concern has repeatedly been expressed that the proposed application could be one forerunner of a change of zone of this acreage to commercial. However, the Committee feels that any proposed use of the 60 acres cannot be decided on this appeal, because it would involve conjecture, and further, because no change of zone has been requested. Each and every appeal must be decided upon the facts pertaining to the land in question. At the present time the Master Plan for the city designated the 60 acres for residential purposes. Any proposed change to this land must be heard by the Planning Board and the Zoning Board and the Committee expresses confidence in any decisions of these boards, if called upon, which may be arrived at.

The proposed change would establish a commercial area bounded by uniquely firm buffers. To the north of this property, a church immediately abuts the property and further land is being used for residential purposes. Easterly and westerly the two major state highways offer natural convenient boundaries.

- (4) The Committee has read letters requested by the Planning Board from various communities in which a similar land use was proposed and granted. The Committee believes from an examination of the letters that the proposed use, has not adversely effected the communities in which Lord & Taylor has located. Further it would seem that the cities derived benefits from its existence. The City of Stamford can derive benefits from the location of a store on the quality of Lord & Taylor and to name a few, increased employment and tax revenue. Furthermore many non-residents would be attracted to the City which would compliment the proposed Urban Renewal Program also, the proposed use would deter the outflow of residents to surrounding shopping centers and bring many residents of near by communities to Stamford. The Committee expresses its confidence in the Urban Renewal Program and feels that the erection of a store of the quality and size of the proposed Lord & Taylor will aid it to its goal, by stimulating a healthy retail atmosphere in the Stamford area. The land in question lends itself for commercial use and the Committee feels that a high quality commercial land use such as the proposed, by far, the best use of the land economically and in accordance with the established comprehensive plan for the community.

George Russell,
Chairman,
Planning & Zoning Committee

MR. RUSSELL: "We have two appeals tonight - the Lord and Taylor appeal and the Fidelity Bank appeal. We are now concerned solely with the first item under the "Call" of the meeting - Application No. 64-038 - the LORD & TAYLOR one.

"The Committee held six meetings. The vote of the Committee is unanimously in favor of supporting the appeal, thus reversing the decision of the Zoning Board." He called attention to Section 556.1 of the Charter:

"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."

MR. RUSSELL said, in view of the above Section of the Charter HE MOVED for an affirmative vote to grant this appeal, thus reversing the decision of the Zoning Board. Seconded by Mr. Lindstrom.

THE PRESIDENT restated the motion and said in order for this appeal to be upheld by this Board, it would require an affirmative vote of 21 and a "yes" vote will be a vote in favor of Stamford Hall (Lord & Taylor).

MR. TRUGLIA MOVED for a roll call vote. Seconded and CARRIED.

THE PRESIDENT said a roll call vote is now in order.

MR. ZEZIMA explained his reasons for voting to uphold the Stamford Hall appeal.

MR. MARTIN spoke on the motion before the Board, stating the advantages that Lord and Taylor's location in Stamford would give the City.

MR. SELSBERG then gave a detailed report as to why he was voting to reverse the decision of the Zoning Board.

MR. SULLIVAN said he agreed with Mr. Selsberg's views and spoke briefly on the appeal.

MR. NATHANSON read a prepared statement, giving his reasons in favor of the zoning change.

MR. RICH spoke, posing several questions, both pro and con, in regard to the appeal.

MR. PHILPOT pointed out that although he had serious doubts as to the feasibility of allowing Lord and Taylor in this particular area, he had now decided to vote in favor of the appeal.

MR. DURSO spoke in favor of Lord and Taylor and urged everyone to vote in favor of this appeal.

THE PRESIDENT read the following letter at this time from William Murphy, 11th District Representative:

March 24, 1965

Mr. Alan Ketcham,
President,
Board of Representatives

Am unable to attend tonight's meeting because of work. I feel that since my absence is, in fact, a vote for the Zoning Board I must send this note. If I was at the meeting I would sustain the Zoning Board. My reason for this position is that I don't want to hurt the downtown U. R. C. area - and rezoning at Bull's Head may do just that - by opening The Pandora's Box of zoning applications for this area.

Thank you for allowing this statement read.

William D. Murphy

MR. RAND also spoke in favor of the Lord and Taylor appeal.

MR. KUCZO spoke briefly and referred to the Brown, Harris, Stevens' report, which states that the Stamford area could economically handle developments outside the Urban Renewal area.

MR. CONNORS spoke in favor of the appeal.

MR. KANE spoke in favor of the appeal and MOVED THE QUESTION. Seconded.

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THE PRESIDENT stated that the question has been moved and seconded. He asked if there was any opposition. There being none, the President then explained that this Board is now proceeding under Section 556.1 of the Charter. He said an affirmative vote of 21 is required to reverse the action of the Zoning Board and to uphold the Stamford Hall appeal.

The motion CARRIED by a vote of 35 in favor and 2 opposed, the President not voting, as is customary, except in the event of a tie vote. The vote is recorded below:

THOSE VOTING IN FAVOR

BITETTO, Joseph (R)
 CAPORIZZO, Vincent (D)
 CAPORIZZO, William (R)
 CONNORS, George (D)
 DOMBROSKI, Edward (D)
 DURSO, Robert (D)
 ESPOSITO, Jennie (D)
 HEARING, William (R)
 IACOVO, Edwin D. Sr. (R)
 KANE, John (D)
 KEGGI, J. John (R)
 KELLY, Stephen (D)
 KUCZO, Paul (D)
 LILLIENDAHL, Frances (R)
 LINDSTROM, Edwin (R)
 LONGO, Carmine (D)
 MARTIN, Peter (R)
 MORRIS, John (D)
 MORRIS, Thomas (R)
 NATHANSON, Benjamin (R)
 PHILPOT, Romaine (R)
 RAND, Paul (R)
 REMLING, Daniel (R)
 RICH, John (R)
 RUSSELL, George (R)
 RYBNICK, Gerald (D)
 SELSBERG, William (R)
 SULLIVAN, Gerald (D)
 SUTHERLAND, Judith (R)
 TATANO, Andrew (R)
 TRUGLIA, Anthony (D)
 VEIT, Frank (R)
 VIVONA, Dominick (D)
 WALAJTYS, Chester (D)
 ZEZIMA, Michael (R)

THOSE VOTING IN OPPOSITION

ARRUZZA, Patsy (D)
 KULOWIEC, Stanley (D)

ABSTAINED

KETCHAM, Alan H. (R)

MR. KETCHAM announced the vote and said the appeal of Stamford Hall (Lord and Taylor) has been upheld and the action taken by the Zoning Board has been REVERSED.

- (2) APPEAL from decision of Zoning Board - Application No. 64-039 of THE STAMFORD HALL COMPANY (Fidelity Bank) denying change to C-L Limited Business District, land now in C-N Neighborhood Business District and R-7½ One Family Residence District

MR. RUSSELL now took up the second matter under the "Call" of the meeting, as outlined in above caption. He said what the Committee reported earlier in the meeting under the first appeal also applies to the above one. He said this appeal was also considered at approximately six occasions prior to tonight's meeting. He presented the following report:

On July 11, 1961 the proponents of the zoning change classification of the land in question appeared before the Planning Board of the City, requesting said change.

In August of 1961 the Planning Board approved the application by a unanimous vote. Thereafter, the proponents applied to the Zoning Board for a change of zone. After a public hearing was held, the Zoning Board on November 30, 1961 approved the change of zone by a three to two vote, thereby extending the commercial use of the then existing adjacent property. Thereafter, an appeal was taken to the Court of Common Pleas and the decision of the Zoning Board was upheld in February of 1963.

Subsequently, the Supreme Court of Errors, on a further appeal, reversed the lower Court, based on technical reasons, rather than on the merits of the zoning change. Thereafter, the proponents again applied to the Planning Board on September 29, 1964, and in November of 1964, the Planning Board again unanimously granted the Master Plan change. Upon their application to the Zoning Board on January 13, 1965 for a specific change, the Zoning Board denied the application on January 20, 1965 by a three to two decision.

On Thursday, March 11, 1965, the Planning & Zoning Committee held an open meeting, open to the general public, at Rippowam High School, at which time the proponents and all interested parties and citizens were given an opportunity to be heard. All members of the Committee were present.

On March 19, 1965, the Committee met with the Zoning Board and the Urban Redevelopment Commission, at which time all members were present. Also, Messrs. Philpot, Rich and (Thomas) Morris attended.

The Committee met with the Planning Board on March 20, 1965. After exhaustive discussions on this appeal, the Committee voted to approve the appeal, thus reversing the decision of the Zoning Board. This was by unanimous vote of all members of the Committee.

It was the opinion of the Committee that the requested zoning change should be approved for the following reasons:

1. The land in question is a unique triangular area, bounded on the front and sides by commercially zoned properties. It is located at the junction of two major highways - namely, Long Ridge and High Ridge Roads. Furthermore, Cold Spring Road extension abuts the property presently zoned C-N Commercial to its South. Due to the commercial character of the surrounding area, the Committee believes that the present zone classification does not allow or further the most appropriate use of the land, but a C-L zone classification will permit the applicant to use his land for its most suitable use.

2. Because of the intense population growth to the North, the Stamford Fidelity Bank and Trust Company finds it is necessary to enlarge its branch banking facilities in this area. Also, there is a distinct probability that a portion of their existing property used for banking purposes will be taken by the State for highway improvement purposes in the near future, which necessitates the acquisition of nearby property. The Committee felt that this land, used for banking purposes, would be an extremely desirable and beneficial use of this property, which use would further comply with the comprehensive plan for the community.
3. At the open meeting, held March 11, 1965 and also at subsequent meetings with various Boards, no opposition to the zoning use change was expressed. The only minor expression was by one member of the Urban Redevelopment Commission, who seemed to feel that the change, if granted, might have some connection at a later date to the Lord and Taylor building to the north.

MR. RUSSELL said, for the above reasons, the Planning and Zoning Committee recommends the approval of the requested zoning change as appealed to this Board, thereby reversing the decision of the Zoning Board. He MOVED this appeal be granted. Seconded.

THE PRESIDENT restated the motion and said in order for this appeal to be upheld by this Board, it would require an affirmative vote of 21 and a vote of "yes" would be a vote in favor of The Stamford Hall (Fidelity Bank) and a vote of "no" would be a vote to uphold the decision of the Zoning Board. He asked if there was any further discussion.

MR. KUCZO MOVED THE QUESTION.

VOTE taken on Mr. Russell's motion. CARRIED unanimously.

THE PRESIDENT said the business before this Board as stated in the "Call" of the meeting has been concluded. He said if the members wish to stay after the meeting has adjourned to informally discuss the call of the meeting, he would request the indulgence of the Board to allow them to speak.

ADJOURNMENT:

On motion, duly seconded and CARRIED, the meeting adjourned at 10:20 P.M.


Mary McCauley,
(Recording Secretary, pro tempore)

APPROVED:


Alan H. Ketcham, President

Note: The above meeting was broadcast over Radio Station WSTC. Also, Audograph recordings were made of the above meeting and anyone wishing to hear the recording may request permission from the President.