

Rec'd @ PTH 1/6/14

ZONING BOARD

**Continuation of Public Hearing on Zoning Application 213-33
Scheduled for January 6, 2014 at 7:00 p.m.**

In the Matter of:

Zoning Application 213-33

Map/Zone Change from R20 to RA1

**For Seven Properties located at 68, 74, 88, 89,
102, 107, and 123 on Saddle Rock Road in Stamford
Connecticut, Fairfield County.**

**SECOND APPENDIX¹ – IN OPPOSITION TO ZONING
APPLICATION 213-33**

Prepared by:

Karen A. Murphy

68 Saddle Rock Road
Stamford, Connecticut 06902
(203) 324-1423
Email: SFGGrp@aol.com

¹ Initial/First Appendix (50 pages) was submitted into the record at the Public Hearing held on December 2, 2013. This Second Appendix, which starts at page 51, was submitted into the record on January 6, 2014.

TABLE OF CONTENTS

PAGE

Part 1

Darien Planning and Zoning Commission Response to Super Storm Sandy

Darien Planning and Zoning Commission (Darien "P&Z Commission") Adopted Resolution Dated March 26, 2013.....	A51
--	-----

Note:

- a) The Application was put forth by the P&Z Commission, not by a resident and was by a Text Change not a Map/Zone Change (A51)
- b) The proposed amendment with respect to building height from 30 feet to 33 feet was **DENIED**. (A54) The Commission determined that requests for building heights greater than 30' can be taken before the ZBA and determined on a case-by-case basis (A54)
- c) Darien is the only Town in the region that requires new homes to build one foot above the FEMA minimum (A52, para 5; A7)
- d) Darien does not give credit for more than one foot of fill. (A62) Stamford gives credit for 3 feet of fill.
- e) Increasing the number of stories from 2 ½ to 3 was not even proposed or considered by Darien's P&Z Commission

Memo from Darien Zoning Board of Appeals (Darien ZBA) to Darien P&Z Commission.....	A57
---	-----

Note: Paragraph 19 – Darien ZBA urged caution in allowing an extra 3 feet in height, which was denied, because 3 feet means six (6) feet. (A59; A61) Similarly increasing the height by 5 feet from 30 feet to 35 feet as the ZB Application does in this case results in a height increase of 10 feet.

Darien Times Article, dated February 28, 2013, before the date of the Adopted Resolution on March 26, 2013.....	A62
--	-----

"The proposed max height increase [which ultimately was denied] should not be seen as 'some opportunistic endeavor' by residents to build bigger homes without the need to."

Part 2 **Westport Planning and Zoning Commission** **Response to Super Storm Sandy**

Memo to Planning and Zoning Commission (“Westport P&Z Commission”) -
Proposed change to Special Flood Hazard Zone Regulations (Amendment #656)
Dated December 7, 2012..... A65

Final Draft Version of text Amendment # 656.....A68

Note:

- a) The Application was put forth by the Westport P&Z Commission, not by a resident and was by a Text Change not a Map/Zone Change (A65)
- b) Purpose: In exchange for elevating their structures to the BFE, property owners would avoid having to obtain a variance from the ZBA (A65)
- c) The height for the principal building may be increased from 26 feet to a maximum height of 31 feet when the structure is elevated to at least the Base Flood Elevation. An additional foot of building height is permitted for each foot the average grade is below BFE up to a maximum of 5 feet. (A73-A74)
- d) Amendment only affects existing homes not homes built in the future.
- e) Westport does not give credit for fill.
- f) Increasing the number of stories from 2 ½ to 3 was not even proposed or considered

Westport News Article, dated December 27, 2012, after the date of the Adopted
Text Change.....A76

Part 3 **Map/Zone Change Inconsistent With Master Plan²:** **See Charter Section C6-40-3**

Master Plan Map – the 7 properties are categorized Residential #2,
“low density”A78

Note: The ZB Application is inconsistent with the Master Plan. See A80 for definitions of Residential # 1 and Residential #2. Land Use Category Residential #2 permits developments on less than one acre. Therefore, pursuant to Charter Sec C6-40-3 (see below) before the ZB Application can be approved a Master Plan Amendment is necessary to categorize the seven properties Residential #1. In the

² Link: <http://www.stamfordct.gov/planning/pages/master-plan>

Residential #1 Land Use Category development cannot exceed one principal dwelling per acre.

Sec. C6-40-3. Amendments to Zoning Map After the Effective Date of the Master Plan.

After the effective date of the Master Plan the Zoning Map may, from time to time, be amended by the Zoning Board provided, prior to any such action, the Board shall hold at least one public hearing thereon, notice of which shall be given as hereinafter provided. If said Board is the proponent of any such change said notice shall contain the Board's reasons for such proposed change. **The Zoning Map shall not be amended by said Board to permit a use in any area which is contrary to the general land use established for such area by the Master Plan.**

Zoning Map.....	A79
Land Use Categories ³	A80

Note: The “seven properties” are categorized as Residential #2 on the Mater Plan Map, as acknowledged by Mr. Redniss indicated in submitting Exhibit 4 at the December 2nd Public Hearing (A121)

#1 Residential –Very Low Density Single-Family (A80)
#2 Residential – Low Density Single-Family (A81)

Other Inconsistencies with the Master Plan include:

A. Neighborhood Plan Reports: Cove-East Side, Shippan⁴:.....A82

1B6: Destination point for water views; protect water views; front yards setbacks (increasing backyard could impact front yards); and other scenic features (A82)

1B8: Promote waterfront views. “[E]very opportunity should be exploited to preserve if not improve access to and/or views of the waterfront from public roads.” (A83)

1C15: Protect and minimize danger to life and property from coastal flooding; preservation of waterfront and other important view corridors (A85)

B. Neighborhood Quality of Life⁵.....A86

³ Link: <http://www.stamfordct.gov/sites/stamfordct/files/file/file/landusecategories.pdf>

⁴ Link: <http://www.stamfordct.gov/planning/pages/neighborhood-plans-report>

⁵ Link: <http://www.stamfordct.gov/sites/stamfordct/files/file/file/neighborhoodquality.pdf>

C1.7 Limit the expansion of pre-existing, non-conforming uses (A86)

C7.1 Protect and minimize danger to life and property from coastal flooding This will require rigorous application of the floodplain management guidelines of the National Flood Insurance (A87)

Agenda for Planning Board November 19, 2013 Meeting.....A88

Note: Because of Mr. Redniss' misrepresentations most, if not all, of the non-conflicted property owners within and outside of the proposed area to be rezoned did not know of the Planning Board's meeting to review the ZB Application that was held on November 19, 2013. Mr. Redniss' and others' conduct denies such owners their property right to meet with the Planning Board pursuant to Sec. C6-40-10⁶ before rendering its decision.

Minutes of Planning Board November 19, 2013 Meeting.....A90

Note: The sole reason the Planning Board members gave for the approval of the Map Change was that it "lessen density in a flood prone area," which based on the facts is not the case. There is no change in density resulting from this Map Change. More significantly, there was no finding that the Map Change is consistent with the Master Plan, which it is not for the reasons cited above. Further there is no mention of Master Plan or what documents were reviewed.

Staff Report, dated November 26th (A 95), was apparently finalized after Planning Board meeting and is dated the same date as Mrs. Dell's November 26th letter noted immediately below.

November 26 letter from Mrs. Dell, Chair of Planning Board.....A94

⁶ Sec. C6-40-10. Referral of Proposed Amendments to the Regulations or Zone Boundaries to Planning Board.

Any proposed amendments to the Zoning Regulations or zone boundaries or changes thereof shall be referred to the Planning Board for a report at least thirty days prior to the date assigned for a public hearing to be held thereon. The failure of the Planning Board to report prior to or at the hearing shall be taken as approval of such proposals. A statement of the vote of the Planning Board, approving, disapproving, or proposing a modification of such proposal shall be publicly read at any public hearing held thereon. The full report of the Planning Board regarding such proposal shall include the reasons for the Board's vote thereon and shall be incorporated into the records of any public hearing held thereon. A proposal disapproved by the Planning Board may be adopted by the Zoning Board by a two-thirds vote of the Zoning Board. Upon request to the Planning Board by either the applicant or the opponent, a meeting shall be held by the Planning Board with such applicant and/or opponent before it shall render a decision. (emphasis added)

Note: Mrs. Dell indicates the ZB Application complies with the Master Plan which it does not. There are no documents or citations to support this conclusion. Strangely, Ms. Dell does not discuss the Land Use Category issue or views or height concerns. Staff Report does not mention Master Plan or Mrs. Dell's letter.

As for the density issue there are many reasons why the properties cannot be currently subdivided. (See A49)

Question: Who drafted Mr. Michelson's opening statement which he read into the record at the start of the public hearing? A copy of the statement is not in the Zoning Board's file for this application.

Staff Report.....A95

Note: (a) Staff Report is dated November 26 and was received by the Zoning Board on November 27, 2013

(b) No legal basis for the criteria used in the Staff Report to change a zoning classification. (A98; see Part 4 immediately below)

(c) Staff Report references an outdated version of the Coastal Management Manual.⁷ (A96)

(d) Rezoning to RA-1 will result in larger homes and as a consequence, contrary to the Staff Report's conclusion, result in more people living on Saddle Rock Road, a "high coastal flood area" according to the Staff Report. (A96)

(e) Staff Report fails to note that for the three accessway lots (#102, #123 and #107), the Circle Diameter increases from 120 feet to 150 feet and the other boundary changes if the ZB Application is approved.

Part 4 Staff Report's Criteria for Map/Zone Change Inconsistent With : Charter Sections C6-40-1 & C6-40-5⁸

The City's Charter Section C6-40-59 provides that the Board of Representatives when acting upon a Referral by the Opponents Proposed Amendment to Zoning Map shall be

⁷ See Link at: http://www.ct.gov/deep/cwp/view.asp?a=2705&q=323814&deepNav_GID=1622

⁸ City's Charter's Link: <http://library.municode.com/index.aspx?clientId=13324>

⁹ 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.

guided by the same standards as are prescribed for the Zoning Board in Section C6-40-1 of this Charter. The guidelines in Section C6-40-1¹⁰ were neither referenced nor considered in the Staff Report. The guidelines provide that there should be a comprehensive plan for a district. Severing seven properties from the R-20 district and rezoning them RA-1 was not done in accordance with a comprehensive plan. Further there was no consideration of (i) the dangers from flooding, (ii) of the character of the district, or (iii) a view to conserving the value of buildings due to, among other things, converting conforming lots into non-conforming lots.

As further evidence there is no comprehensive plan involved, Mr. Redniss unilaterally agreed to reduce the number of properties to be rezoned from seven to six by eliminating 68 Saddle Rock Road at the December 2nd Public Hearing (A123)

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 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.

¹⁰ Sec. C6-40-1. Powers and Duties of the 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.

Part 5

The Map/Zone Change Inconsistent with the Guidelines for Zoning Amendments ¹¹

The ZB Application is inconsistent with the Guidelines for Zoning Amendments. The primary reason for this Map/Zone Change is to increase the height, bulk and setback of structures in this “new district” which according to the Zoning Guidelines should be done (if at all) by a Zoning Text Change not a Map Change.

Zoning Map Changes

The purpose of the Zoning Map is to divide the city into zoning districts of such number, shape and area as deemed necessary to guide the most appropriate use of land and provide for administration and enforcement of the Stamford Zoning Regulations.

Zoning Text Changes

The purpose of the Zoning Regulations is to establish uniform standards guiding the most appropriate use of land and buildings and controlling the height, bulk and setback of structures and site development standards.

Part 6

Who is the Applicant?

Application for Change in the Zoning Map (A116)

Note: Richard W. Redniss, AICP, is the Applicant. According to the Tax Assessor’s records, Mr. Redniss does not own property in the City of Stamford. Only property owners can make an application to change the Zoning Map. (Charter Section C6-40-4)

Charter Section C6-40-4:

Sec. C6-40-4. Applications for Amendments to the Zoning Map After Effective Date of the Master Plan.

- (a) After the effective date of the Master Plan, **any Stamford property owner** or governmental agency, department, board or official, may file a written application with the Zoning Board for an amendment to the Zoning Map...(emphasis added)

Application for Coastal Site Plan Review, dated October 16, 2013 (A117)

¹¹ Link: <http://www.stamfordct.gov/zoning/pages/guidelines-for-zoning-amendments>

Cover letter to Norman Cole from Richard Redniss, dated October 16, 2013, Re:
Application for CAM ApprovalA98

Who is Mr. Redniss referring to in the Cover Letter with the statement: "...to facilitate this helpful change for the area residents?"

Also Cullman/Kirby authorize the office of Redniss & Mead, Inc., not Richard Redniss, to act as their agent in connection with land approvals. What Cullman/Kirby failed to disclosed, and is not disclosed on the applications, is the fact that they were representing other neighbors as well. (A42, A98)

ix

Long Island Sound Programs, Harbor Commission, Board of Representatives
(District 1); ZEO, EPB, Engineering Bureau, WPCA and Chief Fire
Marshall.....A101-A105

David Woods confirmed that attached to Norman Cole's Cover Letters (A100-105) were (i) Application for Change in the Zoning Map of Stamford, Connecticut, File # 213-33, including Area Description (Exhibit A), Property Owners List (Exhibit B) and a Map, all dated October 11, 2013; and (ii) an Application for Coastal Site Plan Review, dated October 16, 2013. In other words, the documents shown at A113 to A117.

Note: Only Planning Board (A78-94) and Engineering Bureau (A106) responded to-date.

Question: How can any board, commission, agency, bureau or City official make an informed decision based on the scanty information provided to such decision-makers in this case? More alarming is the fact that only information from the Applicant is forwarded to the agencies, bureaus and others.

What is also troubling about Norman Cole's correspondence is the fact that there is no effort by City officials to review the CAM Application or the Map Change Application for consistency with the general statutes or the regulations, or provide specific local knowledge and information related to the properties involved in the rezoning before sending such applications to CT DEEP and other agencies and bureaus for review.

This utter lack of credible, verified and complete information can only result in subpar reviews, at best, by the agencies and bureaus. This is an ineffective Planning and Zoning Process. The residents have a reasonable expectation of an effective Planning and Zoning process.

Simply put, without extensive, burdensome work, the agencies and bureaus (and the taxpayers) are not able to make informed decisions based on the inadequate, unclear and inaccurate information provided by, and the material omissions of, Mr. Redniss in this case for example.

Further there has been no mention of the construction standards which reduce the potential for loss of life and property from flooding in this Coastal A Zone. The Zoning Board should be proposing zoning regulation amendments that encourage the appropriate construction standards for this Coastal A Zone, not a discriminatory, arbitrary unlawful Map Change. Three of the seven properties included in this ZB Application were destroyed by Super Storm Sandy and this ZB Application does nothing to identify or

address the specific flooding issues involved with those properties or the properties that were significantly damaged.

Part 8

Applicant's Proposed Designs & Elevations for New Home

Footprint Comparisons.....A107

Note: Pre-Existing footprint does not agree with Tax Assessor's Records. Compare A15 and A17; Redniss' reported pre-existing footprint of 6,446 SF is almost 50% more than the Tax Record's first floor footprint of 4,349 SF.

The depicted above ground pool and cabana have elevations of 16.25 feet while existing elevation is less than 9 feet.

Note: The tortured lot line between 68 and 74 where the pool is located was created by the prior owners of 74. In other words, the hardship created by this lot line is self-imposed as it was created by the prior owners of 74 Saddle Rock Road.

Front Elevation R-20.....A108

Question: What is the basis for the Average Grade Elevation of 12.4 feet?

Note: Garage's elevation is at 15 feet; existing elevation is less than 9 feet.

Question: Does FEMA require the Garage Slab to be at 15 feet?

Answer: No

Front Elevation Zone Comparison.....A109

How much fill and what is the impact on flooding, drainage, etc. in this Coastal A Zone?

Side View of Elevations.....A110

Question: By raising the house 5.5 feet, from 12 feet to 17.5 feet, is the enclosed area under the first floor counted as a "Story" despite there being no actual living space? Answer: Yes Confirmed with Jim Lunney, ZEO, as well.

Definition of Story: That portion of a building between any floor and the ceiling or roof next above it, the ceiling of which is five feet (5') or more above the level from which the height of the building is measured, shall constitute a full story. A "half-story" is any habitable space which has a stairway as a means of access and egress and in which the ceiling area at a

height of 7 1/3 feet above the floor is not more than one-third the area of the next floor below. (91-002; 203-38)

ZEO's Map of Area.....	A111
------------------------	------

Part 9 Redniss' Exhibits (December 2nd Public Hearing)

Exhibit 1

Statement of Notification of Property Owners.....	A112
Application for Change in the Zoning Map of Stamford, Connecticut, File # 213-33.....	A113
Area Description (Exhibit A).....	A114
Property Owners List (Exhibit B).....	A115
Map by Redniss & Mead, dated October 7, 2013; and.....	A116
Application for Coastal Site Plan Review, dated October 16, 2013.....	A117
Property Owners within 300 Feet.....	A118

Exhibit 2

Elevation Section depicting 74 Saddle Rock Road prepared by Mead & Redniss, dated December 2, 2013.....	A119
--	------

Note: A height increase of 5 feet from 30 feet to 35 feet as the ZB Application does in this case results in a height increase of 10 feet. See Darien ZBA Memo at A57, para. 19.

Exhibit 3

Westport Height Regulation.....	A120
---------------------------------	------

Note: See comments above (A65-77)

Exhibit 4

Stamford Master Plan – Residential #2.....	A121
--	------

Note: Redniss' admission that Land Use Category Residential #2 applies to the 7 properties. (See comments under Master Plan Map at A78)

Exhibit 5

Email from David Tunick to Richard Redniss, dated December 2, 2013.....	A122
---	------

What specifically did Mr. Tunick learn?

Where are the written statements by the property owners within the proposed rezone area agreeing to this ZB Application? What exactly has Mr. Redniss represented to these home owners?

Exhibit 6

Redniss' Revised/Amended Application eliminating 68 Saddle Rock Road from the proposed rezoned area for the Zoning Board to consider.....A123

Part 10

Other Documents

Notice¹² in The Stamford Advocate-November 20th and 27thA125

Questions: What date was the Notice drafted? Who drafted the Notice? Why didn't the Town Clerk use a date and time stamp?

Note: No notice of CAM Application Review in Zoning Board Agenda or the Notice. Also the residents did not receive Mr. Redniss' October 16th letter, notwithstanding Mr. Redniss' representation to the contrary. (A98)

Abutters List: 500 feet from 68 Saddle Rock Road.....A130

Demolition Application for 74 Saddle Rock Road.....A132

Note: Indicates that the razed home was 2 stories. The height of the building is not shown.

Part 11 The ZB Application is Inconsistent with Connecticut Coastal Area Management Act ("CAM")

There is no indication that anyone has reviewed this proposed Map Change for consistency with the applicable policies of the Connecticut Coastal Area Management

¹² Sec. C6-40-11. Notice of Public Hearings.

Notice of each public hearing held with respect to amendments of the Zoning Regulations and Map or applications for approval of site and architectural plans and/or requested uses shall be given by publishing in an official newspaper the time, place and purpose of such hearing. If any such hearing is to be held with respect to an amendment to the Zoning Map, such notice shall include a clear and accurate map showing the bounds of any area or areas affected. Said notice shall be published at least twice, the first not more than fifteen nor less than ten days before such hearing, and the last not less than two days before such hearing; and a copy of such proposed amendment or a copy of such application for approval of site and architectural plans and/or requested uses shall be filed in the office of the Town and City Clerk at least ten days before such hearing.

Act, CGS Sections 22a-90 through 22a-112, inclusive¹³. Listed below are four inconsistencies with the Coastal Management Act.

1. The proposed Map Change is not proceeding in a manner consistent with the rights of private property owners. This relevant policy is contained in CAM's general goals and policies, which includes but is not limited to (1) the development... of the coastal area proceeds in a manner consistent with the rights of private property owners....(CGS Sec 22a-92(a)(1))¹⁴ (See Legal Arguments and misrepresentations, infra, and Part 7, supra, lack of information provided to decision-makers.)
2. The planning process for the Map Change failed to consider the potential impact of coastal flooding so as to minimize damage to and destruction of life and property. This relevant policy is contained in CAM's general goals and policies, which includes but is not limited to the need to consider in the planning process the potential impact of coastal flooding. CGS Sec 22a-92(a)(5))¹⁵
3. Views of Long Island Sound will be materially altered by the proposed Map Change. The relevant CAM policy is contained within the minimization of "adverse impacts on coastal resources" policy, which includes but is not limited to... (F) degrading visual quality through the significant alteration of the natural features of vistas and viewpoints (CGS Sec. 22a-93(15))¹⁶. Within this context, this policy recognizes the

¹³ Link to CGS: <http://law.justia.com/codes/connecticut/2012/>

¹⁴ CGS Sec. 22a-92(a)(1) " (a) The following general goals and policies are established by this chapter: (1) To ensure that the development, preservation or use of the land and water resources of the coastal area proceeds in a manner consistent with the rights of private property owners and the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth;..."

¹⁵ CGS Sec. 22a-92(a)(5) To consider in the planning process the potential impact of a rise in sea level, coastal flooding and erosion patterns on coastal development so as to minimize damage to and destruction of life and property and minimize the necessity of public expenditure and shoreline armoring to protect future new development from such hazards;

¹⁶ CGS Sec. 22a-93(15) "Adverse impacts on coastal resources" include but are not limited to: (A) Degrading water quality through the significant introduction into either coastal waters or groundwater supplies of suspended solids, nutrients, toxics, heavy metals or pathogens, or through the significant alteration of temperature, pH, dissolved oxygen or salinity; (B) degrading existing circulation patterns of coastal waters through the significant alteration of patterns of tidal exchange or flushing rates, freshwater input, or existing basin characteristics and channel contours; (C) degrading natural erosion patterns through the significant alteration of littoral transport of sediments in terms of deposition or source reduction; (D) degrading natural or existing drainage patterns through the significant alteration of groundwater flow and recharge and volume of runoff; (E) increasing the hazard of coastal flooding through significant alteration of shoreline configurations or bathymetry, particularly within high velocity flood zones; (F) **degrading visual quality through significant alteration of the natural features of vistas and view points**; (G) degrading or destroying essential wildlife, finfish or shellfish habitat through significant alteration of the composition, migration patterns, distribution, breeding or other population characteristics of the natural species or significant alteration of the natural components of the habitat; and (H) degrading tidal wetlands,

importance of the visual quality of the natural resources of the coastline and the visual access to them. In plain English, CAM protects “public” views of the coastline and coastal resources. The creation of a number of tall structures as proposed by this ZB Application on Saddle Rock Road, a residential street and a destination point for vistas of Long Island Sound for residents of, and visitors to, Shippan, is inconsistent with CAM.

4. The map Change will disturb more than 8 acres, which are surrounded by water on three (3) sides, and may increase the hazard of coastal flooding through significant alteration of shoreline configurations (taller structures; also see proposed designs for new home - larger footprint, use of fill etc.) within a high velocity flood zone. (fn 15, CGS Sec. 22a-93(15)(E))

Mr. Redniss’ representations regarding the beneficial impacts of the Map Change and the proposal’s consistency with the goals and policies of CAM are meritless. (See CAM Application at A117)

First, Mr. Redniss admits that with the City’s current strong policies and practices against subdivisions in this Coastal A Zone it is highly unlikely there will ever be an increase in the number of residences in this area. (A22, point 4) And if subdivisions are a real concern, why are the two largest lots - 71 Saddle Rock Road (1.446 acres) and 91 Rogers Rogers (1.377 acres) – which would be contiguous to the area to be rezoned, not included in the proposed area to be rezoned?

Second, the City of Stamford has never denied anyone the right to raise their existing home above the BFE. And there are no pending applications or backlog requests to raise homes in the flood prone areas in the City of Stamford.

Third, the additional half story (i.e., increasing the number of stories from 2 ½ to 3 stories) does nothing to allow “homes to be raised above critical flood heights” as represented by Mr. Redniss.

Fourth, other municipalities (e.g. Darien and Westport) have properly reviewed and analyzed the height and other relief Sandy victims need. Darien decided any height variance had to be decided on a case-by-case basis. Westport provided limited height relief (up to a maximum of 31 feet) to a few existing homes on

beaches and dunes, rocky shorefronts, and bluffs and escarpments through significant alteration of their natural characteristics or function; (emphasis added)

small lots. Mr. Redniss' admitted that he discussed with City officials new coastal height regulations but learned that such an analysis "would require much study and time." (A22, para. 1) As Mr. Redniss knows, or should know, proper analyses do take time and for the general welfare of the community such studies should be undertaken, not an ad hoc map change that benefits no one except his real client.

Part 12

FEMA

Flood engineering design and decisions are currently too closely linked with insurance policy decisions. The homeowners in the Coastal A Zone area of the City of Stamford need scientifically based recommendations that focus on the actual risk to such homeowners. The Coastal Construction Manual (CCM), currently considered the best practice available, provides code-plus design recommendations, but these best practices are not required to be followed in Stamford. Further, the CCM does not account for simultaneous high tides and peak surges which (I believed) accounted for a significant amount of the damages in the Coastal A Area proposed to be rezoned.

The primary goal of the Zoning Board and other boards and commissions for this Coastal A Zone should be to improve the understanding of coastal flooding in the changing environment and to provide guidance to homeowners and others to consider increased mitigation and adaptation for buildings designed in this coastal area, not an arbitrary map change proposed by a conflicted resident.

Part 13 Numerous Misrepresentations from Conception and Still On-going with Zoning Application

During the course of the approval process for this ZB Application Mr. Redniss has made many material misrepresentations and material omissions to include:

- a) Representing that he is the Applicant when he does not own property in the City of Stamford.
- b) Implying that he is representing many of the owners in the area proposed to be rezoned when in fact he is representing Cullman/Kirby.
- c) Failure to disclose that Nancy and David Lu did not agree to the Map Change; and now, without discussing the issue with anyone, wants the Zoning Board to impose the proposed Map Change on Nancy and David Lu and make their property non- conforming. Except for one or two conflicted neighbors, I don't believe any neighbor wants to see the proposed Map Change imposed on the Lu's property. Cullman/Kirby/Redniss did not force the Map Change on David Tunick's property.
- d) Failure to disclose the true interests of the owners of 74 Saddle Rock Road when participating in the planning process for the proposed Map Change.
- e) Misrepresenting the footprint of 74 Saddle Rock Road prior to the demolition of the building

- f) Failed to correct City officials for utilizing an incorrect legal standard (i.e., the improper criteria) in analyzing and preparing the Staff Report for the ZB Application.
- g) Representing to City officials that certain communications were made to the property owners when they were not.
- h) Misrepresenting to residents their building rights either negligently or intentionally to achieve a goal.
- i) Providing non-responsive, vague answers to owners' questions.
- j) Misleading the Zoning Board about the distance the new house will be from the Murphy's property line under RA-1 and R-20 (66 vs 88 feet) by failing to note the location of the proposed pool and the cabana.
- k) Failure to disclose to the Planning and Zoning Boards that the ZB Application is inconsistent with the Master Plan.

Part 14

LEGAL ARGUMENTS

Zoning Board Lacks Power to Grant Variances

The City's comprehensive plan consists of the zoning regulations and the zoning map. The requirement of a comprehensive plan is generally satisfied when the Zoning Board acts with the intention of promoting the best interests of the entire community. The ZB Application before the Zoning Board is intended to benefit via height and story relief the owners of 74 Saddle Rock Road and does not promote the interest of the entire community.

It is illegal for the Zoning Board to vary height, bulk and setbacks on a case-by-case basis (via map change application to a map change application basis), when the exclusive authority to vary the zoning regulations is vested in the zoning board of appeals. No board or commission other than the zoning board of appeals may be given the power to vary the application of the zoning regulations in individual cases.

The power to issue variances is specifically granted to zoning board of appeals in the enabling statutes. That logic applies with equal force here. There is nothing contained within the General Statutes authorizing the Zoning Board to adopt arbitrary map changes empowering itself to vary the application of the zoning regulations.

Every municipality which exercises the zoning power is mandated by Connecticut General Statutes to have a zoning board of appeals, which acts as a "quasi-judicial" body in deciding whether to grant relief from the literal enforcement of the zoning regulations.

A zoning board of appeals is indispensable to the zoning process both from the constitutional and the practical standpoint. The essential purpose of the zoning board of appeals is to deal with these cases by furnishing some elasticity in the application of regulatory measures so that they do not operate in an arbitrary or confiscatory, and consequently unconstitutional, manner.

Violation of Uniformity Requirement within Districts

The obvious purpose of the requirement of uniformity within districts in the regulations is to assure property owners that there shall be no improper discrimination, all owners of the same class and in the same district being treated alike with provision for relief in cases of exceptional difficulty or unusual hardship by action of the zoning board of appeals.

The uniformity requirement serves the interests of providing fair notice to applicants and of ensuring their equal treatment. Uniformity requirement "represents a reenactment in statutory form of the general principle underlying the equal protection clause — that all land in similar circumstance should be zoned alike".

Part 15

SUGGESTED FINDINGS

1. Two (# 102 and 123) of the seven homes involved in this Map Change have been uninhabitable since Super Storm Sandy and the owners are in discussions with City Officials about their options. There is no written evidence that either of these owners need or support this Map Change. In fact one of these owners (#102) is on the record as still reviewing with their attorney the implications of the Map Change, and the preference of the owners of #123 is not to raise the existing house. One home (#68) meets the base flood elevation requirements and none of the other three homes (#88, #89 or #107) are considering raising their homes at this time. That leaves the seventh property (#74) where the owners, the conflicted proponents of the Map Change, after razing the prior home want to build a large new house without going through the variance process and in disregard of, among other things, the (i) property rights' of others, (ii) public views of Long Island Sound, and (iii) the potential loss of life and property resulting from flooding of the other properties.
2. The owners included within, and outside of, the proposed "new district" acquired their properties districted as R-20. If approved this ZB Application will, inter alia, change conforming lots into non-conforming lots, unlawfully diminish abutters' property rights and allow for the creation of tall structures on a residential street blocking public views of Long Island Sound.

More significantly, the approval of the ZB Application would be a violation of the State and Federal equal protection clauses that all land in similar circumstances should be zoned alike. It would also be a violation due process – fair notice.

3. In order to maintain views and the character of the area, the Zoning Board of Appeals rarely grants height variances. The owners of the property located at 91 Rogers Road could not get a 4 inch height variance when building their new home. The owners of 75 Saddle Rock Road built to a height of only 24 feet due to neighbor concerns.

4. The disguised purpose of the ZB Application is to provide height and bulk relief to the property owners of 74 Saddle Rock Road which they could not get by way of a variance, the proper zoning process.
5. The ZB Application is inconsistent with the City's Charter, the Master Plan, Coastal Area Management Act, and the Guidelines for Zoning Amendments.
6. City officials utilized an incorrect legal standard (i.e., the improper criteria) in analyzing a change in Zoning Map. The key criteria used in the Staff Report to analyze the Map Change are inconsistent with the City's Charter. More alarming is the fact that David Woods, AICP, Principal Planner, admitted to Karen Murphy at their meeting on December 6, 2013, that the Staff Report was written on the premise that all of the included property owners wanted the Map/Zone Change – i.e., not on the law.
7. The Planning Board's findings that the Map/Zone Change will "lessen density in a flood prone area" is suspect based on (i) the private agreement in place; (ii) Mr. Redniss' admission that the City's strong policies and practices would preclude any subdivision in the area proposed to be rezoned; and (iii) due to the street frontage and set back requirements it is doubtful that the properties not subject to the private agreement could be subdivided.
8. The process to-date to advance this so-called called "Map Change" was accomplished by material misrepresentations and material omissions on the property owners within, and outside of, the proposed rezone area, and on City and State Officials.
9. During storms the height of the waves exceeds the height of the sea wall in the proposed area to be rezoned, and water flows over the top of the sea wall to flood the land behind it. The overtopping result in high velocity flows and there are no openings in the sea wall for the water to flow out.
10. Richard W. Redniss, AICP, does not own property in the City of Stamford. The Zoning Board, therefore, does not have jurisdiction to hear the Application for Change in the Zoning Map of Stamford, Connecticut, File # 213-33.
11. It is unclear who the applicant is on the Application for Coastal Site Plan Review. The Zoning Board, therefore, does not have jurisdiction to hear the Application for Coastal Site Plan Review, which apparently is associated with the Application for Change in the Zoning Map of Stamford, Connecticut, File # 213-33.
12. It is apparent that Mr. Redniss represented Susan Cullman and John Kirby in the application process and indicated, at the same time, that he was representing the interests of the other property owners within and outside of the proposed rezone area as well, which he knowingly and intentionally failed to do.

13. The owners, or predecessor owners, of 74 and 88 Saddle Rock Road created the less than one acre lots located at 68, 88 and 102 Saddle Rock Road and, therefore, should be precluded from joining any effort to make such lots non-conforming due to a self-imposed hardship.
14. Due to erosion and the change in the mean high water line, it is unclear if the lots located at 107 and 89 Saddle Rock Road will continue to be one acres lots.
15. The properties located at 102 and 123 Saddle Rock Road have been significantly damaged and are currently in discussions with City officials as to what can and cannot be done to make these homes habitable. The preference of the owners of 123 Saddle Rock Road is not to raise the existing building.
16. Mr. Redniss intentionally and wrongfully misrepresented to the Zoning Board and others the prior footprint of the home located at 74 Saddle Rock Road prior to its demolition earlier this year.
17. By ignoring where the pool and the cabana, both at an elevation of 16.5 feet, will be built, Mr. Redniss intentionally and wrongfully misrepresented the distance the new home will be built from the Murphy property line, and omitted to discuss the resulting flood issues due to the tortured lot line between the Murphys' and Cullman's/Kirby's properties which was created by a predecessor-in-interest of Cullman/Kirby.

In summary, Mr. Redniss' absurd reason for the Map/Zone Change that the purchasers of one of the most expensive properties in Stamford should not have to beg for a variance is both misguided and unlawful. Put simply, the proposed Map Change is not a lawful zoning technique.

Glenbrook and Springdale Rail Parking Information 1966-2013

Glenbrook/Springdale TOD Feasibility Study
 Historic Parking Matrix
 Prepared by SWRPA - January 8, 2014

Year	Station	Free spaces		Meter spaces		Permit spaces		Total Proposed new spaces		Inbound riders
		Spaces	Cars	Spaces	Cars	Spaces	Cars	Spaces	Cars	
1966	Glenbrook - Mainline	100	65					100	65	49
1966	Glenbrook	55	45	115	110			170	155	332
1970	Glenbrook - Mainline							100	?	
1970	Glenbrook	20		130				150	?	240
1985	Glenbrook			88	85			88	85	
1987	Glenbrook							89	86	328
1989	Glenbrook							88	?	225
1995	Glenbrook							?	?	60
1997	Glenbrook					140	102	140	102	
2006	Glenbrook			90		63		153	?	
2009	Glenbrook			93		63		156	?	
2013	Glenbrook			93	54	63	25	156	79	370

Year	Station	Free spaces		Meter spaces		Permit spaces		Total Proposed new spaces		Inbound riders
		Spaces	Cars	Spaces	Cars	Spaces	Cars	Spaces	Cars	
1966	Springdale	50	50	100	90			150	140	269
1966	Springdale Cemetery							0	0	19
1970	Springdale			130				130	?	305
1985	Springdale					175	170	175	170	
1987	Springdale							199	160	407
1989	Springdale							201	?	
1995	Springdale							?	?	
1997	Springdale					208	156	208	156	
2006	Springdale			56		146		202	?	
2009	Springdale			62		149		211	?	
2013	Springdale			81	72	147	105	228	177	570

Prepared by SWRPA January 8, 2014

Sources:

- Tri-State Transportation Commission. New Haven Railroad Station and Line Improvements, 1966.
- Connecticut Research Commission. Complementary Commuter Service Needs: Penn Central Railroad New Haven Division, 1970.
- Connecticut Department of Transportation. New Haven Rail Line and It's Branches: A Parking Inventory [sic], 1985.
- Connecticut Department of Transportation. A Report Concerning Commuter Parking Along the New Haven Rail Line: Special Act 86-58, 1987
- Connecticut Department of Transportation. Report on New Haven Line Parking Expansion: Pursuant to Public Act 95-287, 1995

Glenbrook and Springdale Rail Parking Information 1966-2013

Connecticut Department of Transportation. New Haven Line and Shore Line East Parking Inventory. 1997.
South Western Regional Planning Agency. South Western Region Rail Station Parking. 2006
South Western Regional Planning Agency. Rail Station Parking Study, 2009
South Western Regional Planning Agency. Rail Station Parking Study Update, 2013

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
March 26, 2013**

Application Number: Proposed Amendments to Zoning Regulations (COZR #1-2013)

Application Put Forth by: the Darien Planning & Zoning Commission

Activity Being Applied For: Proposal to amend subsections 411 and 416 of the Zoning Regulations relative to the Noroton Bay District Residential Zone (R-NBD). These changes: 1) modify the Background and Purposes for this zone; 2) modify Maximum Building Height in feet in this zone from 30 to 33 feet; and 3) modify Maximum Building Coverage in this zone, by exempting the first six inches of eaves and up to a total of twenty square feet of stair landing and stoop overhangs.

Property is located at: These regulation amendments would only apply to properties within the Noroton Bay District Residential (R-NBD) Zone. This zoning district covers most, but not all of the properties within the Noroton Bay neighborhood.

Date of Public Hearings: February 26, 2013 continued to March 5, 2013

Time and Place of Public Hearings: 8:00 P.M. Auditorium Town Hall

Publication of Hearing Notices

Dates: February 15 & 22, 2013

Newspaper: Darien News

Date of Action: March 26, 2013

Action: ADOPTED IN PART WITH MODIFICATIONS (Building Coverage modifications)
AND DENIED IN PART (Building Height modifications)
THE REGULATION AMENDMENTS WHICH ARE GRANTED WILL TAKE EFFECT
ON SUNDAY, APRIL 14, 2013 AT TWELVE NOON.

Scheduled Date of Publication of Action:
April 5, 2013

Newspaper: Darien News

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject proposal put forth by the Planning and Zoning Commission is to amend subsections 411 and 416 of the Zoning Regulations relative to the Noroton Bay District Residential Zone (R-NBD). This was as outlined in a memo from Planning & Zoning Director Jeremy Ginsberg dated January 18, 2013.

These proposed changes:

- a) Change the Background and Purposes subsection 411 by adding information about the recent storm, and proposed FEMA changes;
- b) Change in Building height subsection 416 #11—propose 33 feet in lieu of 30 allowed;
- c) Change in Building coverage subsection 416 note h.—exempt first six inches of eave and up to 20 square feet of stair landing and stoop overhang from coverage.

PLANNING & ZONING COMMISSION
ADOPTED RESOLUTION
AMENDMENTS TO THE ZONING REGULATIONS
PUT FORTH BY THE PLANNING & ZONING COMMISSION
MARCH 26, 2013
PAGE 2

2. Two different factors have precipitated this proposal. The first is storm Sandy, which hit the Town of Darien in late October 2012, and damaged many houses in Noroton Bay and throughout Darien. Many property owners in the R-NBD zone are in the process of rebuilding. The second factor is the upcoming change in the Flood Insurance Rate Maps (FIRM) which will go into effect in July 2013. These new FIRM raise required first floor elevations in Darien for properties within the flood zone. Most affected is the R-NBD zone, which goes from elevation 10 or 11 to elevation 14. The Commission believed that since rebuilding is in process, it was important to get a proposal put forth at this time.
3. The Commission's considerations are to preserve the Noroton Bay community and also to provide flexibility to property owners who are in the process of rebuilding and meeting FEMA first floor requirements both existing, and to go into effect in July 2013.
4. These changes only affect the R-NBD Zone. This zone is the smallest residential zone in Town by size, and was established in 2003. It covers most, but not all of the area known as Noroton Bay. It only contains 76+/- lots, ALL of which are in the flood zone. Thus, none of these properties is allowed to have a basement under the flood regulations. They range in size from .18 acres to .77 acres, with the only exception being the Noroton Yacht Club which sits on more than an acre. It is generally seen as a zone that is "built out"—little or no new building lots can be created. There are no vacant lots other than those used by the Yacht Club for parking. It is also close to being "built out" in terms of building coverage—many houses within Noroton Bay are at or near the existing 20% maximum.
5. The change to the Building Height maximum was proposed to address the fact that lifting houses or rebuilding houses in this zone will require that any finished first floor be at or above elevation 15 (Darien requires that first floor elevations be at least one foot above the FEMA requirement of elevation 14), whereas now it is 10 or 11. Many properties have a ground elevation in the range of 7-8 now, requiring any finished first floor to be up 6-7 feet over the property's ground elevation. However, property elevations do vary, and each case is different.
6. The proposed Building Coverage change is also related to the fact that these properties are all within the flood zone. Because such houses need to be higher, doors leading to any finished floor space must be elevated. Thus, there will likely be more stairways in and out of a house due to the elevation requirements. The Commission believed that providing up to 20 square feet of total stoop overhang would help account for some of these extra needs. Also, the Commission here took particular note that many of the properties in Noroton Bay are at or near the 20% Building Coverage maximum now. Thus by also exempting 6 inches of building eave, this may allow for houses to provide eaves, and thereby look better, while not impacting coverage.
7. One of the purposes of the Building Coverage change is to both keep the general aesthetic of the neighborhood as well as to acknowledge that for houses that are elevated to meet the flood regulations, additional stairways will likely need to be created to provide access to doorways on the structures (which would also likely need to be at a higher grade). It would be appropriate for such doorways to have a covered landing. It was specifically mentioned at the public hearing that the twenty square feet of covered landing may be in the form of more than one covered landing, as long as the total does not exceed twenty square feet. A covered landing may also

PLANNING & ZONING COMMISSION
ADOPTED RESOLUTION
AMENDMENTS TO THE ZONING REGULATIONS
PUT FORTH BY THE PLANNING & ZONING COMMISSION
MARCH 26, 2013
PAGE 3

include an eave, which, if not exceeding six inches, would also not count towards building coverage in this zone.

8. The Building Coverage change is particularly helpful to smaller lots, which may be at or above full building coverage presently. In the R-NBD zone, about 28 of the 76 existing lots are less than or equal to .25 acres in size, or smaller.
9. One of the issues is whether these new regulations apply to lifting/elevating houses and/or to new construction. In addition, during the public hearing process, comments were received about the desire of some property owners to see similar changes proposed for other zoning districts that included flood zone parcels. The response at a staff level was that the changes are MOST applicable in this zone, since all lots are in the flood zone, and due to the small size of the zoning district, and the fact that so many of the houses in this zone were damaged in the recent storm, and many of the lots are so small. Staff would want to see the effects of possible implementation before trying it elsewhere. It was noted that relief is always available via the Zoning Board of Appeals if a hardship can be shown.
10. At the public hearing, a number of housing lifting and new house approvals within this zone and near this zone were reviewed with the Commission. It was noted that in all but one case, houses complied with the thirty foot height regulation now in effect in this zone.
11. At the public hearing, Planning and Zoning Director Jeremy Ginsberg explained that any regulation plan must be consistent with the Town Plan of Conservation and Development. He read aloud two policies from the plan:
Policies in Chapter 3: To reduce the potential for loss of life and property resulting from flood conditions, both for existing and future development, and to protect the natural flood carrying capacity of all floodplains.

Policies in Chapter 6: Continue to evaluate and consider amending the existing building coverage and height restrictions to maintain the character of the community.
12. The Commission finds that many, if not all, property owners within the R-NBD zone may be able to lift or rebuild their house while complying with building height maximums now in effect. The Commission also finds that by exempting the first six inches of eaves from building coverage calculation within this zone, additional flexibility is given to property owners in this district when lifting or rebuilding their houses. Testimony was presented that while eaves now count towards building coverage, they are not enclosed spaces, and are seen generally as improving the look and aesthetics of a house, and do not affect the perceived bulk of a house.
13. As part of this application, numerous comments were received from the State of CT DEEP, the Southwestern Regional Planning Agency (SWRPA) and the Darien Zoning Board of Appeals (ZBA). The ZBA comments were outlined in a February 6, 2013 memo, portions of which were as follows:
Proposed Noroton Bay changes. The ZBA supports the proposed 6" coverage exemption for eaves townwide. And the ZBA supports the proposed exemption for stair landing stoop overhangs in Noroton Bay. However the ZBA urges caution with allowing an extra 3' of building height. Recent ZBA hearings of variance applications on specific Noroton Bay

PLANNING & ZONING COMMISSION
ADOPTED RESOLUTION
AMENDMENTS TO THE ZONING REGULATIONS
PUT FORTH BY THE PLANNING & ZONING COMMISSION
MARCH 26, 2013
PAGE 4

properties has included consideration of the proposals' fit among their surrounding properties as well as observation of the overall general neighborhood character. This review appears to indicate that very comfortable and attractive houses with attic level storage or living space can be built within the current regulation limits for the neighborhood, including the applicable flood zone standards.

14. A number of property owners, builders, and others spoke at the public hearings held on February 26 and March 5. At the public hearing it was noted that since storm Sandy, only one height variance has been applied for before the Zoning Board of Appeals.
15. Section 8-3(d) of the Connecticut General Statutes requires that notice of this decision be published in a local paper, and a copy of the regulation change be filed with the Town Clerk prior to the zoning regulation amendments taking effect.

=====

NOW THEREFORE BE IT RESOLVED that ***Proposed Amendments of the Darien Zoning Regulations*** regarding modifications to subsections 411 and 416 are ADOPTED IN PART WITH MODIFICATIONS WITH AN EFFECTIVE DATE OF SUNDAY, APRIL 14, 2013 AT TWELVE NOON AND DENIED IN PART.

The proposed amendments to subsections 411 (regarding Background and Purposes of the R-NBD Zone), and subsection 416 adding note h (changes to maximum building coverage) in the R-NBD zone are ADOPTED WITH MODIFICATIONS. The Commission finds that these amendments, as modified, are consistent with the 2006 Town Plan of Conservation and Development as amended.

The proposed amendments to subsection 416 #11 regarding building height is DENIED. The Commission believes that requests for building heights greater than 30 feet can be taken before the Zoning Board of Appeals (ZBA) and determined on a case-by-case basis. While the Commission acknowledges the need for property owners to elevate and/or rebuild their houses entirely, due to the important and sensitive nature of building height, the Commission believes that an increase in overall building height for the entire zoning district may impact the character of this neighborhood.

=====

(The inside cover page of the Zoning Regulations, the Table of Contents, and Appendix C-Schedule of Amendments also shall be modified accordingly)

The approved wording for these Sections is as follows:
New wording in bold, deletions in strikeout:

- 1) Modify subsection 411 Background and Purposes in the Noroton Bay District Residential Zone, by adding a new paragraph after the third paragraph.

During the ensuing years from 1957, many variance applications were received for proposed construction of additions to existing residences or replacement residences because virtually none of the lots in this neighborhood complied with the one-acre minimum lot size. lot⁵⁴

PLANNING & ZONING COMMISSION
ADOPTED RESOLUTION
AMENDMENTS TO THE ZONING REGULATIONS
PUT FORTH BY THE PLANNING & ZONING COMMISSION
MARCH 26, 2013
PAGE 5

width, or lot depth requirements of the R-1 Zone. None of the structures complied fully with all of the building setback and yard requirements. Enactment of Flood Damage Prevention Regulations has required many structures to be elevated as substantial renovations or new construction was proposed. The Flood Damage Prevention Regulations require that the lowest floor (including basement) be at least one foot above the expected flood level. The flood level is generally one to three feet above the existing ground level.

In late October 2012, a storm affected many houses in Noroton Bay, resulting in flood damage to many of the residential structures and the Noroton Yacht Club. In December 2012, FEMA noted that new Flood Insurance Rate Maps (FIRM) would take effect in mid-2013. This would result in most of Noroton Bay, which is now in the AE elevation 10 or AE elevation 11 zones to become AE elevation 14, thus requiring additional elevation of any first floor finished space. This modified FEMA mapping affects almost every house within this zoning district (some of the waterfront properties are currently in the VE-14 flood zone and will not be impacted by the proposed new FIRM). Basements are not permitted within the flood hazard zones. The Commission wants to encourage property owners to comply with all of the flood damage prevention requirements. Because of the unique nature of this zone, with relatively small lots and all structures within a flood zone, which flood zone elevation is generally four feet or more higher than the adjacent streets, special provisions are included, exempting the first six inches of eave and up to twenty square feet of stair landing/stoop overhangs from Building Coverage, making it easier for property owners to elevate their house to meet applicable FEMA standards.

- 2) Modify subsection 416 Area and Bulk Requirements #12 and add a new note "h" in the Noroton Bay District Residential Zone (R-NBD), by exempting the first six inches of eave and up to a total of twenty square feet for overhangs for stairs, stair landings, and stoops from Building Coverage in the R-NBD Zone.

416. Area and Bulk Requirements

The requirements listed for the Noroton Bay District Residential Zone (R-NBD) shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

Noroton Bay District	
1. Minimum Lot Area (Square Feet) (See notes c, e)	25,000
2. Minimum Width (See notes a, b, c)	80
3. Minimum Frontage (See notes a, c, f, g)	50
4. Minimum Depth (See notes a, c)	100

PLANNING & ZONING COMMISSION
ADOPTED RESOLUTION
AMENDMENTS TO THE ZONING REGULATIONS
PUT FORTH BY THE PLANNING & ZONING COMMISSION
MARCH 26, 2013
PAGE 6

5. Minimum Front Yard (See notes a, b) As measured from the front property line(s).	30
6. Minimum Side Yard: Least One	15
7. Minimum Side Yard: Total of Two (See notes b, c)	30
8. Minimum Rear Yard (See note b)	25
9. Accessory Structures (See note d and g)	
9A. Minimum Distance from Front Lot Line	30
9B. Minimum Distance from Side Lot Line	15
9C. Minimum Distance from Rear Lot Line	25
10. Maximum Height in Stories	2 ½
11. Maximum Height in Feet	30
12. Maximum Building Coverage (as percentage of lot area) (see note h)	20%

- a. See Sections 334 and 339 for application of "minimum width".
- b. See Section 333.
- c. See Section 385 where lots are of non-conforming dimensions.
- d. Detached accessory structures within five feet of a principal structure or with any portion of the structure over eight (8) feet in height shall observe the same setbacks as for main buildings.
- e. See Section 335.
- f. See Section 332.
- g. Special Provision for Utility Sheds.

No more than one utility shed shall be permitted on each property provided:

- 1. The maximum width of the shed shall be 8' (eight feet) and the maximum length of the shed shall be 8' (eight feet);
 - 2. The highest part of the roof shall not be more than 8' (eight feet) above the highest point of the adjacent ground;
 - 3. The shed must comply with the front yard setback, and shall be not less than 2' (two feet) from the side lot line and not less than 2' (two feet) from the rear lot line, and on properties adjacent to coastal waters the shed shall comply with the 25' (twenty-five foot) rear yard setback;
 - 4. The shed must comply with the Flood Damage Prevention requirements;
 - 5. The shed must comply with all Zoning and Building Permit requirements and will be counted as part of the maximum permitted building coverage.
- h. In the R-NBD Zone, the first six inches (6") of building eave, and up to twenty (20) square feet for overhangs for stairs, stair landings, and stoops do not count toward Building Coverage.

**TOWN OF DARIEN
ZONING BOARD OF APPEALS**



MEMORANDUM

From: Darien Zoning Board of Appeals

To: Darien Planning and Zoning Commission

Re: REQUEST TO CONSIDER CHANGES TO DARIEN'S ZONING REGULATIONS

February 6, 2013

Former and current ZBA members and staff have been noting issues with various zoning regulations for many years now. And for the past couple months a subcommittee has been studying the difficulties that may indicate a value to clarification, adjustment and/or change. A preliminary list of possible changes was developed, carefully reviewed by all 8 ZBA members, and revised with many deletions. Subsequently at a Special Meeting on February 6, 2013 the ZBA voted 6 - 0 to approve the following recommendations for your consideration. We thank you for this opportunity and we would be happy to answer any questions (in writing or in person) that you may have.

1. Determine acceptable size cupolas (height, width, roofline) which would be exempt from the maximum Building Height calculation. The 4' default practice doesn't appear to fit properly with every house design. Section 371 Check out the details of an existing cupola which is attractive. Define a maximum height ignoring any weathervane/spire type projections. Define a maximum width perhaps proportional to the ridge length the cupola sits on.
2. Establish a procedure for the ZEO to determine the legality of non-conforming building lots (width, depth, area, merger), provided replacement house proposals meet all setback, parking and other limitations. 334a, 334b, 385
3. Determine acceptable size covered front porches (height, width, roofline) which would be exempt from setbacks or subject to reduced setbacks. Perhaps a one story and 8' maximum width would be appropriate. 351
4. Determine acceptable size entry stairs (height, width, landing size) which would be exempt from or subject to reduced setbacks. 354

Relative to current Noroton Bay applications which include raised entry terraces in flood zone areas, is there a maximum size height, width, length, and extension into required setback space (say 50% of the distance) for acceptable size entry terraces that would not need a variance?

5. Determine acceptable size dormers (height, width, roofline) which would be exempt from the maximum Building Height calculation. Consider the attached Norwalk regulation. 350?, 371
6. Consider establishing the P&ZC as the sole authority to determine the acceptability of a CBD use on a property with nonconforming parking, accessway, road frontage, or other site development standards. 904, 656
7. Applications or appeals to the ZBA shall be ... accompanied by updated survey plans, building plans, materials, and other information as determined by the ZBA. 1126b
8. Applications denied shall not be heard by the ZBA again until 6 months after the denial, to be consistent with State Statute. 1126e
9. Exempt from the definition of Building Coverage, above ground mechanical HVAC & generator equipment, fuel tanks, and basement access Bilco style doors, provided they each are below a certain unit size (perhaps 8 square feet) and provided the total of such features does not exceed a maximum total (perhaps 20 square feet). 210
10. Exempt from the definition of Building Coverage, projecting roof overhang eaves up to 6" inclusive of finished trim materials. 210
11. Clarify last paragraph of neighbor notification procedure to include "At least one week prior to the Public Hearing.... 1127
12. Modify the definition of Lot Line, Side. A change of direction of 60 degrees or more from the original bearing for a length of 30 feet or more shall change a side lot line to a rear lot line. 210
13. Add monument style signs as a possible type with limitations on size and lighting.
14. Allow halo style internally fitted wall sign illumination which backlights the immediate area behind the sign, such as Brooks Brothers and Stop & Shop. 926.1
15. Clarify the prohibition of flashing, etc signs to include the current style of electric and LED type signs proliferating in many store interiorss, such as for all the liquor and beverage drinks. 928.18

16. Allow an addition to be constructed without a variance if all of the new volume conforms to applicable setback and other limitations. Eliminate the current "penalty" practice and simplify the application of the total side yard setback requirement in the R-1/3 and R-1/5 zones. It's very difficult to administer and harder to explain to owners and their representatives. 406 – 7
17. Clarify that adding more volume above or in line with a nonconforming to regulations structure requires a variance. (Maslan argument). 384
18. Clarify and/or distinguish Personal Service Business compared to Retail uses within the Commercial Sales and Services definition. 210
19. Proposed Noroton Bay changes. The ZBA supports the proposed 6" coverage exemption for eaves townwide. And the ZBA supports the proposed exemption for stair landing/stoop overhangs in Noroton Bay. However the ZBA urges caution with allowing an extra 3' of building height. Recent ZBA hearings of variance applications on specific Noroton Bay properties has included consideration of the proposals' fit among their surrounding properties as well as observation of the overall general neighborhood character. This review appears to indicate that very comfortable and attractive houses with attic level storage or living space can be built within the current regulation limits for the neighborhood, including the applicable flood zone standards. Please see the attached diagram prepared by a ZBA member for your consideration. 416

NORWALK

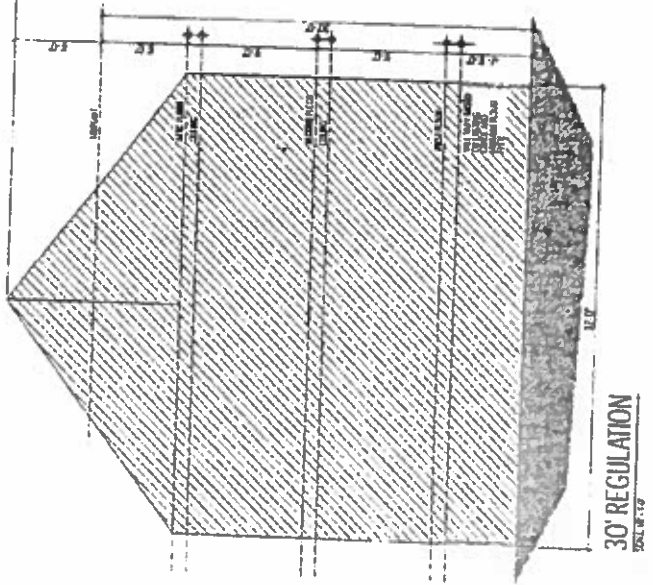
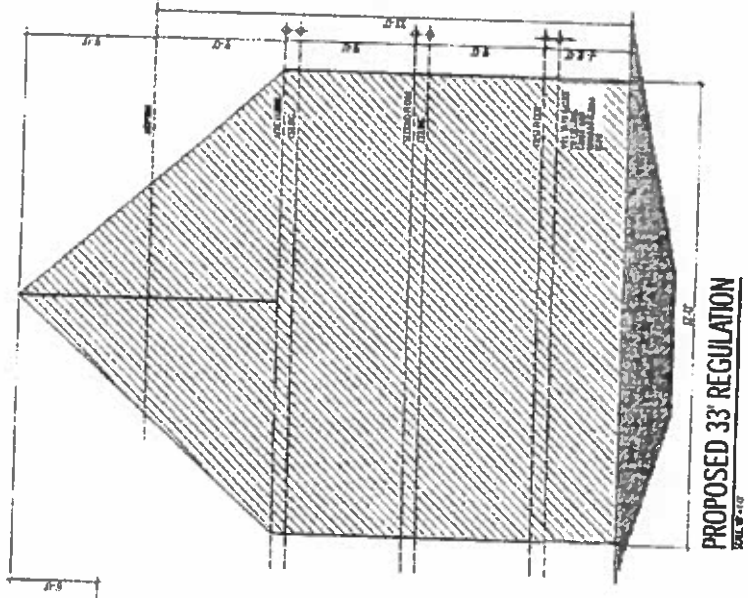
DORMER – Any structure whose framing projects out from a sloping roof to form a vertical wall designed to accommodate a window or other opening. When constructed as part of a half story, dormers shall be setback a minimum of two (2) feet from all building faces. Dormers located on the front of the structure facing the street, shall occupy no more than fifty percent (50%) of the length of the second story roof and shall comply with the story definition. When the gabled end of the structure faces the street, dormers on both roof faces shall occupy no more than fifty percent (50%) of the length of the second story roof and shall comply with the story definition criteria. [Added effective July 28, 2006]

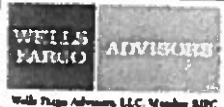


**PROPOSED HEIGHT REGULATION
COMPARISON**


ADAPTED BY ARCADE WOOD

DATE: 10/11/12
SCALE: 1/8" = 1'-0"





Do you really have time to plan and manage a portfolio for your future?
Let us give your portfolio the attention it deserves!
www.investments.wfadv.com



[Home](#)
[Subscribe](#)
[E Edition](#)
[Marketplace](#)
[Visit Vermont](#)
[Sign Up for Breaking News](#)
[Print Edition](#)
[Advertise](#)
[Help](#)
[Search](#)



dt DarienTimes.com
THE NEWS OF DARIEN, CONN. [A HERSAM ACORN SITE]



[News](#)
[Sports](#)
[Schools](#)
[Obituaries](#)
[Happenings](#)
[Opinion](#)
[Classifieds](#)
[Arts & Leisure](#)
[Special Sections](#)
[Real Estate](#)
[Login](#)

Noroton Bay residents still under water after Sandy

By David DesRoches on February 28, 2013 in [Environment](#) [Local News](#) [Town Government](#) 1 Comments

About author



David DesRoches

Three months after Superstorm Sandy devastated the East Coast, 20 to 30 homes in the Noroton Bay neighborhood remain in dire straits, and residents are asking town officials to help them get back on their feet.

So the Planning & Zoning Commission decided to propose a few zoning regulation changes that would apply only to Bay residents, including raising the maximum height of a home from 30 feet to 33 feet above grade.

But many residents expressed concern that the new plan was not based on compliance with new Federal Emergency Management Agency, or FEMA, regulations, which, beginning on July 8, 2013, will require the bottom dwelling floor of a home be at least 14 feet above the mean high tide level. That height is currently set at 11 feet, and many homes that were built before FEMA regulations were enacted are currently less than 11 feet from the ground. FEMA bases its estimations on the 100 year flood level, which has increased due to rising seas.

Fred Conze, P&Z Chairman, warned those attending the public hearing on Tuesday, Feb. 26, at Town Hall, that the proposed max height increase should not be seen as "some opportunistic endeavor" by residents to build bigger homes without the need to.

"We don't want people to raise a bunch of houses that could affect the integrity of neighborhood," Conze said.

But Frank Maturo, a resident of Baywater Drive, told the commission that they have already been dragging their feet on helping the neighborhood rebuild and the proposed changes, while commendable, didn't go far enough.

"I've got space heaters all over the house," Maturo said. "We're freezing. We need architects, we need approvals and we need to get going."

"Noroton Bay is going to change dramatically over the next 12 to 18 months," he added.


Wilder Gleason, a Darien resident and attorney who is often seen representing homeowners at P&Z hearings, said the commissioners should consider using a system that was relative to the homes' elevations rather than an absolute height, as currently proposed.

"Keep the height at 30 feet for houses that are not going to conform the FEMA," Gleason suggested. "The whole purpose of this relief is to make sure people conform to FEMA."

Darien is also one of the only towns in the region that requires new homes be built one foot above the FEMA minimum, Gleason said. "When the new FEMA

View the
20th Anniversary
Section Here





Bringing Healing and Comfort
To Our Community for 100 Years

Visiting Nurse & Hospice of Fairfield County

1-800-898-HOME • www.visitingnurse.net

Send a Little Love to Grandma


Where at Ring a End Bridge
Building Cards of Honor
The memory and spirit. Please Pass
For the Oakes Hill Collection

Matching Donors

Donate Your Car, Boat, RV or Real Estate

You don't have to donate a kidney to save a life.

- We will accept any auto - running or not
- 120% tax deduction
- MatchingDonors.com is a 501(c3) non-profit organization
- 100% of the proceeds will go to help saving the lives of people needing organ transplants



Call us at 1-800-361-4137
Or donate on line at MatchingDonors.com



Click here for
this week's e-edition.
Subscription required.

**EDUCATION INFORMATION
FOR PARENTS
AND EDUCATORS**

regulations go into effect, that will mean new homes would have to be built 15 feet above mean high tide, unless commissioners change the town ordinance.

Gleason suggested Danen follow a change that was recently passed in Westport, which grants an additional five feet of building height to homeowners in shoreline areas, allowing them to go from 26 feet to 31 feet. However, Westport was considering the average difference between the average grade elevations and base-flood elevations, whereas Danen is proposing a blanket maximum height.

"I think the Westport approach works within your existing regulations," Gleason said. "Have it in effect in the next few months so the Bay can rebuild."

Mayflower Lane resident Peter Sikora argued that the 30-foot max height could be kept if the commissioners used Gleason's suggestion to mirror Westport.

In a phone interview after the meeting, Gary Greene, chairman of the Zoning Board of Appeals, reiterated a statement read at the meeting prepared by his board, which cautioned against raising the maximum height.

"Historically, we have been very reluctant to grant any height variances anywhere within Danen," Greene told The Darien Times. "In my experience, a change of regulation as being proposed by FEMA [regulations] would provide the type of hardship what would in some cases justify a variance."

Greene said he didn't want to suggest different zoning changes, as that is up to P&Z, but he said his board has taken up additional meetings to meet the rising demand for variances brought by residents hit by Sandy.

But homeowner Maturro expressed frustration that more needs to happen.

"These changes are extremely important, and extremely important to have it quickly," he said. "We want to build attractive houses. It's going to have to change."

Maturro said Noroton Bay residents are having to make the difficult choice of whether to rebuild their homes or sell for the land value and take a loss. Some have already sold, as evident in recent property transfers.

Proposed changes also include exempting the first six inches of eaves and up to 20 square feet of stair landing and stoop overhangs from building coverage in the residential zone. Darien regulations restrict a home from covering more than 20% of its lot. Everyone who spoke at the public hearing agreed that eaves and stoop exemption was reasonable, and some argued for up to 18 inches of eaves to be exempt.

Zoning regulations also don't give credit for more than one foot of fill, and many homes use fill to prevent an awkward appearance, some speakers said. However, it can also create more velocity for flood waters which then go around the mounds created by fill, Gleason warned.

Some urged commissioners to consider making the changes for all coastal Danen communities. P&Z chose the Noroton Bay area, which has 76 homes because most of the homes are older and sit on small lots, said Jeremy Ginsberg, director of the Planning & Zoning Department.

At the Tuesday meeting, there were nine applications in front of P&Z, all related to flood mitigation projects proposed by residents hurt by Sandy. An agent for one resident, Neil Foster, said his client's family has been walking on plywood laid across open floor joists on his bottom floor while he awaits P&Z approval to raise and renovate his home.

Gleason urged the commission to act quickly.

"This relief needs to happen soon," he said. "We don't have time to [continue debating]; these people need relief now."

Citing the need to allow as many people to weigh in on the change as possible, the commission continued the public hearing to Tuesday, March 5.

Tags: FEMA, Noroton Bay, planning and zoning, sandy, storm, zoning

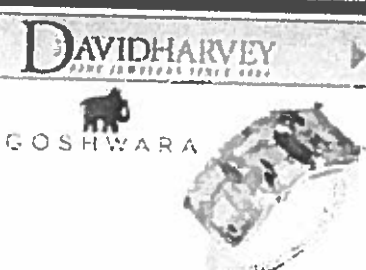


KARATE KUNG FU ONLY
\$95.00 TRIAL MONTH
Unlimited Group Classes
4 Semi Privates • SDSS Uniform
SDSS Logo Patch, White Belt
40% Off Family Members



WEED & DURVEA
BUILDING SUPPLY AND HOME CENTERS
EST. 1996


Did you know we have...



DAVID HARVEY
FINE JEWELRY SINCE 1984
GOSHWARA
NORWALK 51 WAIT STREET DARIEN 995 POST ROAD
800.633.2553



FRANCOS
Click here to visit our store online and place your order



Outdoor Sports Center
40 Century Road, Room 7, Wallingford, CT 06495-0700
SACRED HEART UNIVERSITY LAUNCHES NEW STANFORD GRADUATE CENTER AT LINDEN SQUARE
FOR MORE INFORMATION CALL 860.261.1234

Like 3 people like this Be the first of your friends

Previous Post
Editorial: Act now

Next Post
Inside this week's Darien Times
Feb 28

1 comment on this post

Submit yours



Joininjr

February 28
2013

Log in
to
Reply

It's been four months since Sandy and P&Z just started to address this issue? Before the public comments even began, Mr. Spain urged his fellow commissioners to continue this public hearing to the next P&Z meeting - resulting in more inaction, more delay

You have virtually an entire neighborhood on the same page on what changes are needed. It's really not that complicated — just get it done!

Submit your comment

You must be logged in to post a comment.



Hersam Acorn News Sites
 Anny Observer | Bridgeport News | Darien Times
 Easton Courier | Fairfield Sun | Greenwich Post
 Lewishora Ledger | Milford Mirror | Noroton Courier
 New Canaan Advertiser | Redding Pilot | Ridgefield Press
 Shelton Herald | Stratford Star | Trumbull Times
 Valley Gazette | Weston Forum | Wilton Bulletin

Editorial
 Subscriptions
 The Home Monthly
 Advertise
 Classifieds
 Photo Store
 Article Reprints
 Print Archives
 Privacy Policy & User Agreement

Follow us on Twitter
 Like us on Facebook
 Darien Answerbook
 100 Things To Do
 Open House Gallery
 Contact Us
 Login | Register
 Submission
 Site Map

© Hersam Acorn. All rights reserved. The Darien Times, 10 Corbin Drive, Floor 3, Darien, CT 06820



Town of Westport
Planning & Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
(203) 341-1030 Facsimile (203) 454-6145

MEMORANDUM

TO: Planning & Zoning Commission

FROM: Larry Bradley, Planning & Zoning Director

DATE: December 7, 2012

SUBJECT: Proposed change to Special Flood Hazard Zone Regulations (Amendment #656)

Brief Description:

Due to recent events from Hurricane Sandy, the Planning & Zoning Commission is seeking ways to encourage more property owners to protect their existing buildings and structures from flood hazards. The current regulations often require variances simply to elevate non-conforming structures that are located in flood zones. This amendment is intended to allow modest increases in height, setbacks and coverage to allow structures that are non-conforming to be elevated without the need for a ZBA variance.

Experience in Westport has shown that structures that are elevated above the 100 year flood hazard levels experienced significantly less damage than structures that were not elevated. If structures are permitted to be continually rebuilt without raising them above the BFE they will become known as "Repetitive Loss" properties. Communities that do not undertake efforts to eliminate Repetitive Loss properties are at risk for continued damage and impact to their communities, municipal expenditures and potentially increases in flood insurance premiums.

Summary of Regulation Changes

Modifications to Section §6 Non-Conforming Uses, Buildings & Lots

§6-2.1 Expansion, Extension or Alteration The changes in this section are

- Designed to allow for flexibility for property owners who wish to elevate their structures to at least the BFE with no cellar or basement below the BFE
- Elevated structures in the AE Zone to be fully compliant with §31-11.5.2 (Elevated Buildings).
- Structures in the V Zone will be fully compliant with §31-11.3.5

The proposed wording changes would allow structures, even if non-conforming, vertical and horizontal changes that would avoid having to obtain a variance from the Zoning Board of Appeals in exchange for elevating their structures.

§6-2.2 Coverage The changes in this section are designed to allow for properties that exceed allowable coverage to elevate structures in the flood zones while also allowing entry stairs and open porches to be

exempt. With 15 square foot of coverage for each foot that a building is elevated per building entrance entries up to a maximum 225 square feet.

§6-3.1 Setbacks The changes in this section are designed to allow for properties that have non-conforming setbacks to elevate structures in the flood zone that are non-conforming while also allowing entry stairs and open porches that may be in the setbacks to be exempt from setback requirements. However, no such structures shall be permitted within 5 feet of any property line so that they do not encroach on the property line.

§6-3.3 Height The changes in this section are designed to allow for properties that are or may become non-conforming with respect building height up to 5 feet additional or 31 foot maximum total building height. The ratio shall be up to one additional foot of building height for every foot that average grade is below the BFE to allow these structures to be elevated above the BFE.

Modifications to Section §13 Residence A District

§13-4 Setbacks The changes in this section are designed to allow for properties that have non-conforming setbacks to elevate structures in the flood zone that are non-conforming while also allowing entry stairs and open porches that may be in the setbacks to be exempt from setback requirements. However, no such structures shall be permitted within 5 feet of any property line.

§13-5 Height The changes in this section are designed to allow for properties that are within the Flood zone and south of the railroad tracks that are or may become non-conforming to building height up to 5 feet additional or 31 foot maximum total building height. The ratio shall be up to one additional foot of building height for every foot that average grade is below the BFE.

§13-6 Coverage The changes in this section are designed to allow for properties that are over coverage to elevate structures in the flood zones while also allowing entry stairs and open porches to be exempt from coverage requirements. With 15 square foot of coverage for each foot that a building is elevated per building entrance entries up to a maximum 225 square feet.

Modifications to Section §14 Residence B District

§14-4 Setbacks The changes in this section are designed to allow for properties that have non-conforming setbacks to elevate structures in the flood zone that are non-conforming while also allowing entry stairs and open porches that may be in the setbacks to be exempt from setback requirements. However, no such structures shall be permitted within 5 feet of any property line.

§14-5 Height The changes in this section are designed to allow for properties that are within the Flood zone and south of the railroad tracks that are or may become non-conforming to building height up to 5 feet additional or 31 foot maximum total building height. The ratio shall be up to one additional foot of building height for every foot that average grade is below the BFE.

§14-6 Coverage The changes in this section are designed to allow for properties that are over coverage

to elevate structures in the flood zones while also allowing entry stairs and open porches to be exempt from coverage requirements. With 15 square foot of coverage for each foot that a building is elevated per building entrance entries up to a maximum 225 square feet.

Modifications to Section §31-11 Flood Plain Regulations

§31-11.9 Above Ground Storage Tanks This new section was previously proposed as part of Amendment 609 but was never adopted. This change will insure that above ground fuel tanks are required to be securely anchored to avoid floatation during a storm event.

G:\Pnz_off\AMEND\Amendment 656 Flood Zone Regulations PURPOSE STATEMENT 12-7-12 FINAL DRAFT VERSION Non-Conforming Only.doc

Language to be deleted is ~~[struck-out]~~; language to be added is underlined.

THE FOLLOWING IS FROM §6, NON CONFORMING USES, BUILDING & LOTS

6 NON CONFORMING USES, BUILDINGS & LOTS

6-1 Non-Conforming Uses

6-1.1 Continuance

Any non-conforming use of buildings, structures or land may be continued.

6-1.2 Extension, Expansion or Relocation

No non-conforming use of buildings, structures or land shall hereinafter be extended, expanded, or relocated on the same lot.

6-1.3 Transformation

No non-conforming use of buildings, structures or land shall hereinafter be transformed into a new or different non-conforming use, except as follows:

6-1.3.1 The Commission, by Special Permit and Site Plan Review in accordance with §43, herein, may allow a change from one non-conforming use to another non-conforming use:

- (a) where those parts of an existing building site are manifestly designed or arranged for such new or different use.
- (b) where such new use is not precisely the same as the old use, but the new use is generally similar to the old use; and
- (c) where the transfer or change does not involve replacing existing non-conforming structures with new non-conforming structures in whole or in part.
- (d) where the new or different use does not constitute the extension or expansion of an old use, or part thereof on the same lot.

6-1.4 Discontinuance

No non-conforming use of buildings, structures or land which shall have been discontinued for more than 90% of the time during a period of twelve (12) consecutive months shall be resumed or replaced by the same or any other non-conforming use; except that any building, structure or portion thereof containing a non-conforming use which has been destroyed or damaged by fire, explosion, act of God or other casualty may be restored and continued as a non-conforming use to the same extent as said use existing before such destruction, provided that such non-conforming use shall be restored within two (2) years of such destruction and further provided that such non-conforming use shall not be extended, expanded, or transformed into a different non-conforming use. (also see §31-9.1)

6-1.5 Use Permitted By Variance

A use of land or of a structure which is not a permitted use in the district in which it is located but which is permitted by variance shall be deemed to be a nonconforming use.

6-2 Non-Conforming Buildings and Structures

6-2.1 Expansion, Extension or Alteration

A non-conforming building or structure may not be expanded, extended, relocated or altered if such expansion, extension, relocation or alteration would increase the degree of any non-conformity. Specifically as listed below:

Entry stairs, platforms and open porches necessary for ingress and egress which are proposed to be added a structures within the Special Flood Hazard Area that will have its first finished floor elevated to at least the Base Flood Elevation, has no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings). Structures in VE zone shall comply with all the requirements in §31-11.3.5. Such structures to be elevated may be exempted from the following requirements.

- 6-2.1.1 No non-conforming building or structure shall be relocated on the lot.
- 6-2.1.2 No portion of any non-conforming building coverage on a lot shall be transferred from one location to another location on the lot.
- 6-2.1.3 No portion of any non-conforming building coverage that is attributable to an open structure without a roof, such as a deck, roof garden, balcony, open entry, handicapped ramp, swimming pool, tennis court, paddle tennis court, etc., shall be roofed over, enclosed or otherwise expanded, extended or altered in any vertical or horizontal direction from a structure into a building. (See definitions).
- 6-2.1.4 A building or structure which is prohibited by these regulations but which is permitted by variance shall be deemed to be a non-conforming building or structure.
- 6-2.1.5 The replacement of entry steps or platforms projecting into the setbacks or in excess of coverage and no larger in area than the existing entry steps and/or platform are not considered an expansion, extension, or alteration.
- 6-2.1.6 All new construction shall be in accordance with these regulations.
- 6-2.1.7 If an existing building or structure is nonconforming as to setback, the portion of the building or structure within the setback shall not be roofed over, enclosed, extended, expanded or altered in any vertical or horizontal direction. The vertical or horizontal alteration of a structure located within the Special Flood Hazard Area which is proposed to have its first finished floor elevated to at least the Base Flood Elevation, have no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings) shall be permitted. Structures in VE zone shall comply with all the requirements in §31-11.3.5.

6-2.2 Coverage

If an existing building or structure does not conform to the building coverage requirements in a residential zone A, B or any non-residential zone or the total coverage requirements in a residential zone AA or AAA it shall not be expanded or extended. Except for a structure located within the Special Flood Hazard Area which is proposed to have its first finished floor elevated to at least the Base Flood Elevation, have no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings). Structures in VE zone shall comply with all the requirements in §31-11.3.5.

Entry stairs, platforms and open porches necessary for ingress and egress which are proposed to be added a structures within the Special Flood Hazard Area that will have its first finished floor elevated to at least the Base Flood Elevation, has no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings). Structures in VE zone shall comply with all the requirements in §31-11.3.5. The maximum allowable additional coverage shall be 15 square feet per entrance per foot that the building is to be elevated up to a maximum of 225 square feet.

6-2.3 Restoration

Any non-conforming building or structure or non-conforming portion of a building or structure which has been destroyed or damaged by fire, explosion, act of God, or by other casualty may be restored or reconstructed to the same non-conforming building or structure as existed before such damage; provided that

- (a) such restoration or reconstruction shall be limited to the damaged portion of the building or structure;
- (b) such restoration or reconstruction shall begin within one (1) year and shall be completed within two (2) years of such damage; and
- (c) such restoration or reconstruction shall adhere to all procedures necessary to obtain a proper Zoning Permit. The owner of such damaged building or structure may replace and reorganize the same amount of gross interior floor space in a manner to more nearly conform to these regulations.
- (d) such restoration or reconstruction of any structure within the Special Flood hazard Area as defined herein shall comply with all of the requirements of §31-11, "Floodplain Regulations".

6-2.4 Unsafe Conditions

Nothing herein shall prevent the strengthening or restoring to a safe condition of any existing non-conforming building, structure or any part thereof which shall have become unsafe as determined by the Building Inspector or Fire Marshal.

6-3 Non-Conforming Lots

A new building, structure or use, or an addition to an existing structure on a non-conforming lot shall comply with all applicable requirements of the zoning district in which it is located, except for setbacks.

6-3.1 Setbacks

The setback requirements for any principal building, structure or use or accessory building or structure, located on a lot with a non-conforming gross lot area as defined in Appendix D shall be as follows:

LOT SIZE IN SQUARE FEET	FRONT SETBACK**	SIDE SETBACK**	REAR SETBACK**
0-5,999	20'	7.5'	25'*
6,000-10,889	30'	7.5'	25'
10,890-21,779	30'	10'	25'
21,780-43,559	30'	15'	25'
43,560-65,339	30'	25'	25'
65,340-or more	50'	50'	50'

* 15 feet minimum required rear setback for accessory building or structure, only.

** Entry stairs, platforms and open porches necessary for ingress and egress which are proposed to be added a structures within the Special Flood Hazard Area that will have its first finished floor elevated to at least the Base Flood Elevation, has no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings). Structures in VE zone shall comply with all the requirements in §31-11.3.5. In no case may such structures be less than 5 feet from any property line.

6-3.2 Adjoining Lots

If two or more adjoining lots of record, one or more of which are undeveloped and fail to meet the requirements of these regulations with regard to lot area and/or lot shape, were in the same ownership on March 24, 1956 or subsequent date, and if such lots taken together would form one or more lots, each more nearly meeting the requirements of these regulations with regard to lot area and lot shape, such lot or lots shall merge and shall no longer be considered legally existing as separate lots and must be combined and used in compliance with the present lot area and lot shape requirements irrespective of subsequent changes in ownership; except that this provision shall not affect the interest of a mortgagee who holds a properly executed and recorded mortgage and shall not preclude a foreclosure of any individual lot.

6-3.3 Height

The maximum height of the principal building located on a lot with a gross lot area as defined in Appendix D less than the required minimum gross lot area for that zone in a residential zone south of the railroad shall be as follows:

Lot Size Max.	Maximum Stories	Maximum Feet (See Building Height)
0-5,999	2	26*
6,000-10,889	2	26*
10,890-21,779	2	26*
21,780-43,559	2 ½	30*
43,560 or more	3	40

* Building Height for principal buildings may be increased by up to an additional five feet (Maximum of 31') for a structure located within the Special Flood Hazard Area specifically when such structure is proposed have their first finished floor elevated to at least the Base Flood Elevation has no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2

(Elevated Buildings). Structures in VE zone shall comply with all the requirements in §31-11.3.5. One additional foot of Building Height shall be permitted for each foot that the average grade will be below the Base Flood Elevation up to a maximum of five feet.

6-4 Altered Non-Conformity

6-4.1 Except as provided in §6-4.2, no non-conforming use, building, structure or lot, if once changed to conform with these regulations shall be changed so as to be non-conforming again. No non-conforming use, building, structure or lot, if once changed to more nearly conform with these regulations, shall be changed so as to be less conforming again.

By way of example but not limitation, if the floor area of a lot that is non-conforming as to FAR or parking is reduced by demolishing all or part of a structure, or by filling in a cellar, or by converting a cellar to crawl space, such reduced floor area or the resulting reduced parking requirements may not be increased beyond the level permitted by the regulations.

This section shall not apply to alterations of an area less than 200 square feet of floor area to the entrance or exit of a building that is non-conforming as to floor area.

6-4.2 Effective June 21, 1996 a premises that is non-conforming as to parking may change from a use with given parking requirements (existing use) to a use with lesser parking requirements (lesser use) then back to the existing use, subject to the following conditions:

(a) Both uses are permitted uses.

(b) The owner gives the Planning and Zoning Office prompt written notification when the change to the lesser use is made.

The change back to the existing use occurs not more than ten years from the date of the change to the lesser use, and receives site plan approval.

6-5 Establishment of Legal Pre-existing Non-conformity

A non-conforming use or structure in a non-residence district must be supported by a written statement demonstrating that it legally existed at the time these regulations were first established, or was a permitted use under these regulations prior to their being amended; that it has been in continuous use; and that its scope has not been illegally expanded.

6-6 Redevelopment of Split Zoned Properties

6-6.1 Non-Conforming Buildings Notwithstanding the above, on lots with a minimum of two hundred (200) feet of frontage on the Post Road containing three (3) or more acres zoned both GBD and Residence A at the time of the effective date of this section (Section 6-6) of the zoning regulations, a non-conforming building(s) and its uses may be allowed full or partial redevelopment, in either or both zones, provided the redevelopment shall result in the reduction, of existing non-conformities of building coverage, total coverage, and floor area, for the entire site treated as a single zoning entity, subject to the following:

6-6.1.1 Redevelopment shall be pursuant to Special Permit and Site Plan review, consistent with §34, §35, §43 and §44, unless specifically modified by the Commission, as follows:

- (a) The requirement of a Residential District Boundary setback per §24-4 shall not apply along the internal boundary line within the site; and
- (b) In the portion of the site zoned Residence A, floor area may be increased, provided:
 - (i) The overall non-conforming floor area is reduced;
 - (ii) The overall non-conforming building coverage is reduced;
 - (iii) The overall non-conforming total coverage is reduced;
 - (iv) Non-conforming landscaped buffer strips are made to conform to the requirements of §35-2.4; and
 - (v) Existing undeveloped land in the Residence A zone is protected by a permanent conservation easement.

6-6.1.2 Where redevelopment is for a motel, hotel, motor inn, or tourist court, the Commission may determine that:

- (a) The size, location, and operation of "related eating facilities" and meeting room floor area warrants any additional parking spaces.
- (b) "Related eating facilities" may include, but are not be limited to:
 - (i) Self-service of foods already prepared or prepared and cooked quickly to be consumed on the premises, but shall not be a fast food restaurant;
 - (ii) The retail sales of alcohol to be consumed on the premises, as allowed by a Restaurant Permit granted by the Department of Liquor Control and;
 - (iii) Seasonal outdoor seating;
 - (iv) A patron bar.
- (c) Existing non-conforming loading spaces and turning radii located under existing buildings may be allowed to remain.

THE FOLLOWING IS FROM §13, RESIDENCE A DISTRICT

13-4 **Setbacks (See §31-4 through §31-8, also.)**

No principal building, structure or use or accessory building or structure shall extend closer than thirty (30) feet from any street line, fifteen (15) feet from any side lot line, or twenty-five (25) feet from any rear lot line.

Entry stairs, platforms and open porches necessary for ingress and egress which are proposed to be added a structures within the Special Flood Hazard Area that will have its first finished floor elevated to at least the Base Flood Elevation, has no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings). Structures in VE zone shall comply with all the requirements in §31-11.3.5. In no case may such structures be less than 5 feet from any property line.

13-5 **Height**

No principal building or other structure located north of the railroad tracks shall exceed two and one-half stories (2-1/2) and a height of thirty-five (35) feet. No principal building or structure located south of the railroad tracks shall exceed two (2) stories and a height of twenty-six (26) feet. No accessory building or structure shall exceed one story and a height of sixteen (16) feet, except barns as defined in

§11-2.4.7 and permanent and temporary light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8.

Building Height for principal buildings may be increased by up to an additional five feet (Maximum of 31') for a structure located within the Special Flood Hazard Area located south of the railroad tracks specifically when such structure is proposed have its first finished floor elevated to at least the Base Flood Elevation has no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings). Structures in VE zone shall comply with all the requirements in §31-11.3.5. One additional foot of Building Height shall be permitted for each foot that the average grade will be below the Base Flood Elevation up to a maximum of five feet.

13-6

Coverage (see definitions)

The building coverage shall not exceed fifteen percent (15%) of the lot area. Total coverage shall not exceed twenty-five (25%) percent of the area of the lot. Total coverage shall include fifty (50%) percent of the surface area of tennis courts. Permanent and temporary light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8 shall be exempt from coverage.

Entry stairs, platforms and open porches necessary for ingress and egress which are proposed to be added a structures within the Special Flood Hazard Area that will have its first finished floor elevated to at least the Base Flood Elevation, has no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings). Structures in VE zone shall comply with all the requirements in §31-11.3.5. The maximum allowable additional coverage shall be 15 square feet per entrance per foot that the building is to be elevated up to a maximum of 225 square feet.

THE FOLLOWING IS FROM §14, RESIDENCE B DISTRICT

14-4

Setbacks (See §31-4 through §31-8, also.)

No principal building, structure or use shall extend closer than twenty (20) feet from any street line, seven and a half (7-1/2) feet from any side lot line or twenty-five (25) feet from any rear lot line. No accessory building or structure shall extend closer than twenty (20) feet from a street line and seven and a half (7-1/2) feet from the side line and fifteen (15) feet from the rear lot line.

Entry stairs, platforms and open porches necessary for ingress and egress which are proposed to be added a structures within the Special Flood Hazard Area that will have its first finished floor elevated to at least the Base Flood Elevation, has no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings). Structures in VE zone shall comply with all the requirements in §31-11.3.5. In no case may such structures be less than 5 feet from any property line.

14-5**Height**

No principal building or other structure located north of the railroad tracks shall exceed two and one-half (2-1/2) stories and a height of thirty-five (35) feet. No principal building or other structure located south of the railroad tracks shall exceed two (2) stories and a height of twenty-six (26) feet. No accessory building or structure shall exceed one story and a height of sixteen (16) feet.

Building Height for principal buildings may be increased by up to an additional five feet (Maximum of 31') for a structure located within the Special Flood Hazard Area located south of the railroad tracks specifically when such structure is proposed have its first finished floor elevated to at least the Base Flood Elevation has no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings). Structures in VE zone shall comply with all the requirements in §31-11.3.5. One additional foot of Building Height shall be permitted for each foot that the average grade will be below the Base Flood Elevation up to a maximum of five feet.

14-6**Coverage (see definitions)**

The building coverage shall not exceed fifteen percent (15%) of the lot area. The total coverage shall not exceed thirty-five percent (35%) of the area of the lot.

Entry stairs, platforms and open porches necessary for ingress and egress which are proposed to be added a structures within the Special Flood Hazard Area that will have its first finished floor elevated to at least the Base Flood Elevation, has no basements or cellars below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings). Structures in VE zone shall comply with all the requirements in §31-11.3.5. The maximum allowable additional coverage shall be 15 square feet per entrance per foot that the building is to be elevated up to a maximum of 225 square feet.

THE FOLLOWING IS FROM §31, SUPPLEMENTARY USE REGULATIONS**31-11.9 Above Ground Storage Tanks**

Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated one foot above the Base Flood Elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended one foot above the BFE, and have a screw fill cap that does not allow for the infiltration of Flood water.

In wake of Sandy, P&Z revises rules for homes in floodplain

Paul Schott

Updated 3:31 pm Thursday, December 27, 2012

The Planning and Zoning Commission unanimously approved Thursday a text amendment that aims to help homeowners still reeling from flood damage caused to their homes by Superstorm Sandy. The amendment comprises a package of zoning changes, which includes granting an additional 5 feet of building height to many homeowners seeking to elevate their homes in shoreline areas.

With the passage of Text Amendment 656, owners of homes on lots totaling less than one half-acre in 100-year flood zones south of the railroad tracks in Westport will be able to raise their houses up to 31 feet above the properties' average-grade elevation. Home heights on those smaller shoreline properties currently cannot exceed 26 feet.

The amendment also loosens a number of other regulations for smaller properties in floodplains south of the railroad tracks that already do not conform to all town zoning regulations and lots that would become non-conforming if houses on those properties were to be lifted.

Text Amendment 656, for instance, exempts entry stairs and open porches from building coverage counts and requirements for property-line buffers known as "setbacks." The new 31-foot height allowance is also available to non-conforming lots totaling less than one half-acre and south of the rail lines.

Text Amendment 656 also stipulates that new above-ground fuel tanks in 100-year flood zones be installed according to National Fire Protection Association requirements to prevent them breaking loose during future storms. That condition was included in the amendment in response to a fuel-oil spill in the town's Ned Dimes Marina in the wake of Sandy, an incident caused by a number of fuel-oil tanks floating away from homes during the storm.

The amendment will affect existing shoreline homes in 100-year flood zones, not homes built in the future in those areas.

In the aftermath of Sandy hitting Westport, zoning officials have pushed aggressively to implement new zoning regulations to respond to the needs of homeowners in shoreline areas ravaged by flooding during the storm. Less than two weeks after the storm, the P&Z Commission formed a new subcommittee to examine the town's existing zoning regulations for homes within floodplains. The new amendment emerged from several public meetings of that subcommittee. During those public sessions, a number of residents whose homes were battered by Sandy's flood waters urged P&Z members to approve new regulations, which would allow them to raise their homes to Federal Emergency Management Agency standards without having to seek approval from the Zoning Board of Appeals for waivers known as "variances" from the existing zoning regulations.

"We didn't want anything here to slow us down to provide the quickest possible relief to those people who are lifting their homes," said P&Z Vice Chairman Jack Whittle.

Buildings that were raised above 100-year flood hazard levels or "base-flood elevation" experienced "significantly less damage" during the storm than structures that were not elevated, P&Z Director Larry Bradley said in a Dec. 7 memo to the P&Z Commission.

Structures in floodplains that are allowed to be continually rebuilt without being raised above their base-flood elevation become known as "repetitive-loss" properties, according to Bradley. Communities that do not try to eliminate repetitive-loss properties risk continued damage, municipal expenditures and possible increases in flood-insurance premiums, Bradley's memo added.

Top Fire Department officials have also been strong advocates for the new floodplain regulations.

"I want to thank the commission for taking this up, particularly the subcommittee, for making this an expedited process," Fire Chief Andrew Kingsbury said Thursday. "There are a lot of displaced families out there that we want to get back in their homes."

More than 250 homes in Westport were damaged during Sandy, according to town officials. A town study of the properties damaged by Sandy showed an average difference of 3.4 feet between the average-grade elevations and base-flood elevations for those homes, according to Bradley. Using new base-flood elevations proposed by FEMA, which are set to go into effect in 2013, the average difference between the damaged homes' average-grade elevations and base-flood elevations rises to 4.8 feet. By allowing shoreline homeowners another 5 feet of building height, zoning officials intend the new amendment to facilitate the raising of damaged homes to the new base-flood elevations.

Only a handful of residents attended Thursday's meeting. One of the attendees, Michael Calise, expressed support for the amendment, but questioned why its provisions did not encompass new construction.

"What you are essentially saying by not including new construction is that you can only build a one-story house under the current regs, where you have to raise to above the flood level," he said. "I think it's important that the people who are doing new construction be allowed the same rights as people who are trying to deal with the flooding."

Whittle and P&Z Secretary Chip Stephens responded that first implementing an amendment that affected only existing homes constituted an essential and expeditious move to help the large number of shoreline residents' whose homes were flooded during Sandy.

"When we were doing the subcommittee, we had people in here who could not afford new construction, they didn't have houses and were not going to be able live in houses for over a year," Stephens said. "Our mission was to get this done, get it out, so people could move back into their houses and we'd address, hopefully, 90 to 95 percent of the properties, so they wouldn't have to go for variances."

P&Z members indicated, however, that next year they would consider revisions to zoning regulations for new homes in floodplains.

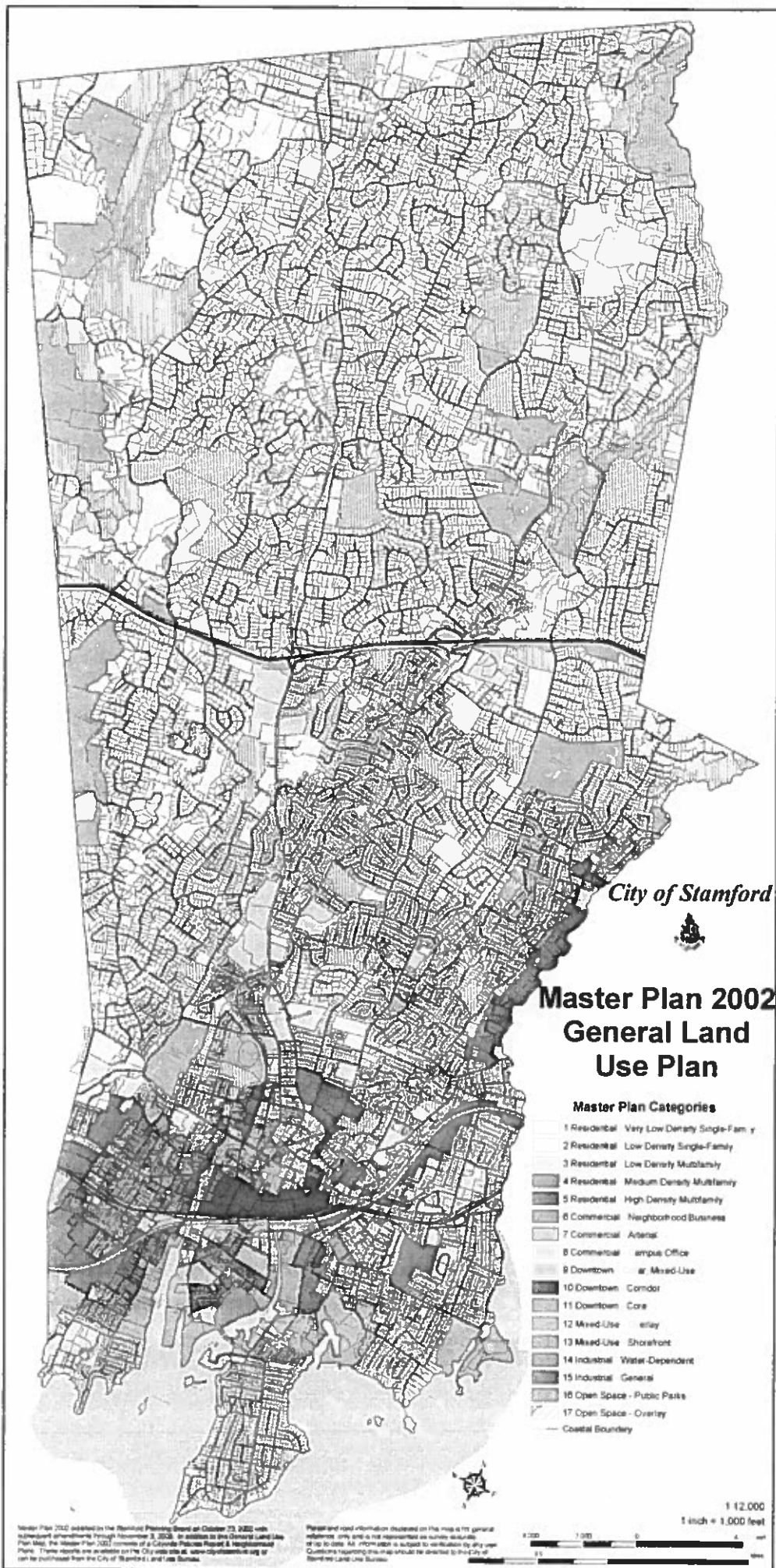
Land-use consultant Gloria Gouveia said she also backed the amendment. But she argued as well that the zoning changes should cover new construction to help owners of the 30 homes in town that will need to be rebuilt because they were damaged so badly by Sandy.

Expanding the text amendment to include homes built in the future would require withdrawing the proposal reviewed Thursday and putting forward a new amendment, argued P&Z member Ron Corvini.

P&Z members then moved quickly to approve the new floodplain regulations.

Text Amendment 656 goes into effect Jan. 4.

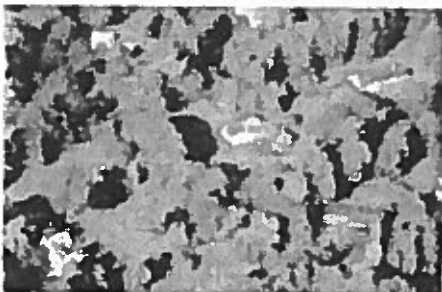
psehott@bennew.com; 203-255-4561, ext. 118; twitter.com/paulschott



LAND USE CATEGORIES

The following land use categories have been structured and defined so as to provide for and protect a suitable environment for residential, commercial, industrial, and recreational development and so as to promote the general welfare, health and safety of the community. These land use categories implement the policies laid out in the prior chapters and are employed in the official Master Plan Map to establish the general land use plan for the City of Stamford, pursuant to Section C6-30-3 of the Stamford Charter.

1. RESIDENTIAL—Very Low Density Single-Family
2. RESIDENTIAL—Low Density Single-Family
3. RESIDENTIAL—Low Density Multifamily
4. RESIDENTIAL—Medium Density Multifamily
5. RESIDENTIAL—High Density Multifamily
6. COMMERCIAL—Neighborhood Business
7. COMMERCIAL—Arterial
8. COMMERCIAL—Campus Office
9. DOWNTOWN—Collar, Mixed-Use
10. DOWNTOWN—Corridor
11. DOWNTOWN—Core
12. MIXED-USE—Overlay
13. MIXED-USE—Shorefront
14. INDUSTRIAL—Water-Dependent
15. INDUSTRIAL—General
16. OPEN SPACE—Public Parks
17. OPEN SPACE—Overlay



#1. RESIDENTIAL—Very Low Density Single-Family

This category is intended to provide for and protect a suitable environment for single-family dwellings, as well as compatible uses (e.g., schools, houses of worship, clubs and institutions) as may be permitted by Special Exception being in general harmony with and supportive of very low density single-family neighborhoods. The great

majority of areas so designated are not served by public water supply and public sanitary sewer systems. Residential density shall not exceed one principal dwelling unit per acre, provided that conservation-oriented "clustering" (e.g., Conservation Subdivisions) utilizing reduced lot size are encouraged.

#2. RESIDENTIAL—Low Density Single-Family

This category is intended to provide for and protect a suitable environment for single-family dwellings, as well as compatible uses (e.g., schools, houses of worship, clubs and institutions) as may be permitted by Special Exception being in general harmony with and supportive of single-family neighborhoods. Development on parcels less than one acre is permitted where the availability of public utilities, public road systems, and other essential public services and the density of existing development so warrant. Residential density shall not exceed six principal dwelling units per acre, provided that conservation-oriented "clustering" (e.g., Conservation Subdivisions) utilizing reduced lot size are encouraged.

#3. RESIDENTIAL—Low Density Multifamily

This category is intended to allow the amenities of multifamily living in a single-family neighborhood setting. The category is intended to provide for and protect single-family dwellings and the least intensive of multifamily development (i.e., garden apartments or similar condominium-type units) as well as one- and two-family units on individual lots, and includes such other compatible uses (e.g., schools, houses of worship, clubs, hospitals and institutions) as may be permitted by Special Exception being in general harmony with and supportive of such multifamily neighborhoods. Residential density shall not exceed a total of 17 dwelling units per acre, or a total of 25 dwelling units per acre when exclusively for the elderly. A residential density bonus of 50 percent may be allowed by Special Exception, not to exceed a total of 25 units per acre, provided that (1) a substantial number of such bonus units are provided at below-market rates, and/or (2) the units are created in connection with the adaptive reuse of an historic structure.

#4. RESIDENTIAL—Medium Density Multifamily

This category is intended to provide for and protect medium-density multifamily development. The category is appropriate to areas in transition from lower to medium-density use, or in areas characterized by a mixture of apartment, condominium, attached row house, or detached residential mid-rise structures, and such other uses (e.g., schools, houses of worship, clubs, hospitals and institutions) as may be permitted by Special Exception being in general harmony with and supportive of such multifamily neighborhoods. Residential density shall not exceed a total of 29 dwelling units per acre, or a total of 44 dwelling units per acre when exclusively for the elderly. A residential density bonus of 50 percent may be allowed by Special



important buildings, and promote contextual development that is oriented towards the corridor and provides for transition in scale to adjacent neighborhoods (The Urban Design report illustrates these strategies.)

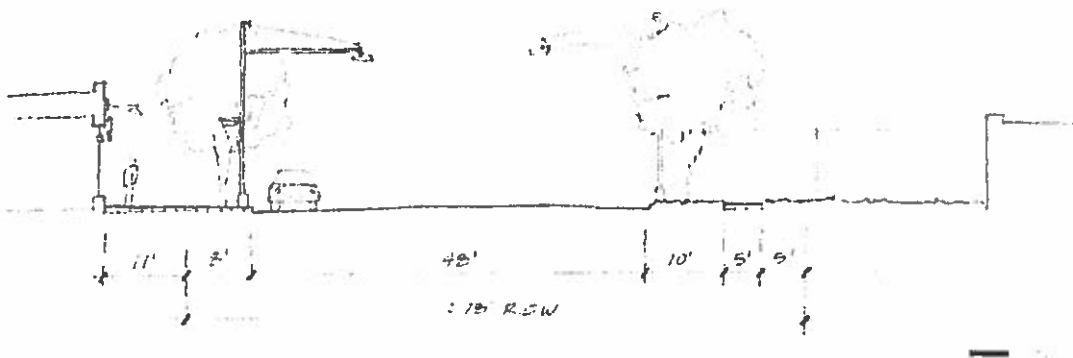
1B4. Implement design guidelines for roads that create the edges of industrial districts. Interventions include rationalization of curb cuts and parking areas, aggressive landscaping to screen parking and loading areas, incentives for façade improvements, consolidation of exposed utilities, sidewalks and pedestrian improvements, and attractive gateways to industrial areas. (The Urban Design report illustrates these strategies.)

1B5. Make the Magee Avenue Corridor a case study in good design for an industrial district. The PDD (Preservation and Design District) regulations should promote landscaping and attractive fencing/walls along the Magee Avenue frontages. Landscape architects, industrial designers and public art advocates (e.g., the Stamford Cultural Development Corporation) should be employed to provide industrial property owners and businesses with technical assistance as they make property investments. Industrial uses should be better organized along the lines of a modern industrial park with more clearly defined edges. Tax incentives should be considered to promote landscape upgrades. Magee Avenue is a logical place to set the standard for other industrial corridors, since the City owns much of its frontage. (Specific design ideas are illustrated in the Urban Design report.)

1B6. Designate neighborhood roads as official Scenic Corridors. Many of the neighborhoods' roads – Cove Road, Shippan Avenue south of Harbor Drive, Sound View Avenue, Weed Avenue and many of the roads in Shippan – should be seriously considered for designation. Further documentation would be needed – also to generate guidelines to protect old growth trees, water views, front lawn setbacks, and other scenic features within the corridors; and to deal with overhead wires (a particular problem on Shippan Avenue), sidewalks (a particular issue on Cove Road), and other physical features. As an alternative, a PDD (Preservation and



Landscaping and facade improvements can upgrade the image of Magee Avenue.



NEIGHBORHOOD PLANS REPORT



Public access to the waterfront must be carefully balanced with concerns of local residents about traffic and privacy.



Design District) could be considered for Shippan that focuses on the neighborhood's scenic qualities.

1B7. Promote neighborhood access to public waterfront amenities. The Cove-East Side neighborhood is already the site of the city's most popular waterfront parks, and residents are wary of

any more regional or citywide attractions. However, small-scale improvements can go a long way to enhance the access of neighborhood residents to their own waterfront. Past successes include public access to the small beach at the end of Fairview Avenue in Shippan. Future opportunities include bicycle racks and benches where public roads terminate at publicly accessible portions of the waterfront

1B8. Promote waterfront views and access, especially in connection with any future waterfront development. The opportunities for waterfront development are quite limited. The upper reaches of the East Channel are designated for industry and water dependent industry. The remainder of the waterfront is largely fixed in its land use. There will be intermittent proposals for waterfront redevelopment. Such development should be contingent upon maximization of the public's access to, views of, and enjoyment of the waterfront. Even where uses are fixed, every opportunity should be exploited to preserve if not improve access to and/or views of the waterfront from public roads

1B9. Provide improved non-vehicular access along Weed Avenue. This is necessary to offset a now dangerous condition as joggers and walkers commonly use this busy street. However, a Weed Avenue sidewalk or other feasible alternative would have to be designed so as to discourage worsening traffic and visitation to a neighborhood that is aggravated by traffic going to and from Cove Island Park. Traffic calming along with the placement of utility wires underground and other scenic and safety improvements should also be pursued, contingent on the involvement and support of the local and neighborhood residents

Goal C:

Protect and enhance the quality of life of Stamford's neighborhoods, addressing land use transitions, community resources, traffic, and environmental conditions.

In many ways, quality of life concerns in the Cove-East Side and Shippan neighborhoods revolve around the interest of residents in preserving a genuine suburban neighborhood amidst constant pressures toward a more urban atmosphere. To district residents, for example, Cove Island Park is their local neighborhood park, though it is also a major citywide attraction. Residents long for the suburban streetscape

NEIGHBORHOOD PLANS REPORT

to a neighborhood that is aggravated by traffic going to and from Cove Island Park. Traffic calming along with the placement of utility wires underground and other scenic and safety improvements should also be pursued, contingent on the involvement and support of the local and neighborhood residents.

1C8. Create a network of bicycle routes, especially connecting residential areas to the neighborhood's parks, schools and two neighborhood business districts. Bicycle lanes along major roads also have the advantage of narrowing and thus traffic-calming these roads. Plans should be generated with community participation and sufficient analysis to evaluate and hopefully allay concerns, which have been raised, that bicycle routes will promote a significant increase in the number of non-neighborhood residents traveling to and through the neighborhood.

1C9. Re-examine land use designations to reduce the opportunity for intensification of use in low-density residential areas. Specifically, the City land use map has been amended to bring the allowed density down, to match prevailing current conditions. Several commercial districts have been consolidated for the same reason.



Environmental preservation is a priority along the waterfront

1C10. Protect the high, unmodified bluffs on the eastern side of the Shippan Peninsula from any development that accelerates natural erosion processes. This encompasses the following three directives: (1) establishing setback lines from edge of bluffs for siting of new development; (2) designating areas for the public acquisition of conservation easements; and (3) ensuring that building practices during the construction phase, as well as final structural and site designs, incorporate appropriate erosion control measures.

1C11. Manage and enhance the natural and manmade beaches, in order to maximize recreational opportunities, protect natural values, and stabilize the beach system. This encompasses four actions: (1) developing a comprehensive beach management program that promotes public access, provides adequate and appropriate facilities and ensures the long-term, high-quality recreational use of Stamford's public beaches; (2) guiding development of land adjacent to private beaches in order to preserve and perpetuate their scenic and recreational value and use; (3) controlling activities on land adjacent to public and private beaches so as to retain, restore and enhance the form, volume and stability of the existing beach system; and (4) strictly enforcing regulations governing the siting and construction of jetties, groins, breakwaters, seawalls, and other structural elements that affect natural accretion and depositional processes along the shore.

1C12. Preserve and restore the major intertidal habitats in the East Branch

for both their biological and aesthetic values. The City should rigorously enforce regulations prohibiting illegal pollutant discharges and debris disposal in intertidal areas. This policy also entails: (1) maintaining and rebuilding deteriorating bulkheads which allow debris to enter intertidal areas; and (2) protecting all intertidal areas that are habitat for shellfish or other biological resources from adverse development activities.

1C13. Maintain tidal wetlands in their natural state; and emphasize the value of State-mapped wetlands in Cove-East Side. The City should (1) prohibit uses adjacent to wetlands which degrade or imperil natural wetland values and processes; (2) require mitigation where the destruction of tidal wetland is unavoidable; (3) discourage, if not prohibit walls and structural modifications that cut off the natural supply of sediments; and (4) provide tidal wetland setbacks.

1C14. Retain the freshwater wetlands in Cummings and Cove Island Parks in their undisturbed state; protect the Noroton River flowing into Stamford Harbor; and protect Holly Pond from point and non-point pollution sources. To meet these objectives, the City should regularly monitor water quality, identify violations, and enforce existing regulations, including National Pollution Discharge Elimination System permits. Upland control measures include minimum setbacks, erosion and sedimentation controls, and vegetative buffering. These should be adopted and enforced for all new development adjacent to watercourses.

1C15. Protect and minimize danger to life and property from coastal flooding and the effects of wave impact in Westcott Cove, Shippan and other potentially hazardous areas. This will require rigorous application of the floodplain management guidelines of the National Flood Insurance Program to all new development. A four-part program is envisioned: (1) evaluation of the degree of risk associated with different types and intensities of development in flood-prone areas; (2) design of a comprehensive flood control program, incorporating structural and nonstructural protection measures; (3) enforcement of existing flood-proofing regulations governing all new development, including alterations and reconstruction of existing structures, in flood-prone areas; and (4) incorporation of appropriate flood protection measures in siting requirements for storage or disposal of hazardous or other potentially polluting materials.

1C15. Undertake remedial programs for minimizing coastal erosion in Westcott Cove, the area east of Wallacks Point, and the Shippan Peninsula. In these areas, the City should enforce regulations relating to illegal structures that promote beach erosion. The City should also educate property owners and

or density. These objectives could include, for instance: (1) providing land for needed schools or public facilities; (2) creating affordable housing; and (3) creating important linkages in greenways. In all events, the MOD objectives should preclude (1) significant commercial and other uses better targeted to Downtown, and (2) actions that significantly subvert planning objectives for Downtown.

C1.5 Employ a thorough City-led planning process for each MOD (Mixed-Use Overlay District). The Planning Board would map any MODs and oversee the MOD plans; the Zoning Board would be responsible for MOD and site plan approvals; the design guidelines would be prepared for all site and building designs. Each MOD plan could be drafted (as distinct from being approved) by the Land Use Bureau, community, property owner(s), etc., as appropriate; with a significant amount of public and property owner participation; under the overall direction of the Land Use Bureau and Planning Board.

C1.6 Revisit parking requirements for multifamily housing. The City should provide adequate parking requirements for multifamily development that is not immediately proximate to transit.

C1.7 Limit the expansion of pre-existing, non-conforming uses allowed under the variance procedure. Stamford was in large measure developed between 1850 and 1930, predating the current zoning ordinance. While most development nonetheless complies with the present zoning map and rules, there are exceptions, and many of these exceptions are nuisances. These pre-existing, non-conforming ("grandfathered") uses are, throughout America, legally allowed to remain and often expand. In Stamford, to promote more compatible if not fully complying development, the expansion of grandfathered uses should be subject to review by the Planning Board, advisory to the Zoning Board of Appeals.

C1.8 Carry on with improvements to enforcement of zoning. Staff and associated resources will need to be enlarged. The team strategy—involving hotlines and coordinated building, zoning and fire code enforcement—has met with success. It can be strengthened with advanced notice to property owners in neighborhood(s), alerting them to any future code enforcement blitz, and highlighting the most common code infringements. This will promote self-correction and reduce court caseloads.

C1.9 Increase the penalties charged in connection with non-compliance. Higher charges will discourage code infringements. They will also provide greater wherewithal to expand enforcement staff and resources.

coastal resources from nonpoint source pollution. Phase II of the U.S. Environmental Protection Agency's (EPA's) stormwater program will be implemented in Connecticut in early 2003. As a result, the City will be responsible for issuing stormwater discharge permits for construction sites that disturb between one and five acres of land. Accordingly, it may make sense for the City to develop a stormwater ordinance that establishes many of the same requirements as will be included in the Phase II stormwater permit. In addition, developers, in meeting zoning standards, should submit plans that manage stormwater runoff through the use of good site design and stormwater "Best Management Practices". The policies within the Connecticut Coastal Management Area to mitigate potential adverse impacts from stormwater runoff should apply to the entire city.

C6.7 Prepare watershed management goals and plan. It may be possible to improve water quality by incorporating Best Management Practices into existing development and requiring such practices when land is newly developed or redeveloped.

Strategies:

C7.1 Protect and minimize danger to life and property from coastal flooding and the effects of wave impact in Westcott Cove, Shippan, Dolphin Cove, and other potentially hazardous areas. This will require rigorous application of the floodplain management guidelines of the National Flood Insurance Program to all new development. A four-part program is envisioned: (1) evaluation of the degree of risk associated with different types and intensities of development in flood-prone areas; (2) design of a comprehensive flood control program, incorporating structural and non-structural protection measures, (3) enforcement of existing flood-proofing regulations governing all new development, including alterations and reconstruction of existing structures, in flood-prone areas, and (4) incorporation of appropriate flood protection measures in siting requirements for storage or disposal of hazardous or other potentially polluting materials.

C7.2 Manage and enhance the natural and manmade beaches that exist throughout Stamford's shoreline in order to maximize recreational opportunities, protect natural views, and stabilize the beach system. This encompasses four actions: (1) developing a comprehensive beach management program that promotes public access, provides adequate and appropriate facilities and ensures the long-term, high-quality recreational use of Stamford's public beaches; (2) guiding development of land adjacent to private beaches in order to preserve and perpetuate their scenic and recreational value and use; (3) controlling activities on land adjacent to public and private beaches so as to retain, restore and enhance the form, volume

Objective C7.

Protect and enhance water-dependent uses while simultaneously attempting to mitigate adverse environmental, economic and social impacts which may be associated with any development.

AGENDA
STAMFORD PLANNING BOARD
REGULAR MEETING & JOINT PUBLIC MEETING*
7th FLOOR, GOVERNMENT CENTER
888 WASHINGTON BLVD., STAMFORD, CT
TUESDAY, NOVEMBER 19, 2013
6:30 PM

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 fifteen (15) 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.

Subdivision:

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.

Zoning Board Referral:

1. **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.**

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.
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.
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.

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.
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
6. **ZBA Appl. 079-13 40 Woodbine Way (Revisited)**, a variance of Section 6A Accessory Buildings to allow an accessory structures (AC unit and generator) to be allowed in the front yard.

Planning Board Meeting Minutes: Meeting of 10/29/13 and 11/12/12

New Business

Old Business

Joint Public Meeting* (To Start immediately after the Planning Board Business Meeting)

Capital Budget Presentations FY 2014/15-2021:

1. Ferguson Library
2. Board of Education

* In accordance with sections C8-20-2 and C8-20-5 of the Stamford City Charter, the Planning Board in conjunction with the Board of Finance and duly delegated member(s) of the Board of Representatives will hold a joint meeting for the purpose of the presentation and consideration of proposed capital projects.

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

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 overbuilt, 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.

"additional bedrooms are needed to accommodate a growing family" are adequate to explain "the minimum necessary to afford relief." The Board was also concerned that the property owner still does not have a C.O. for the pool addition, which the Board suggests that the ZBA should require regardless of their decision. Mr. Williams moved to recommend approval of ZBA Appl. 71-13; Ms. Fishman seconded the motion, and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo and Williams).

6. ZBA Appl. 079-13 40 Woodbine Way (Revisited), a variance of Section 6A Accessory Buildings to allow an accessory structures (AC unit and generator) to be allowed in the front yard. Mr. Quick moved to recommend approval of ZBA Appl. 79-13; Mr. Totilo seconded the motion, and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo and Williams).

Planning Board Meeting Minutes:

Meeting of 10/29/13: Mr. Quick moved to approve the minutes of 10/29/13; Ms. Fishman seconded the motion, and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo and Williams).

Meeting of 11/12/13: Mr. Williams moved to approve the minutes of 11/12/13; Ms. Totilo seconded the motion, and it passed unanimously with eligible members present voting, 5-0 (Dell, Fishman, Quick, Totilo and Williams).

New Business

Mr. Woods briefly discussed the MNR/Atlantic Avenue Bridge project, pointing out the concern that the sidewalks must be safe for pedestrians, which Mr. Poola, City Traffic Engineer showed where they are on the new plan.

Ms. Dell suggested that we send a letter to Mayor-elect David Martin, the Board requested that staff write a letter requesting a meeting with Mr. Martin to meet with either the full Board or the Chair to discuss the Master Plan update process and the Capital Budget that the Board is currently dealing with.

Mr. Quick requested that the current quarterly report be printed and given to the Board.

Old Business

Ms. Dell reported that going on-line regarding the terms of the members, and she pointed out the terms for both Ms. Fishman and Mr. Tepper were up on December 1, 2013 and they had six months for re-appointment. Ms. Fishman and Mr. Tepper had reported that they both had contacted the Mayor's Transition Team requesting reappointment to the Planning Board.

Joint Public Meeting

Capital Budget Presentations FY 2014/15-2021:

1. Ferguson Library
2. Board of Education

When the presentations were completed, Ms. Dell thanked Mr. Cerasoli of the Board of Representatives, Mr. Hricay and Mr. Romano of OPM, then the Board engaged in a discussion on what role they saw was for recommending the Capital Budget to the Board of Finance, Board of Finance, and the Mayor. In sum, this means that the Planning Board's Capital Budget will most likely be larger than the \$30 million.

After a brief discussion, the Board agreed to start the next meeting at 6:30 p.m. instead of 7:00 p.m. to give more time to discuss in detail the Capital Budget requests.

There being no further business to come before the Board, Ms. Dell adjourned the meeting at 10:00 p.m.

Respectfully Submitted,

Claire Fishman, Secretary
Stamford Planning Board

Note: These proceedings were recorded on tape and are available for review in the Land Use Bureau located on the 7th floor of Government Center, 888 Washington Boulevard, during regular business hours.

MAYOR
MICHAEL A. PAVIA



Director of Operations
ERNIE ORGERA

Land Use Bureau Chief
Norman F. Cole, AICP

Principal Planner
David W. Woods, Ph.D., AICP

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

November 26, 2013

Tom Mills, Chair
Zoning Board
City of Stamford, CT

Re: Zoning Board Application 213-33 – Zone Map Amendment – Saddle Rock Road

Dear Mr. Mills:

During our regularly scheduled meeting held on Tuesday, November 19, 2013, the Planning Board reviewed the above referenced application referred in accordance with the requirements of the Stamford Charter.

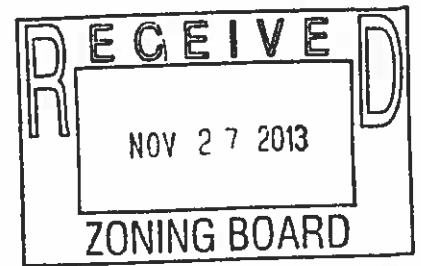
The Planning Board unanimously recommended that the Zoning Board rezone approximately 8.35 acres from R-20 to RA-1 located on Saddle Rock Road in a coastal flood area in Block No. 25. The Planning Board makes this recommendation based on the good planning principle that to lessen density in a flood prone area, and finds the request consistent with the 2002 Master Plan.

Sincerely,


Theresa Dell, Chair
Stamford Planning Board



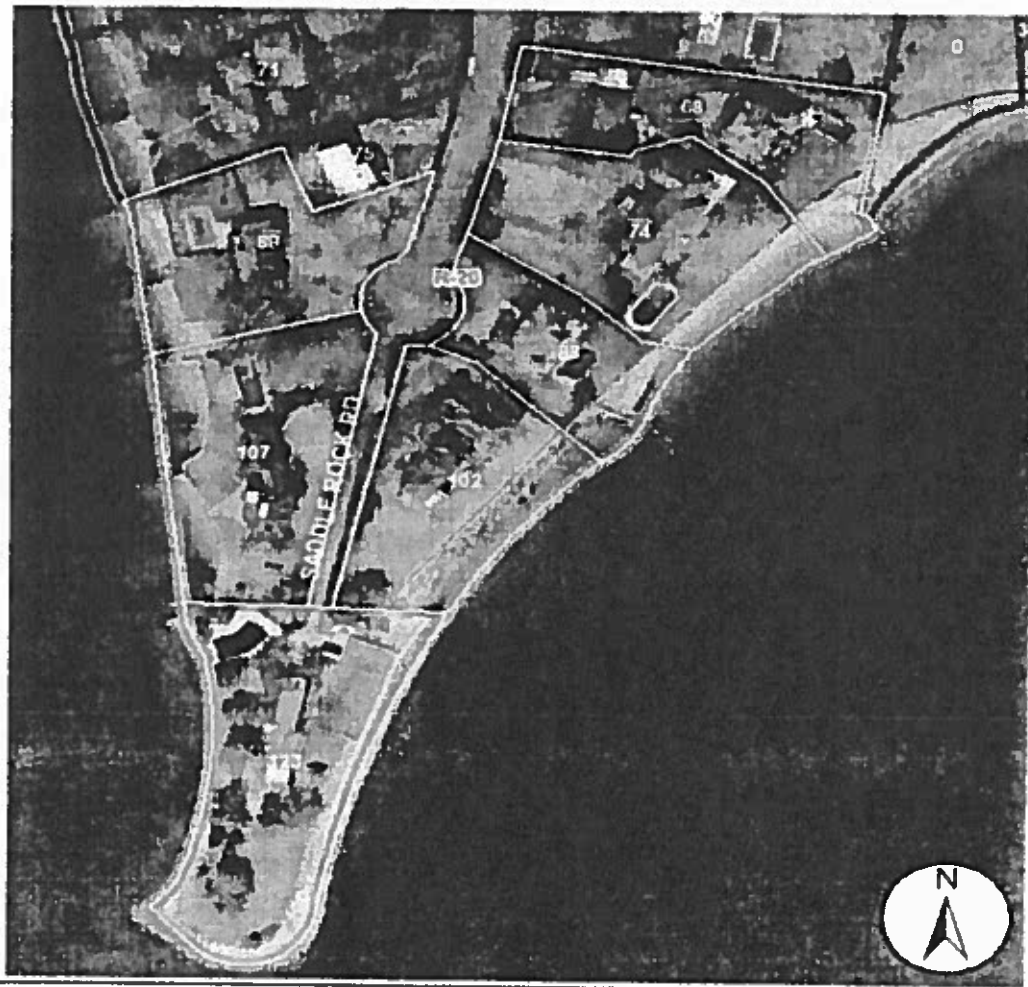
**City of Stamford
Zoning Board**



STAFF REPORT

TO: CITY OF STAMFORD ZONING BOARD
FROM: DAVID W. WOODS, PH.D., AICP, PRINCIPAL PLANNER
SUBJECT: ZB APPL. 213-13 APPLICATION FOR ZONING MAP AMENDMENT – SADDLE ROCK ROAD
DATE: NOVEMBER 26, 2013

The above-referenced application, submitted to the City of Stamford Zoning Board to rezone approximately 8.35 acres from R-20 to RA-1 located on Saddle Rock Road in a coastal flood area in Block No. 25.



The applicant desires to change the zoning classification from R-20 to RA-1 zoning district for seven properties located on the most southern end of the Shippan peninsula on Saddle Rock Road overlooking the Long Island Sound in a Flood Prone Area, which make these seven properties subject to the provisions found under the City of Stamford's Zoning Code Section 7.1 Flood Prone Area Regulations (as adopted on July 8, 2013), as well as Chapter 444 of Connecticut General Statutes "The Coastal Management Act."

Table III: Comparison of Area, Height and Bulk Allowed:

Area:

RA-1: 43,560 s.f. minimum lot size

R-20: 20,000 s.f. minimum lot size

Height:

R-A1: 35 feet

R-20: 30 feet

Stories:

RA-1: 3

R-20: 2½

Frontage:

RA-1: 125 feet

R-20: 100 feet

Circle Diameter:

RA-1: 125 feet

R-20: 100 feet

Rear Setback:

RA-1: 60 feet

R-20: 50 feet

STAFF ANALYSIS

CT Coastal Area Management (CAM) Program, Planning Report No. 30 Coastal Policies and Use Guidelines outlines the "coastal policies (in order to) provide uniform standards and criteria for all public agencies that conduct or regulate activities subject to the management program" (II-3). Section III. Government Policies, Part C. Flooding and Erosion Planning outlining policies to be followed by municipal, state and federal agencies requires municipalities to "consider 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" (II-188). These seven properties on Saddle Rock Road are all located in a high coastal flood area, and thus, lowering the density by changing the zoning to RA-1 from R-20 would lessen the number of people living on this street.

The key criteria in analyzing any request to change a zoning classification for properties are: (1) whether the properties in question are contiguous to each other, and (2) whether the change in question would enhance properties ability to meet the provisions of the Zoning Code. For this request, the applicant has identified seven contiguous properties, which would be changed to the more restrictive RA-1 zone, and clearly the properties in question would more easily be able to make "substantial improvements of residential structures" on their properties without requiring a variance (especially for height) under this new classification.

Referrals

Comments have been received from:

- **The Planning Board**

At its November 19, 2013 meeting, the Planning Board unanimously recommended 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.

Staff Recommendation:

The staff recommends that the Zoning Board approve this requested zone change from R-20 to RA-1 for the seven properties: 68, 74, 88, 89, 102, 107 and 123 Saddle Rock Road.

REDNISS & MEAD

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

October 16, 2013

213-33

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

Stamford, CT 06901

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

Dear Norman,

As discussed with Dave Killeen, enclosed please find a supplementary application for CAM approval to accompany the recently submitted Zone Change application. This will ensure that both applications are referred and reviewed by the appropriate City departments for comment on the potential effects/benefits of the Zone change as it relates to coastal areas.

We understand that site specific redevelopment in the future will likely require its own CAM application. We request that these applications be heard and reviewed by the Zoning Board simultaneously.

In support of the application, enclosed please find:

1. One (1) check in the amount of \$230 (application fee);
2. Twelve (12) copies of the Application for CAM approval:

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.

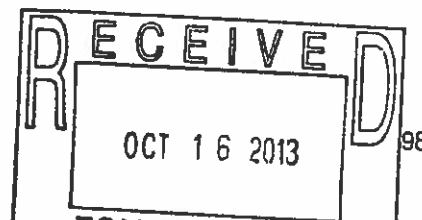
Sincerely,



Richard W. Redniss, AICP

Enclosures

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



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:

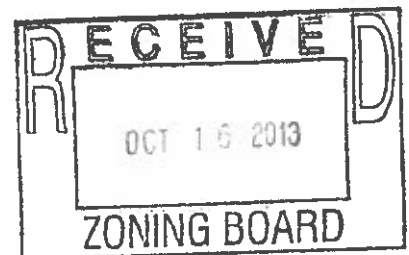
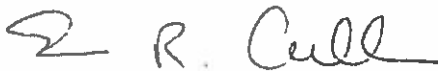
We hereby authorize the office of Redniss & Mead, Inc. (with offices located at 22 First Street), to act as our agent in connection with the above referenced land use approvals. Thank you for your acknowledgment of said authority.

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.



Date 10-15-13 Application # 213-33

Applicant Rick Redners

Location Saddle Rock Rd

Contact - P.H. # 1216

203-327-0500

	chk'd	date
Complete	_____	_____
Referrals	_____	_____
Legal Notice	_____	_____
Certificate	_____	_____

REFERRALS		(at least 35 days before public hearing)	
	sent	rec'd	
PLANNING	<u>10-25</u>	_____	WATER-GO WPCA
SWRPA	_____	_____	HEALTH
CAMDOP	<u>10-25</u>	_____	FIRE Marshal
SPS	<u>10-25</u>	_____	CONN DOT
TRAFFIC	_____	_____	ADJACENT TOWNS (When within 500' of site, by reg. Mail within 7 days of receipt)
ENGINEERING	<u>10-25</u>	_____	
ZED	<u>10-25</u>	_____	

Handwritten notes:
 Hudson Village 1st meeting Bo of Reps #1
 Maur 11 va
 Patricia White

MAILINGS TO ZB

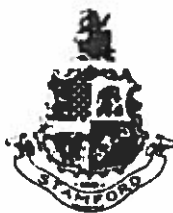
Comments: _____

PUBLIC HEARING	
Public Hearing Date	_____ (35 + days after Referral date)
1 st Legal Notice	_____ (10 to 15 days before hearing, excluding terminal dates)
2 nd Legal Notice	_____ (2 to 9 days before hearing, excluding terminal dates)
Notice to Town Clerk	_____ (10 + days before public hearing)

DECISION	
ZONING BOARD DECISION DATE	_____
DATE DECISION PUBLISHED	_____ (within 5 days of decision)
DATE MAILED TO APPLICANT	_____ (within 5 days of decision)
DATE FILED WITH TOWN CLERK	_____ (within 5 days of decision)
EFFECTIVE DATE	_____ (10 days after publication date)
CERTIFIED RECORDED w/ TOWN CLERK	_____ (on effective date)

APPEALS	
BOARD OF REPRESENTATIVES	
Appeal Received	_____ (within 10 days from publication)
Referred to Bd. Of Reps	_____ (within 20 days from publication)
SUPERIOR COURT	
Appeal Received	_____ (within 15 days from publication) 100
Trial Court Decision Date	_____

MAYOR
MICHAEL PAVIA



Director of Operations
ERNIE ORGERA

Land Use Bureau Chief
Norman F. Cole, A.I.C.P.

**CITY OF STAMFORD
ZONING BOARD
LAND USE BUREAU
888 WASHINGTON BOULEVARD
STAMFORD, CT 06901
Tel: 203.977.4719
Fax: 203.977.4100**

October 25, 2013

Mrs. Theresa Dell, Chairman Planning Board
Atten: David Woods, Principal Planner
City of Stamford
888 Washington Boulevard
Stamford, CT 06904

RE: Application 213-33 – Zoning Map Amendment – RICHARD REDNISS, Saddle Rock Road, to rezone approximately 8.35 acres from R-20 to RA-1 located on Saddle Rock Road in a coastal flood area in Block No. 25 (see attached map).

Dear Mrs. Dell:

In accordance with Section C6-40-10 of the Charter of the City of Stamford, the above captioned amendment to the Zoning Map of the City of Stamford is hereby referred to the Planning Board of the City of Stamford for its advisory report.

A public hearing has tentatively been scheduled for *December 2, 2013*. Referral comments should be filed with the Zoning Board Office by *November 29, 2013*. Please feel free to attend our Public Hearing to present your referral comments.

Sincerely,

A handwritten signature in cursive script that reads "Norman Cole".
Norman F. Cole
Land Use Bureau Chief

MAYOR
MICHAEL PAVIA



Director of Operations
ERNIE ORGERA

Land Use Bureau Chief
Norman F. Cole, A.I.C.P.

CITY OF STAMFORD
ZONING BOARD
LAND USE BUREAU
888 WASHINGTON BOULEVARD
STAMFORD, CT 06901
Tel: 203.977.4719
Fax: 203.977.4100

October 25, 2013

Ms. Kristal Kallenberg
Office of Long Island Sound Programs
State Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5828

RE: Application 213-33 – Zoning Map Amendment – RICHARD REDNISS, Saddle Rock Road, to rezone approximately 8.35 acres from R-20 to RA-1 located on Saddle Rock Road in a coastal flood area in Block No. 25 (see attached map).

Dear Ms. Kallenberg:

In accordance with Section 22a-103 of the Connecticut General Statutes, we are forwarding the above captioned Map Amendment to the Connecticut Department of Environmental Protection for its advisory report.

A public hearing has tentatively been scheduled for *December 2, 2013*. Referral comments should be filed with the Zoning Board Office by *November 29, 2013*. Please feel free to attend our Public Hearing to present your referral comments.

Sincerely,

Handwritten signature of Norman F. Cole.
Norman F. Cole
Land Use Bureau Chief

INTEROFFICE MEMORANDUM

CITY OF STAMFORD

TO: Harbor Commission
Frank Fedeli, Harbor Management Commissioner

FROM: Norman F. Cole, Land Use Bureau Chief *Norman Cole*

DATE: October 25, 2013

RE: Application 213-33 – Zoning Map Amendment – RICHARD REDNISS, Saddle Rock Road, to rezone approximately 8.35 acres from R-20 to RA-1 located on Saddle Rock Road in a coastal flood area in Block No. 25 (see attached map).

In accordance with Chapter 6, Article XII, Section 6-62 of the Code of Ordinances of the City of Stamford, the above captioned Map Change and Coastal Site Plan Review applications are hereby referred to the Harbor Management Commission for its advisory report.

A public hearing has tentatively been scheduled for *December 2, 2013*. Referral comments should be filed with the Zoning Board Office by *November 29, 2013*. Please feel free to attend our Public Hearing to present your referral comments.

INTEROFFICE MEMORANDUM

CITY OF STAMFORD

TO: Mary Uva, Board of Representative District I
Patrick White, Board of Representative District I

FROM: Norman F. Cole, Land Bureau Chief *Norman Cole*

DATE: October 25, 2013

RE: Application 213-33 – Zoning Map Amendment – RICHARD REDNISS,
Saddle Rock Road, to rezone approximately 8.35 acres from R-20 to RA-1
located on Saddle Rock Road in a coastal flood area in Block No. 25 (see attached
map).


On behalf of the Zoning Board, a copy of the above captioned application is enclosed for your information. A complete copy of the file is available in the Land Use Bureau offices on the 7th Floor of the Government Center.

If you have any questions, please feel free to contact me at (203) 977-4714.

INTEROFFICE MEMORANDUM

CITY OF STAMFORD

TO: J. Lunney III, R.A. Zoning Enforcement Officer
Richard Talamelli, EPB
Susan Kiskin, P.E.
Bill Degnan, WPCA
Chief Fire Marshal

FROM: Norman F. Cole, Land Use Bureau Chief *Norman Cole* 

DATE: October 25, 2013

RE: Application 213-33 – Zoning Map Amendment – RICHARD REDNISS, Saddle Rock Road, to rezone approximately 8.35 acres from R-20 to RA-1 located on Saddle Rock Road in a coastal flood area in Block No. 25 (see attached map).

On behalf of the Zoning Board, a copy of the above captioned application is hereby referred to you for review and comment.

A public hearing has tentatively been scheduled for *December 2, 2013*. It would be greatly appreciated if you could submit your comments with the Zoning Board Office by *November 29, 2013*.

Thank you in advance for your assistance.

CITY OF STAMFORD

MAYOR
MICHAEL A. PAVIA
DIRECTOR OF OPERATIONS
ERNIE ORGERA
Email: eorgera@ci.stamford.ct.us



CITY ENGINEER
LOUIS CASOLO, JR., P.E.
Email: lcasolo@ci.stamford.ct.us

INTEROFFICE MEMORANDUM

October 30, 2013

To: Norman Cole - Land Use Bureau Chief

From: Susan Kiskin P.E. -

Subject: **Saddle Rock Road**
Zoning Application No. 213-33

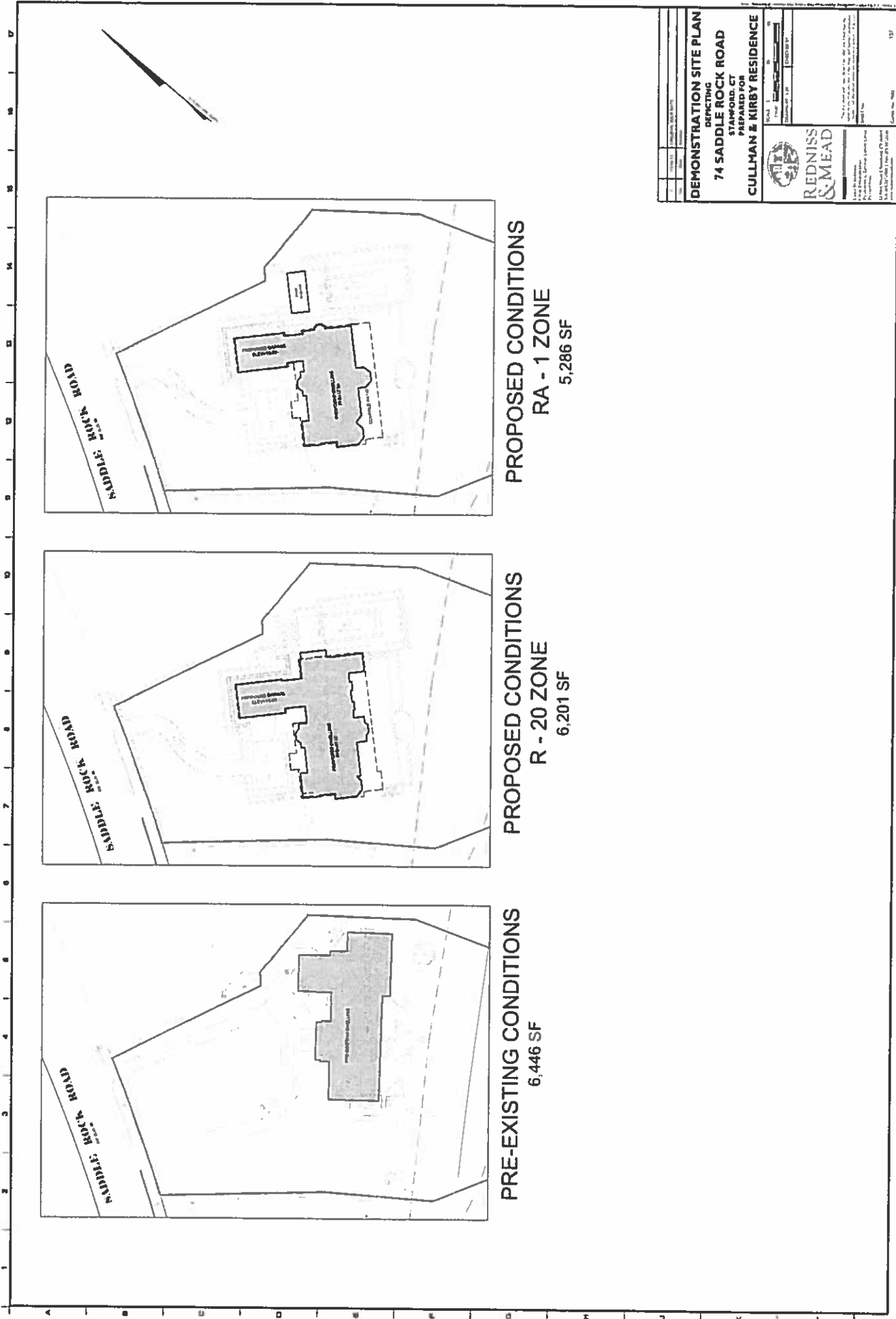
The Engineering Bureau of the City of Stamford has reviewed the above-mentioned application and the request is for Zoning Map Amendment, and has no impact on any authority for this department.

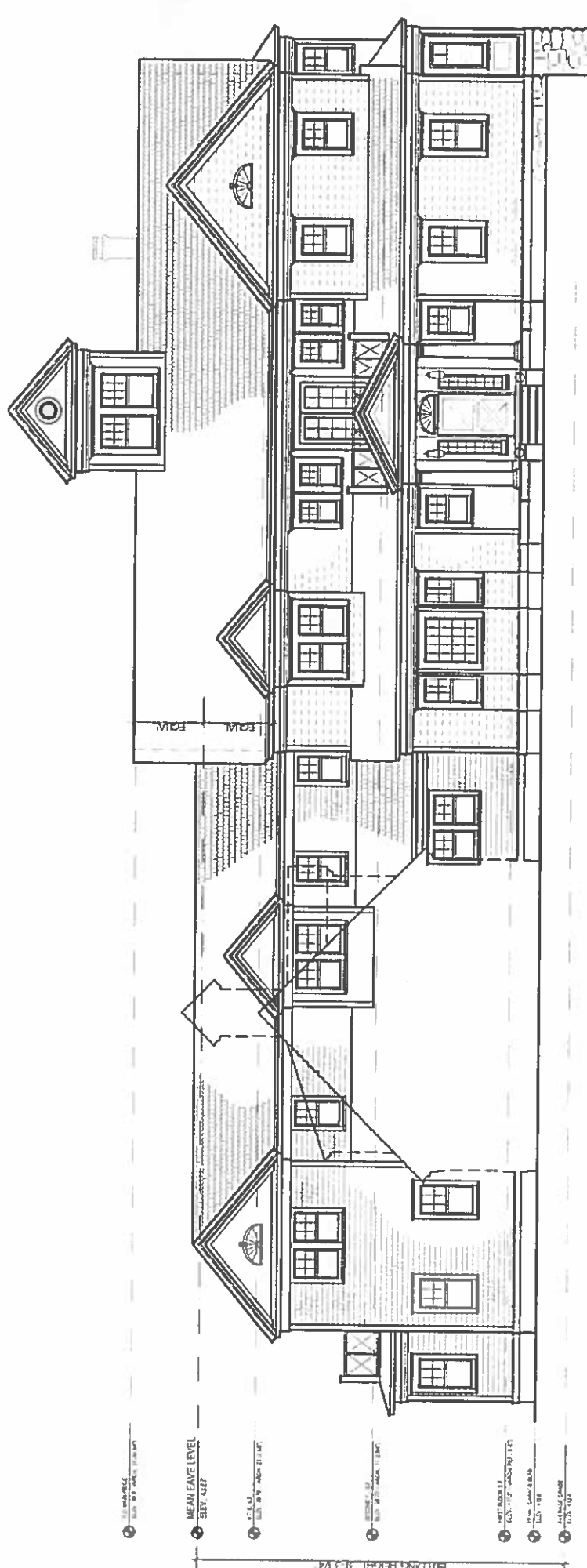
Therefore at this time, the Engineering Bureau has no objection to this application continuing with the approval process.

Thank you for the opportunity to review this application and if you have any questions, please call me at (203)977-6165.

Reg. No. 418



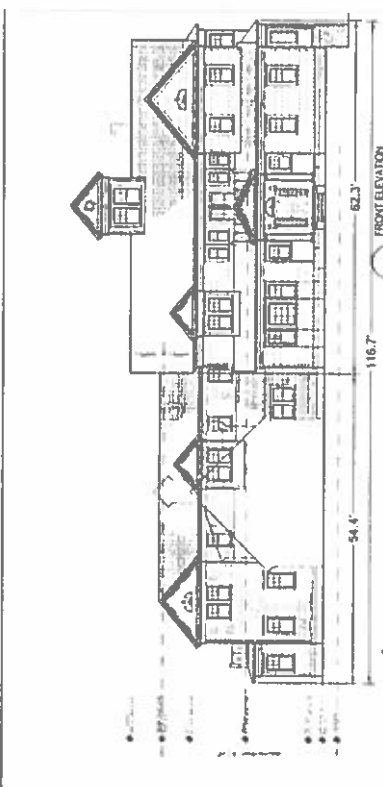




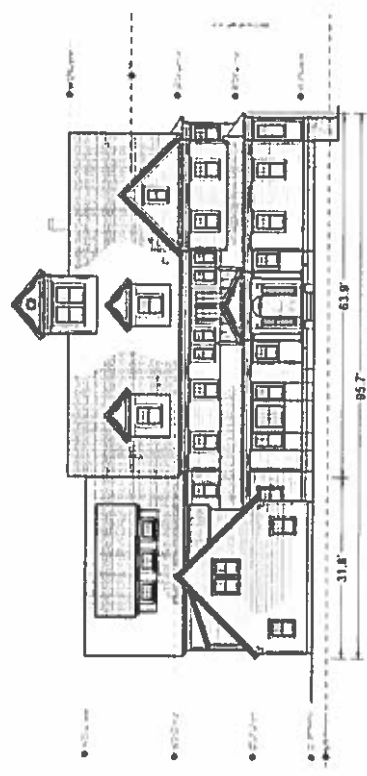
FRONT ELEVATION

1

SCALE: 1/8" = 1'-0"

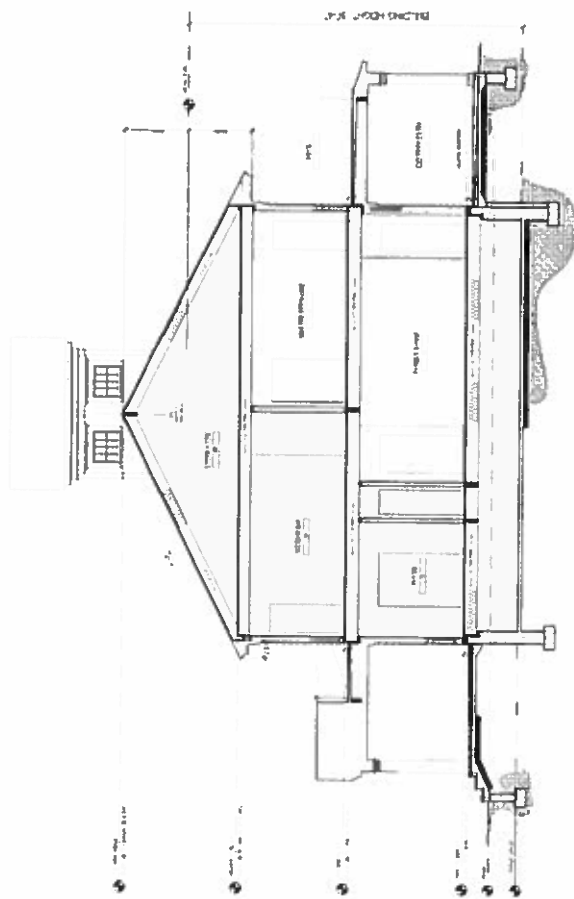


PROPOSED CONDITIONS
R - 20 ZONE



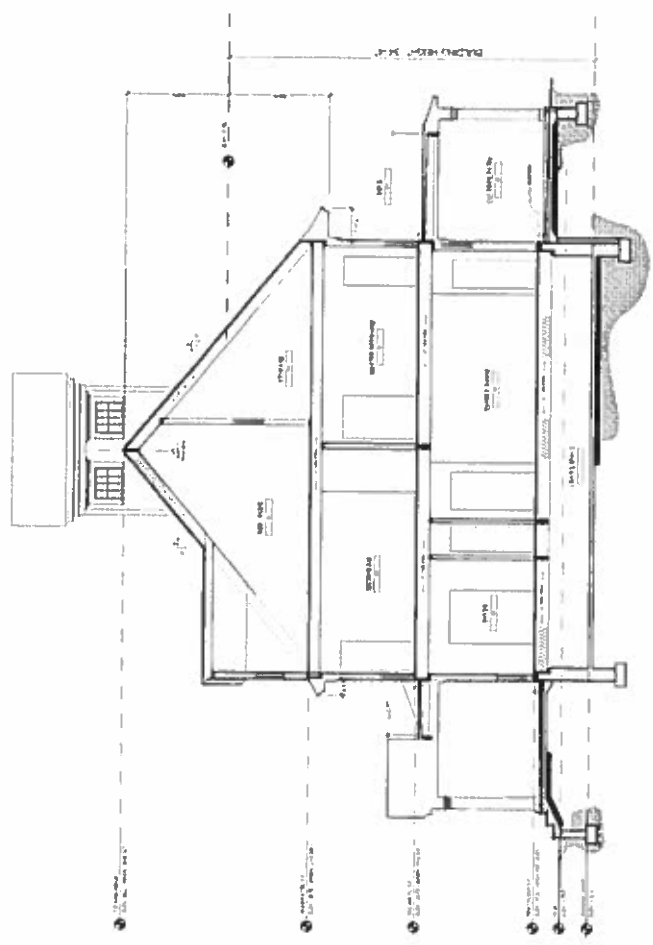
PROPOSED CONDITIONS
RA - 1 ZONE

DEMOSNTRATION SITE PLAN DEPICTING 74 SADDLE ROCK ROAD STAMFORD, CT PREPARED FOR CULLMAN & KIRBY RESIDENCE		 REDNISS & MEAD 1000 Main Street Stamford, CT 06901 Tel: 203.359.1234 Fax: 203.359.1235 Email: info@rednissandmead.com Website: www.rednissandmead.com
Date: 11/15/2011 Drawing No: 11-001	Scale: 1" = 10'-0" Project No: 11-001	Sheet No: 1 of 1 Total Sheets: 1



1 BUILDING SECTION: MAIN WING
SCALE 3/8" = 1'-0"

ZONING DISTRICT R-20
GROSS FOOTPRINT: 6,120 SQ.FT.



2 BUILDING SECTION: MAIN WING
SCALE 3/8" = 1'-0"

ZONING DISTRICT RA-1
GROSS FOOTPRINT: 5,287 SQ.FT.

FIELD PAPER TELMAN
ARCHITECTS, P.C.
240 Main Street, New York, NY 10002
Tel: 212 678 8272 Fax: 212 678 8276
New York, NY 10002
Tel: 212 678 8272 Fax: 212 678 8276
www.fieldpapertelman.com

Project: CULLMAN / KIRBY RESIDENCE
24 South Rock Road
Stamford, CT 06902

No.	Description	Date

Job No: 2018006.20
Scale: AS SHOWN
Date: 11.18.13
Drawn: JF / JMH

Sheet Title

ZONING HEIGHT COMPARISON

Drawing No.

A-202



STATEMENT OF NOTIFICATION OF PROPERTY OWNERSAPPLICATION No. 213-33 DATE: December 2, 2013APPLICANT NAME Richard W. RednissPROPERTY LOCATION 68, 74, 88 89, 102, 107, 123 Saddle Rock Road, Stamford, CTGENERAL DESCRIPTION OF APPLICATION Zone Change from R-20 (half acre) to RA-1 (one acre)
to enable coastal homes to meet the Stamford and FEMA flood regulations and minimum elevations.

1. Names and Addresses of all owners of property as verified from the most current Real Property Records on file in the Office of the Assessor of the City of Stamford (or the actual owners of record if known to the applicant) within the area which is the subject of the application:

Stewart & Rachael Shanley, 89 Saddle Rock Road, Stamford, CT 06902Steven G. & Sharon L. Chrast, 107 Saddle Rock Road, Stamford, CT 06902Allen & Eleonora A. Silverman, 123 Saddle Rock Road, Stamford, CT 06902William W. Ward, Tr., 102 Saddle Rock Road, Stamford, CT 06902John J. Kirby, Jr. and Susan R. Cullman, 812 Park Avenue, #14E, New York, NY 10021John J. Kirby, Jr. and Susan R. Cullman, 74 Saddle Rock Road, Stamford, CT 06902Karen A. & Kathleen A. Murphy, 68 Saddle Rock Road, Stamford, CT 06902

(Add Supplemental Sheets if Necessary)

2. Names and Addresses of all owners of property as verified from the most current Real Property Records on file in the Office of the Assessor of the City of Stamford (or the actual owners of record if known to the applicant) within 500 feet in RA-2 One Family Residence Districts, 300 feet in RA-1 One Family Residence Districts and 100 feet in all other Districts, of the boundary of the area which is the subject of the application:

Please Refer to Attached Certificate of Mail.

(Add Supplemental Sheets if Necessary)

Listed above are the names and addresses of owners of all properties within the area which is the subject of the application, and of all properties 500 feet or less distant therefrom in the case of RA-2 One Family Residence Districts, 300 feet or less distant therefrom in the case of RA-1 One Family Residence Districts and 100 feet or less distant therefrom in all other Districts, all as verified from the most current Real Property Records on file in the Office of the Assessor of the City of Stamford (or the actual owners of record if otherwise known to the applicant), together with evidence in the form of U.S. Post Office Certificates of Mailing, indicating that property not more than 20, not less than 7 days prior to the date set for public hearing thereon.

A copy of the notification described above and certificates of mailing, as set forth above, are furnished herewith.

REC'D C P-H
12-02-2013
DVK EX-#1

Signature of Applicant

112



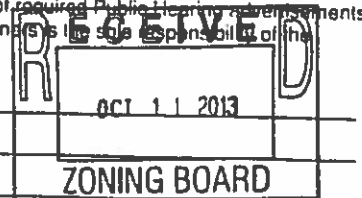
APPLICATION FOR CHANGE IN THE ZONING MAP OF STAMFORD, CONNECTICUT

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.

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 scheduled hearing date will not be rescheduled within 90 days.

STATE OF CONNECTICUT

ss STAMFORD

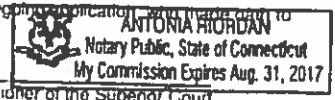
COUNTY OF FAIRFIELD

October 9th 20 13

Personally appeared Richard W. Redniss
the truth of the contents thereof, before me

signer of the foregoing application, and made oath to

[Signature]
Notary Public, Commissioner of the Superior Court



FOR OFFICE USE ONLY

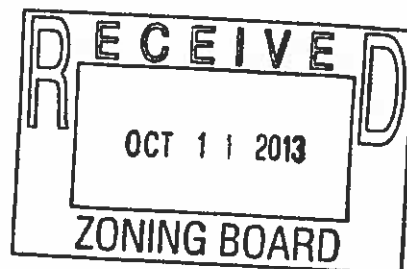
APPL. # _____

Received in the office of the Zoning Board: Date: _____

By _____

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

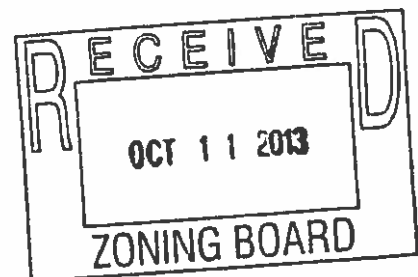
All those certain tracts, pieces or parcels of land situate, lying and being in the City of Stamford, County of Fairfield, and State of Connecticut, beginning at a point on the intersection of the centerline of Saddle Rock Road and the projection of the northerly property line of land n/f of Karen A.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

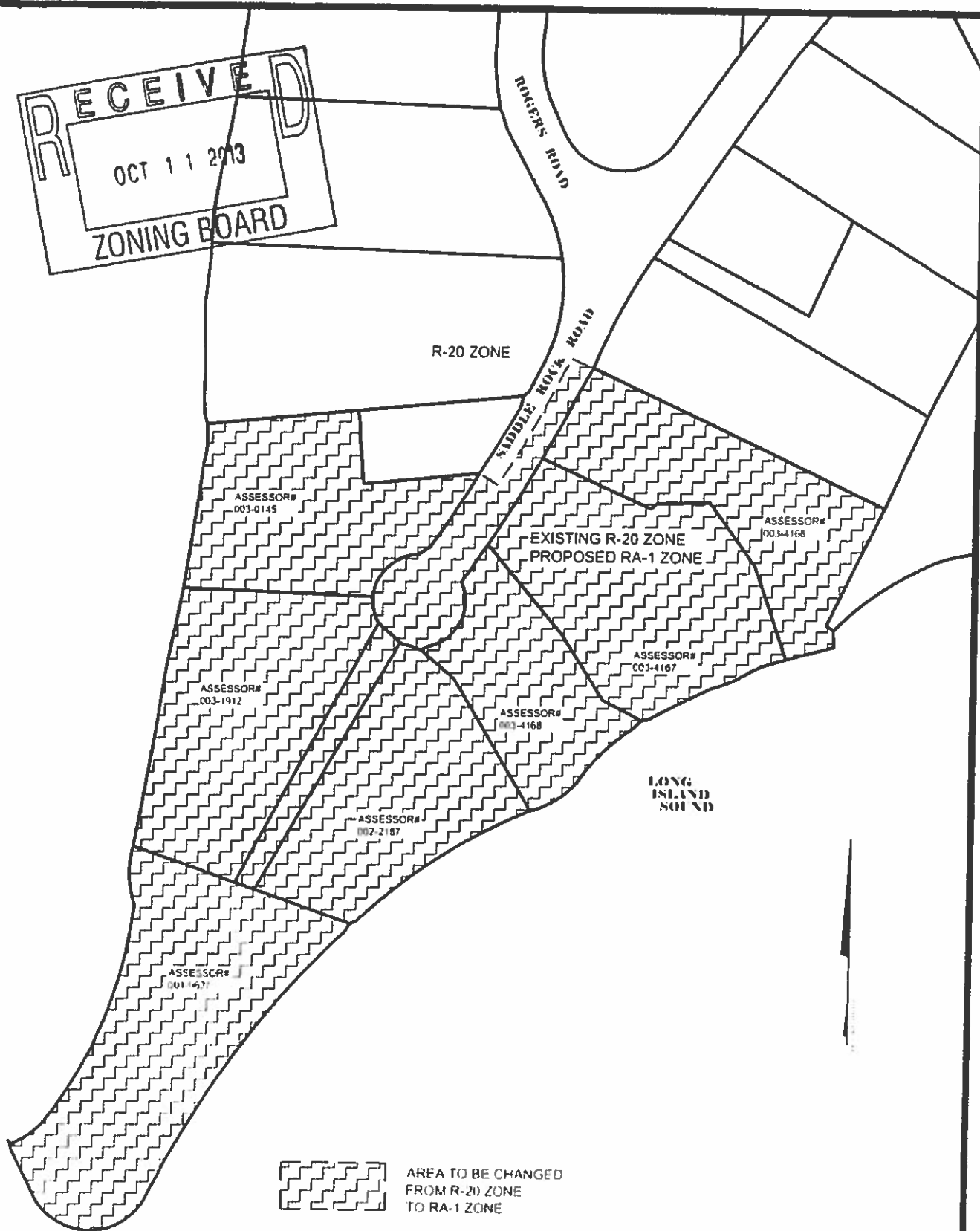
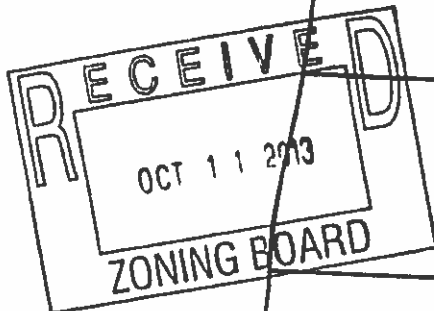
- Northerly 381'± by a portion of Saddle Rock Road and said land n/f of Kevin M. Dwyer (Assessor #002-0569), each in part;
- Easterly 1,169' ± by land n/f of Ocean Drive West Associates LLC (Assessor #004-2275) and the Long Island Sound, each in part;
- Southerly 210'± by Long Island Sound;
- Westerly 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 cl	89 Saddle Rock Road, Stamford, CT 06902	003-0145
107 Saddle Rock Road	Steven G. Chrust, et al; Sharon L. Chrust, sur cl	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, tr	102 Saddle Rock Road, Stamford, CT 06902	002-2187
88 Saddle Rock Road	John J. Kirby Jr., et al; Susan R. Cullman, sur cl	812 Park Avenue #14E, New York, NY 10021	003-4168
74 Saddle Rock Road	John J. Kirby Jr., et al; Susan R. Cullman, sur cl	74 Saddle Rock Road, Stamford, CT 06902	003-4167
68 Saddle Rock Road	Karen A. Murphy, et al; Kathleen A. Murphy, sur cl	68 Saddle Rock Road, Stamford, CT 06902	003-4166





**ZONE CHANGE
SADDLE ROCK ROAD**



Redniss & Mead

ENGINEERS SURVEYORS PLANNERS WWW.REDNISSMEAD.COM
22 FIRST STREET STAMFORD CONNECTICUT 06905 203-327-0504

COMM NO:

7683

DATE:

10/07/13

SCALE:

1"=150'

116



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 COASTAL SITE PLAN REVIEW

Complete, notarize, and forward twelve (12) copies of all project plans and documents to Clerk of the Zoning Board with a \$230.00 Filing Fee payable to the City of Stamford. NOTE: ADVERTISING COST OF THE RESULTS OF THE ZONING BOARD REVIEW IS PAYABLE BY THE APPLICANT PRIOR TO PUBLICATION.

APPLICANT NAME (S) Richard W. Redniss, AICP (as agent)

APPLICANT ADDRESS 22 First Street, Stamford, CT 06905

APPLICANT PHONE # 203-327-0500

PROJECT LOCATION Saddle Rock Road

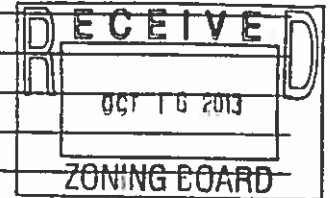
PROPERTY OWNER (S) see Exhibit B

CONTACT FOR QUESTIONS Richard W. Redniss

ACREAGE OF PROJECT PARCEL 8.35 acres

SQUARE FEET OF PROPOSED BUILDING N/A

ZONING DISTRICT OF PROJECT PARCEL R-20 (proposed change to RA-1)



PROJECT DESCRIPTION:

Zone change from R-20 to RA-1

Coastal resources on which the project is located
or which will be affected by the project:
(See "Index of Policies" Planning Report 30)

- ☐ a. bluffs or escarpments
- ☐ b. rocky shoreline
- ☐ c. beaches and dunes
- ☐ d. intertidal flats
- ☐ e. tidal wetlands
- ☐ f. freshwater wetlands
- ☐ g. estuarine embayments
- ☐ h. coastal flood hazard areas
- ☐ i. coastal erosion hazard area
- ☐ j. developed shoreline
- ☐ k. islands
- ☐ l. coastal waters
- ☐ m. shorelands
- ☐ n. shellfish concentration areas
- ☐ o. general resource
- ☐ p. air resources

Coastal policies affected by the project:
(See "Index of Policies" Planning Report 30)

- ☐ a. water dependent uses
- ☐ b. ports and harbors
- ☐ c. coastal structures & filling
- ☐ d. dredging & navigation
- ☐ e. boating
- ☐ f. fisheries
- ☐ g. coastal recreation access
- ☐ h. sewer & water lines
- ☐ i. energy facilities
- ☐ j. fuel, chemicals & hazardous materials
- ☐ k. transportation
- ☐ l. solid waste
- ☐ m. dams, dikes & reservoirs
- ☐ n. shellfish concentration
- ☒ o. general development
- ☐ p. open space

If the project is adjacent to coastal waters, is the project water dependent? (See C.G.S. sec. 22a-93)
YES ☐ NO ☒ NOT APPLICABLE

If yes, in what manner?

Docks, piers, etc.

Industrial process or cooling waters?

General public access

Other, please specify: _____

What possible adverse or beneficial impacts may occur as a result of the project? (Attach additional sheet if necessary)

Beneficial impacts include the allowance of additional height and additional half story which will allow homes to be raised above critical flood heights.

How is the proposal consistent with all applicable goals and policies of the CAM Act?

The application decreases the number of potential future residences that could be developed within flood prone areas, and facilitates the raising of homes above the base flood elevation.

What measures are being taken to mitigate adverse impacts and eliminate inconsistencies with the CAM Act? (Attach additional sheet if necessary)

N/A

Is there any deed restriction(s) that may prohibit the construction proposed in this application? No

If yes, list Town Clerk Book & Page reference: _____

Is any injunction or other litigation pending concerning this property? No

If yes, include citation: _____

REDNISS & MEAD

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

JOHN J. KIRBY JR. & SUSAN R. CULLMAN
74 & 88 SADDLE ROCK ROAD, STAMFORD, CT
ZONING BOARD APPLICATION FOR ZONE CHANGE
PROPERTY OWNERS WITHIN 300' - CERTIFICATE OF MAIL

Simon J. & Carol Lee Hunt
34 Saddle Rock Road
Stamford, CT 06902-8229

Michael & Aleya Lipkin
38 Saddle Rock Road
Stamford, CT 06902

Lillian E. Kraemer Revocable Trust
Lillian E. Kraemer Trustee
46 Saddle Rock Road
Stamford, CT 06902-8229

Kevin M. & Dianna Dwyer
60 Saddle Rock Road
Stamford, CT 06902-8229

Karen A. & Kathleen A. Murphy
68 Saddle Rock Road
Stamford, CT 06902-8230

John J. Kirby Jr. & Susan R. Cullman
74 Saddle Rock Road
Stamford, CT 06902-8230

John J. Kirby Jr. & Susan R. Cullman
812 Park Avenue, #14E
New York, NY 10021

William W. Ward Tr.
102 Saddle Rock Road
Stamford, CT 06902

Allen & Eleanora A. Silverman
123 Saddle Rock Road
Stamford, CT 06902-8228

David P. Tunick
71 Saddle Rock Road
Stamford, CT 06902-8228

Robert & Rachel Rangelov
75 Saddle Rock Road
Stamford, CT 06902

Stewart & Rachael Shanley
89 Saddle Rock Road
Stamford, CT 06902

Steven G. & Sharon L. Chrust
107 Saddle Rock Road
Stamford, CT 06902-8228

Madan & Minoo Agarwal
86 Rogers Road
Stamford, CT 06902

Alistair H. Johnstone &
Patricia Giordano Johnstone
83 Rogers Road
Stamford, CT 06902-8225

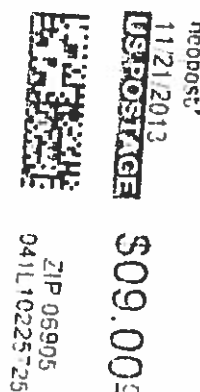
John R. & Kelly A. Considine
91 Rogers Road
Stamford, CT 06902

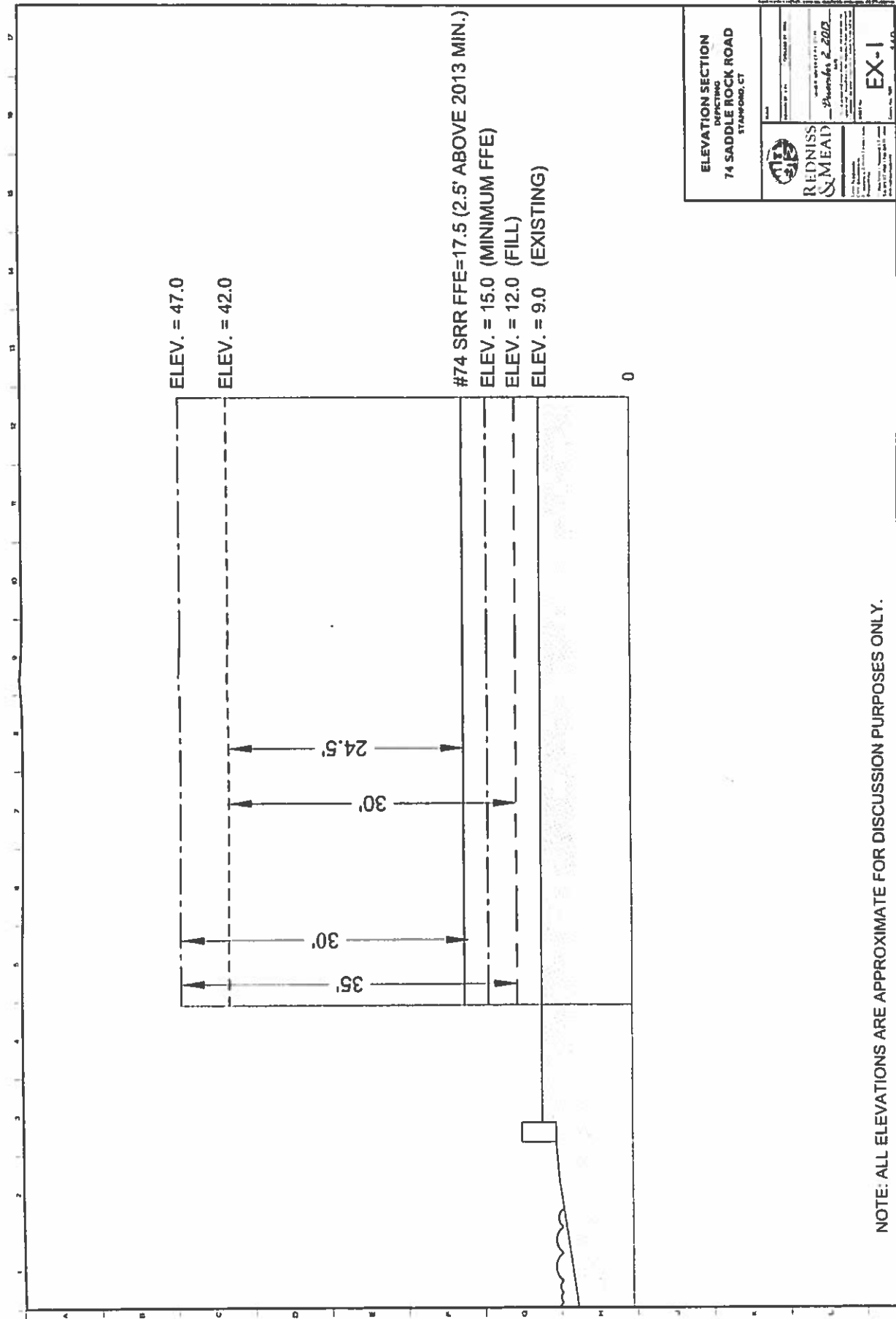
Ocean Drive West Associates LLC
630 Fifth Avenue – 28th Floor
New York, NY 10111-0100

Mary Elizabeth Siegel
363 Ocean Drive West
Stamford, CT 06902

Voelkert & Karin K. Doeksen
630 Fifth Avenue, 28th Floor
New York, NY 10111-0100

John DiBacco
417 Ocean Drive West
Stamford, CT 06902





ELEVATION SECTION DEPT. OF TRANSPORTATION 74 SADDLE ROCK ROAD STAMFORD, CT	
REDNISS & MEAD ENGINEERS 1000 WEST STREET, SUITE 200 STAMFORD, CT 06901 TEL: (203) 351-1000 FAX: (203) 351-1001 WWW.REDNISS-AND-MEAD.COM	DRAWN BY: J. L. [illegible] CHECKED BY: [illegible] DATE: 12/10/11 SCALE: AS SHOWN SHEET NO. EX-1 TOTAL SHEETS: 1

Rec'd. EXHIBIT - P11
12-02-2012 EX # 2

W6PT Z

§13 RESIDENCE A DISTRICT *Revised 01-04-13*

13-1 Purpose

The purpose of the A District is to allow single-family residences on a minimum 1/2 acre lot. The A District provisions are intended to encourage moderate density residential development for primarily residential and related purposes in areas primarily served by centralized sewerage facilities.

13-2 Permitted Uses

Any use permitted in a Residence AAA District, subject to the same approvals and conditions as specified in §11-2 of these regulations.

13-3 Area and Shape (See Definitions)

Each lot shall have a minimum area of one-half (1/2) acre (21,780 square feet) and shall be of such shape that a rectangle one hundred (100) feet by one hundred fifty (150) feet will fit on the lot.

13-4 Setbacks (See §31-4 through §31-8, also.)

No principal building, structure or use or accessory building or structure shall extend closer than thirty (30) feet from any street line, fifteen (15) feet from any side lot line, or twenty-five (25) feet from any rear lot line.

Entry stairs, platforms and open porches necessary for ingress and egress which are proposed to be added a structures within the Special Flood Hazard Area that will have its first finished floor elevated to at least the Base Flood Elevation, has no basement or cellar below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings) shall be permitted. Structures in the VE zone shall comply with all the requirements in §31-11.3.5. In no case may such structures be less than 5 feet from any property line.

13-5 Height

No principal building or other structure located north of the railroad tracks shall exceed two and one-half stories (2-1/2) and a height of thirty-five (35) feet. No principal building or structure located south of the railroad tracks shall exceed two (2) stories and a height of twenty-six (26) feet. No accessory building or structure shall exceed one story and a height of sixteen (16) feet, except barns as defined in §11-2.4.7 and permanent and temporary light poles for lighted athletic fields on town owned public school property as defined in §11-2.4.8.

Building Height for principal buildings may be increased by up to an additional five feet (Maximum of 31') for a structure located within the Special Flood Hazard Area located south of the railroad tracks specifically when such structure is proposed have its first finished floor elevated to at least the Base Flood Elevation has no basement or cellar below the BFE and in the AE Zone is designed to be fully compliant with §31-11.5.2 (Elevated Buildings). Structures in the VE zone shall comply with all the requirements in §31-11.3.5. One additional foot of Building Height as measured from average grade shall be permitted for each foot that the average grade is below the Base Flood Elevation up to a maximum of five feet. Wet flood proofed enclosed spaces below the first floor with a head room of five feet or less shall not be considered a story. (See §5-2 Definition of Crawl Space).

13-1

REC'D
PH, 12-02-13
EX #3

M Plan

STAMFORD MASTER PLAN 2002

majority of areas so designated are not served by public water supply and public sanitary sewer systems. Residential density shall not exceed one principal dwelling unit per acre, provided that conservation-oriented "clustering" (e.g., Conservation Subdivisions) utilizing reduced lot size are encouraged.

#2. RESIDENTIAL—Low Density Single-Family

This category is intended to provide for and protect a suitable environment for single-family dwellings, as well as compatible uses (e.g., schools, houses of worship, clubs and institutions) as may be permitted by Special Exception being in general harmony with and supportive of single-family neighborhoods. Development on parcels less than one acre is permitted where the availability of public utilities, public road systems, and other essential public services and the density of existing development so warrant. Residential density shall not exceed six principal dwelling units per acre, provided that conservation-oriented "clustering" (e.g., Conservation Subdivisions) utilizing reduced lot size are encouraged.

#3. RESIDENTIAL—Low Density Multifamily

This category is intended to allow the amenities of multifamily living in a single-family neighborhood setting. The category is intended to provide for and protect single-family dwellings and the least intensive of multifamily development (i.e., garden apartments or similar condominium-type units) as well as one- and two-family units on individual lots, and includes such other compatible uses (e.g., schools, houses of worship, clubs, hospitals and institutions) as may be permitted by Special Exception being in general harmony with and supportive of such multifamily neighborhoods. Residential density shall not exceed a total of 17 dwelling units per acre, or a total of 25 dwelling units per acre when exclusively for the elderly. A residential density bonus of 50 percent may be allowed by Special Exception, not to exceed a total of 25 units per acre, provided that (1) a substantial number of such bonus units are provided at below-market rates, and/or (2) the units are created in connection with the adaptive reuse of an historic structure.

#4. RESIDENTIAL—Medium Density Multifamily

This category is intended to provide for and protect medium-density multifamily development. The category is appropriate to areas in transition from lower to medium-density use, or in areas characterized by a mixture of apartment, condominium, attached row house, or detached residential mid-rise structures, and such other uses (e.g., schools, houses of worship, clubs, hospitals and institutions) as may be permitted by Special Exception being in general harmony with and supportive of such multifamily neighborhoods. Residential density shall not exceed a total of 29 dwelling units per acre, or a total of 44 dwelling units per acre when exclusively for the elderly. A residential density bonus of 50 percent may be allowed by Special



David Tunick

Richard W. Redniss

From: Richard W. Redniss
Sent: Monday, December 02, 2013 3:53 PM
To: Richard W. Redniss
Subject: FW: Map/Zone Change from R-20 to RA-1 (File Number: 213-33)

From: David Tunick [<mailto:dtunick@tunickart.com>]
Sent: Monday, December 02, 2013 6:37 AM
To: Richard W. Redniss
Subject: Re: Map/Zone Change from R-20 to RA-1 (File Number: 213-33)

Rick,

Thank you for explaining the zoning and showing the plans last night. I'm glad I had 45 minutes to attend the meeting.

If I had known as much about the proposed zoning change at the beginning as I do now as a result of what I learned last night, I would have joined the group on Saddle Rock in putting in for the change from half acre to one acre.

David Tunick

REC'D
EX-75
PH 12/02/2013

12/02/13

**Saddle Rock Road
Zone Change Application
Revised 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

Area: 1.08 + 1.16 + 1.67 + .98 + .65 + 1.24 + 0.50 (Saddle Rock Road) = 7.28 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 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;

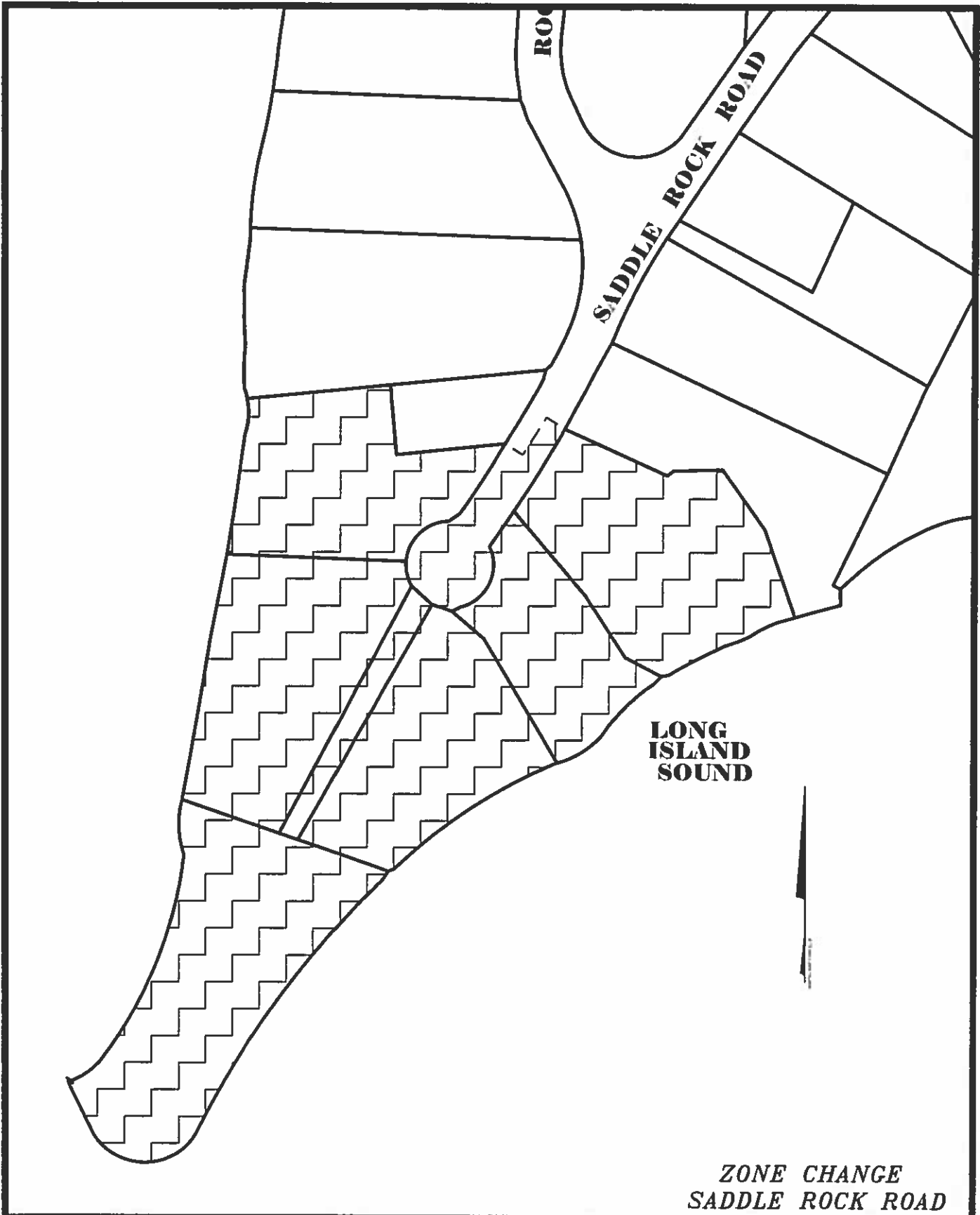
Westerly 844'± by Long Island Sound

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.



**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: 12/02/13
SCALE: 1"=150'

FOR PUBLICATION: THE ADVOCATE TWO INSERTIONS:

**WED. NOV 20, 2013
WED. NOV 27, 2013**

Charge to: Richard Redniss
Redniss & Mead
22 First Street
Stamford, CT 06905
203-327-0500

**LEGAL NOTICE
ZONING BOARD – CITY OF STAMFORD**

APPL. 213-33 Notice is hereby given that the Zoning Board of the City of Stamford, CT will conduct a Public Hearing on Monday, December 2, 2013 at 7:00 p.m., in the Cafeteria, 4th Floor, Government Center Building, 888 Washington Boulevard, Stamford, CT, to consider the following proposed amendment of the Zoning Map of the City of Stamford, CT, upon application of RICHARD W. REDNISS to:

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

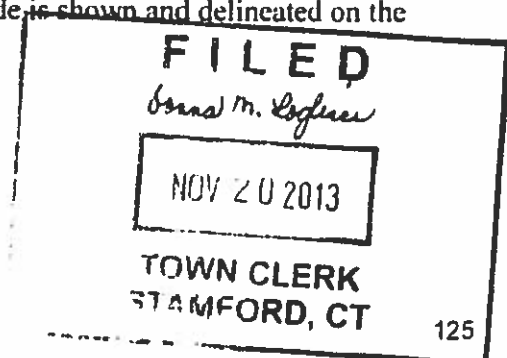
All those certain tracts, pieces or parcels of land situate, lying and being in the City of Stamford, County of Fairfield, and State of Connecticut, beginning at a point on the intersection of the centerline of Saddle Rock Road and the projection of the northerly property line of land n/f of Karen A. 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.

Block Number: 25; Area: 8.35 Acres.

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

[INSERT SKETCH]

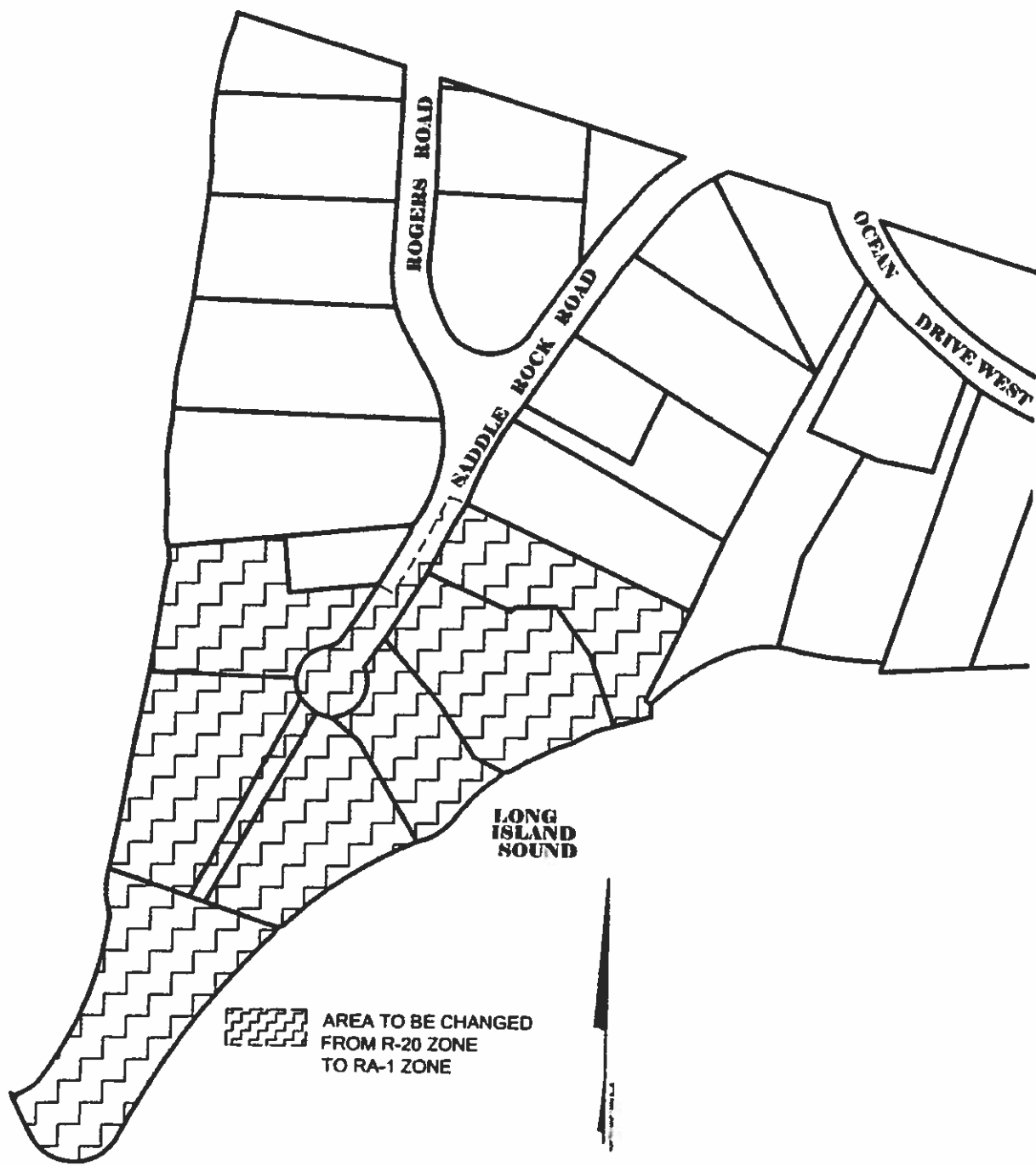


A full copy of the above referenced application is available for review in the Office of the Land Use Bureau 7th Floor, Government Center Building, 888 Washington Boulevard, Stamford, CT during normal business hours.

At the above time and place all interested persons shall be given an opportunity to be heard. The hearing may be continued to such time and place as will be announced by the Zoning Board. The meeting place is accessible to the physically handicapped. Hearing impaired persons wishing to attend this meeting that require an interpreter may make arrangements by contacting the Department of Social Services administration office at 203-977-4050, at least five (5) working days prior to the meeting.

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

Dated at the City of Stamford, CT.,
This 20th day of November, 2013



**Legal Notice as it appeared
in the Stamford Advocate
Wed., Nov. 27, 2013**

**Legal Notice
Zoning Board - City of Stamford**

APPLICANT: Notice is hereby given that the Zoning Board of the City of Stamford, CT will conduct a Public Hearing on Monday, December 2, 2013 at 7:00 p.m., in the Conference Room, 7th Floor, Government Center Building, 800 Washington Boulevard, Stamford, CT, to consider the following proposed amendment of the Zoning Map of the City of Stamford, CT, upon application of MICHAEL W. REEDMAN for:

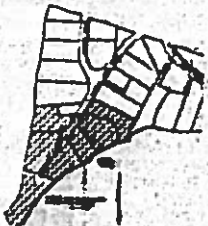
Change to RM-1 "One Family Residential District" proposed currently issued A-25 "One Family Residential District."

All those curbside tracks, places or parcels of land situated, 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 of Karen A. Murphy et al and Kathleen A. Murphy (Assessor's 8003-01180), said land is bound by the following:

Northerly	381' x by a portion of Saddle Rock Road and said land of Karen M. Dwyer (Assessor's 8003-0598), such to
East	1,186' x by land of Old Greenwich Road Association LLC (Assessor's 8004-2273) and the Long Island Sound,
South	218' x by Long Island Sound.
West	544' x by Long Island Sound.
Northerly	187' x by land of David H. Birch (Assessor's 8003-3702).
East	87' x by land of Robert Murphy et al (Assessor's 8003-0144).
Northerly	131' by said land of Robert Murphy et al and a portion of Saddle Rock Road, such to part
West	187' x by the centerline of Saddle Rock Road.

Block Number: 25; Area: 8.30 Acres.

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



A full copy of the above referenced application is available for review in the Office of the Land Use Bureau 7th Floor, Government Center Building, 800 Washington Boulevard, Stamford, CT during normal business hours.

At the above time and place all interested persons shall be given an opportunity to be heard. The hearing may be continued to such time and place as will be announced by the Zoning Board. The meeting place is accessible to the physically handicapped. Hearing impaired persons wishing to attend the meeting should require an interpreter may make arrangements by contacting the Department of Social Services administration office at 203-677-4000, at least five (5) working days prior to the meeting.

ATTEST

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

Dated at the City of Stamford, CT, the 20th day of November, 2013.

**Legal Notice as it appeared
in the Stamford Advocate
Wed., Nov. 27, 2013**

Legal Notice
Zoning Board - City of Stamford

APPC 213-38. Notice is hereby given that the Zoning Board of the City of Stamford, CT will conduct a Public Hearing on Monday, December 2, 2013 at 7:00 p.m., in the Cafeteria, 4th Floor, Government Center Building, 380 Washington Boulevard, Stamford, CT, to consider the following proposed amendment of the Zoning Map of the City of Stamford, CT, upon application of MICHAEL W. RESHMAN to:

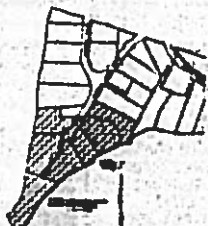
Change to PB-1 "One Family Residential District" proposed currently under A-23 "One Family Residential District."

All those certain tracts, pieces or parcels of land situated, 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 Stoddard Road and the projection of the northerly property line of land of Karen A. Murphy et al and Nathaniel A. Murphy (Assessor 4033-4168); said land is bound by the following:

Northerly	381' s by a portion of Stoddard Road and said land of of Spivey M. Cooper (Assessor 4032-0388), each to part;
Easterly	1,189' s by land of of Ocean Drive Road Association LLC (Assessor 4034-2273) and the Long Island Sound;
Southwesterly	210' s by Long Island Sound;
Westerly	844' s by Long Island Sound;
Northerly	152' s by land of of David H. Turley (Assessor 4032-3700);
Easterly	81' s by land of of Robert Reshman et al (Assessor 4033-0144);
Northerly	151' by said land of Robert Reshman et al and a portion of Stoddard Road, each to part;
Westerly	181' s by the centerline of Stoddard Road.

Block Number 23; Area 8.35 Acres.

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



A full copy of the above referenced application is available for review in the Office of the Land Use Director, 4th Floor, Government Center Building, 380 Washington Boulevard, Stamford, CT during normal business hours:

At the above time and place of interested persons shall be given an opportunity to be heard. The hearing may be continued to such time and place as will be announced by the Zoning Board. The hearing place is accessible to the physically handicapped. Hearing impaired persons wishing to attend this meeting should make an interpreter may make arrangements by contacting the Department of Social Services administration office at 203-377-4033, at least five (5) working days prior to the meeting.

ATTEST

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

Printed at the City of Stamford, CT, the 26th day of November, 2013.

MAP TITLE



Stamford Assessor's Office

Mapping Division



Abutters List STAMFORD, CT

Account Number	Street Number	Street Name Unit	Grantee	Mailing Address	City	St Zip	Country	Area Acres
000-8606	91	ROGERS ROAD	CONSIDINE JOHN R ET AL	91 ROGERS RD	STAMFORD	CT 06902		1.377
000-0444	74	ROGERS ROAD	MARKFIELD JOSHUA ET AL	74 ROGERS ROAD	STAMFORD	CT 06902		0.754
001-6397	93	ROGERS ROAD	JOHNSTONE ALISTAIR H ET AL	83 ROGERS ROAD	STAMFORD	CT 06902-8225		0.975
001-9161	17	SADDLE ROCK ROAD	RILEY PAMELA J	17 SADDLE ROCK ROAD	STAMFORD	CT 06902-8227		0.713
001-5464	73	ROGERS ROAD	BERGES DAVID E ET AL	73 ROGERS ROAD	STAMFORD	CT 06902		0.930
002-0569	60	SADDLE ROCK ROAD	DWYER KEVIN M ET AL	60 SADDLE ROCK ROAD	STAMFORD	CT 06902-8229		0.955
002-2187	102	SADDLE ROCK ROAD	WARD WILLIAM W TR	102 SADDLE ROCK ROAD	STAMFORD	CT 06902-0000		0.981
003-0145	89	SADDLE ROCK ROAD	SHANLEY STEWART ET AL	89 SADDLE ROCK ROAD	STAMFORD	CT 06902		1.079
003-4166	68	SADDLE ROCK ROAD	MURPHY KAREN A ET AL	68 SADDLE ROCK RD	STAMFORD	CT 06902-8230		0.992
003-4167	74	SADDLE ROCK ROAD	KIRBY JOHN J JR ET AL	74 SADDLE ROCK ROAD	STAMFORD	CT 06902-8230		1.244
003-4168	98	SADDLE ROCK ROAD	KIRBY JOHN J JR ET AL	813 PARK AVE #14E	NEW YORK	NY 10021		0.650
003-8216	38	SADDLE ROCK ROAD	LIPKIN MICHAEL ET AL	38 SADDLE ROCK ROAD	STAMFORD	CT 06902		0.459
003-8217	46	SADDLE ROCK ROAD	KRAEMER LILLIAN E REVOCABLE TRU	46 SADDLE ROCK ROAD	STAMFORD	CT 06902-8229		0.674
004-2275	0	OCEAN DRIVE WEST	OCEAN DRIVE WEST ASSOC LLC	630 FIFTH AVENUE	NEW YORK	NY 10111-0100		1.117
003-0144	75	SADDLE ROCK ROAD	RANGELOV ROBERT ET AL	75 SADDLE ROCK ROAD	STAMFORD	CT 06902		0.360
003-9047	14	SADDLE ROCK ROAD	HUNT SIMON J ET AL	34 SADDLE ROCK ROAD	STAMFORD	CT 06902-8229		1.071
001-6761	86	ROGERS ROAD	AGARWAL MADAN ET AL	86 ROGERS ROAD	STAMFORD	CT 06902		0.847
004-3398	LOT 2	OCEAN DRIVE WEST	KEILL KATHERINE L	333 STAMFORD AVENUE	STAMFORD	CT 06902-8203		0.911
004-2277	167	OCEAN DRIVE WEST	DOEKSEN VOLKERT ET AL	630 FIFTH AVENUE	NEW YORK	NY 10111-0100		1.143
000-1912	107	SADDLE ROCK ROAD	CHRIST STEVEN G ET AL	107 SADDLE ROCK RD	STAMFORD	CT 06902-8228		1.162
004-3399	LOT 1	OCEAN DRIVE WEST LOT 1	DIBACCO JOHN	417 OCEAN DRIVE WEST	STAMFORD	CT 06902		1.092
000-8796	3	SADDLE ROCK ROAD	TUSA HARLEY R ET AL	3 SADDLE ROCK RD	STAMFORD	CT 06902-8229		0.783
004-2276	363	OCEAN DRIVE WEST	STIEGEL MARY ELIZABETH	363 OCEAN DRIVE WEST	STAMFORD	CT 06902		0.742
001-1281	335	OCEAN DRIVE WEST	KAUFER BRUCE ET AL	335 OCEAN DR WEST	STAMFORD	CT 06902-8222		0.804
003-3700	71	SADDLE ROCK ROAD	TUNICK DAVID P	71 SADDLE ROCK ROAD	STAMFORD	CT 06902-8228		1.446

APPLICATION TO DEMOLISH

To the BUILDING DIVISION of the City of Stamford, Connecticut:

The undersigned hereby applies for a permit to demolish a building according to the following details:

1. Location 74 SADDLE ROCK ROAD
Main Bldg. ☒ Accessory Bldg. () Other ☒ Lot No. 2 Card No. 3007
Cost 17000 Fee 201.50 Investigation Fee _____
2. Between what streets OCEAN DR. WEST
3. Use of building at time of demolition (if vacant, give use for which building was designed) SINGLE FAMILY HOME
4. Type of construction STUCCO & WOOD EXTERIOR PLASTER & WOOD INTERIOR
5. Number of stories 2 Total sq. ft. of footprint 5,530 / 1950 POC
6. When will work be started on above project END of APRIL
7. Sidewalk shed required: Yes () No ☒
A sidewalk shed may be required when a building to be demolished is within ten feet of the property line or forty feet or more in height.
8. Are any Public Utility services connected to this building? Yes () No ☒
If yes, discontinuance of service approved by: Water Co. _____
S.N.E.Tel.Co. _____ HELCO _____
Sewer _____ Yankee Gas _____
9. Name and Address of disposal site AMELCARTING, LLC'S
TRANSFER STATION AT 1 CRESCENT ST NORWALK, CT 06851
10. Statement from the site permittee accepting disposal from the above mentioned project (required prior to issuance of permit).
11. Asbestos Disposal Required: Yes (☒) No ()
12. Certificate from a licensed exterminator which certifies that the premises to be demolished are free from rodent and insect infestation (required prior to issuance of demolition permit).
13. Age of Bldg.: Certified by Assessor's Office 98 C.K.M. 4/12/13
No. Yrs: _____ Name: _____ Date: _____
14. The Building Division shall be given not less than twenty-four hours before the demolition of any building or structure is commenced.
15. In demolishing any building or structure or part thereof, story after story shall be completely removed. No material shall be placed upon a floor of any building in the course of demolition: the bricks, timbers and other parts of each story shall be lowered to the ground immediately upon displacement. The material to be removed shall be wet down properly to ensure dust control.
16. Receipts from the site permittee to be submitted upon completion of this demolition and prior to a final inspection by this office.
17. Demolition area shall be graded with well-compacted fill.
18. NO premises will be removed from the tax rolls nor a building permit issued for that location until an inspection and approval has been made by this office.
19. We the undersigned agree to comply with the printed intention contained in Title 29, Chapter 541.07 of the Connecticut General Statutes, which are Sections 29-401 through 29-415 of the Connecticut General Statutes.
20. For additional information, call Roxy Tanallo Area Code 203-561-6484
Roxy Tanallo (PRINT ONLY) Roxy Tanallo Owner of Agent
Signature of Owner or Agent _____ Date: 4-11-13
80 MAIN STREET New CANAAN CT 06840
Address of Owner or Agent _____
* See under # 13 for License
Photo ID _____
Verify By _____
Signature of Licensed Contractor & License No. Joe Aveni 1312 11 Delev Drive Stamford
Date: 6/5/13

AFFIDAVIT

STATE OF CONNECTICUT)
COUNTY OF FAIRFIELD) ss: Stamford this 14 day of April 2013

I, the undersigned, being duly sworn, hereby make affidavit and say:

1. I am the agent of the Owner - Lessee of the building or structure - Licensed Engineer - Architect - employed in connection with the proposed work - all set forth in the Application for Building Permit.
2. The proposed work is authorized by the owner - in - fee and the undersigned is authorized by the owner - in - fee to make the Application for Building Permit.

Personally appeared [Signature]
who made oath to the truth of the foregoing before me.

Notary Public CHAS. W. WILSON
My Commission expires: May 31, 2016

(For Office Use Only)

DEMOLITION PERMIT

645 Demolition:

1-family 2 2-family 0
3-family 0 4-family 0
Multi-family 0 Offices 0
Other 0

DEMOLITION

Permit No. 17-000-0016
Fee \$ 204 .00
Cost \$ 17,000.00
Date 4/16/2013

City of Stamford, Conn.
Building Division

Application To Demolish

Location 24 Middle Road
Owner John P. & Susan Callahan
Address 24 Middle Road
Contractor ABC Builders
Address 24 Middle Road
Zone 0

Building Official