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**ZONING BOARD**

**Public Hearing on Zoning Application 213-33  
Scheduled for December 2, 2013 at 7:00 p.m.**

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**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.**

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**APPENDIX – IN OPPOSITION TO ZONING APPLICATION 213-33**

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Prepared by:  
**Karen A. Murphy**  
68 Saddle Rock Road  
Stamford, Connecticut 06902  
(203) 324-1423  
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REC'D PH. 12/02/2013  
EX #6

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## Part 1 Background – Flood Prone Area

### Neighbors Agree To Conduct a Study in Order to Develop a Strategy to Mitigate Coastal and Upland Flooding

Agreement with Roberge Associates (“RACE”) & Redniss & Mead (“RM”).....A1

Note: Agreement is with the Applicant “as representatives of the Saddle Rock Road neighborhood group.”

Series of Emails related to the Study:

For example:

Applicant’s August 26th email: “We will be contacting John Roberge and Ray Redniss this week to ask them to go ahead on his proposal.”.....A3

Applicant’s October 24<sup>th</sup> email: “Tomorrow, you may see Devin Santa (RACE) walking the beach.”.....A4

### No Study Has Been Produced To-date: Why?

**Before any variance or zoning map district changes are considered the actions that need to be taken in order to mitigate coastal and upland flooding must be identified and understood for the safety of all.**

**Further, increasing the zoning height and adding a half story for coastal properties may (i) increase flood heights and velocities and (ii) divert flood waters and increase flood hazard to other lands. This in all likelihood will be the case if the prior footprint at 74 Saddle Rock Road is increased as the Applicant’s apparently intends to do.**

## Part 2 Applicant’s Proposed Drawings for 74 Saddle Rock Road

Demonstration Site Plan depicting 74 Saddle Rock Road prepared by Redniss & Mead.....A15

Property Assessment record for 74 Saddle Rock Road.....A16

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<sup>1</sup> Applicant refers to Susan Cullman and John Kirby

Note: The Gross area of the first floor of the prior structure was 4,349 (A17) The Applicant is proposing a footprint almost 50% greater (A15).

The Question is: Where will the water be diverted to if this increase in footprint and zoning height are approved? Also with the prior structure the flood waters filled the basement. With the proposed masonry work on the waterfront side, where is this water going?

**Part 3 Elevations**

**Improvement Location Survey**

Openings in Murphy’s residence for water to flow at elevation approximately 9 feet

Applicant proposed drawings show an elevation of 12.4 feet.....A19.

The current elevation for 74 Saddle Rock Road according to the Improvement Location Survey is 8.6 feet.

**Implication: Water will flow from 74 Saddle Rock Road through the Murphy’s residence over to 60 Saddle Rock or down towards cottage on Murphy’s property. The increase in potential damages caused by increased flooding is significant.**

**To compound matters, the pool wall is at elevation 16.5 feet. (A15) The increase in flood water velocity between 74 and 68 Saddle Rock Road will be significant.**

**Part 4 Series of Neighbor Emails Upon Learning on November 22, 2013 that the Real Purpose of the ZB Application was for the Applicant to Obtain Zoning Height and Story Relief from the Zoning Regulation**

An email from Karen Murphy, dated November 22, 2013, to Susan Cullman asking if the Applicant intended to take advantage of the new height and story limitations for their new home at 74 Saddle Rock Road if the ZB Application is granted.....A20

Murphys’ (oral and written) request that the ZB Application be withdrawn.....A21

Rick Redniss admits in an email, dated November 27, 2013, that a copy of the ZB Application, dated October 10, 2013, was not provided to neighbors.....A22

Applicant refuses to withdraw ZB Application (Rick Redniss’ November 28, 2013 email in response to the Murphy request).....A24

A David Tunick email, dated, November 28, 2013, stating that “the objection that some neighbors have is not the one acre zoning, but rather the potential size and height of the proposed residence.”..... A24

An email from the Chrust (107 Saddle Rock Road) that states: “I am not sure why there seems to be push back to this zoning change. I certainly would not want a property that is contiguous with mine to be subdivided in two properties.”.....A26

Note: As the above emails show, the neighbors were lead to believe that the purpose of the ZB Application, the cost of which the Applicant was more than willingly to pay for, was to prevent further subdivisions. The Applicant did not disclose the real purpose – zoning height and story relief.

If the ZB Zoning Application was provided to the neighbors, which it wasn't, the neighbors would have known the real intent of the Applicant and RM

Rick Redniss' response to Karen Murphy's questions.....A28

Note:

Question 1.

- a) 102 Saddle Rock (David and Nancy Lu) did not agree to ZB Application – This fact is not noted in the Zoning Application
- b) Mr. Redniss does not say what the other neighbors agreed to.

Question 3

- a) It is very peculiar that Mr. Redniss would refer to Flood Prone Area for the “key criteria in analyzing a zoning classification for properties.”

Questions 4, 5 and 6

- a) Non responsive – These questions were intended to show that upping the zoning classification from RA20 to RA1 makes the properties just more non-conforming.

Question 7

- a) Non responsive - See Staff Report

Question 9, 11 and 12

- a) Non responsive – For example, in answering Question 11, Mr. Redniss refers to the definition of zoning height which has nothing to do with the fill question.

**Part 5**

**Zoning Application  
Staff Report**

Application for a Zone Change, dated October 10, 2013.....A34

Note: The reason given to the neighbors for the Application – requiring one acre zoning- isn’t even mentioned in the application

Staff Report.....A39

Notice of Public Hearing.....A42

Note what the notice states: “We are writing to you on behalf of Susan Cullman and John Kirby, owners of 74 and 88 Saddle Rock Road, and other property owners in the neighborhood.....”

Redniss & Mead represented Susan Cullman and John Kirby only in this ZB Application.

**Part 6            Agreement Restricting Subdivision of 68, 74 and 88  
Saddle Rock Road**

Agreement, dated February 2, 1981.....A44

**Part 7**

**Summary Reasons Why the  
Application Should be Denied**

Reasons to Deny ZB Application.....A48

**\*The Following Documents Are Incorporated By Reference**

1. City of Stamford’s Charter
2. City of Stamford’s Zoning Regulations
3. Section 7.1, Flood Prone Area Regulations
4. Coastal Area Management Act
5. Applicable Connecticut General Statutes

**RACE** 611 Access Road  
Stratford, CT 06615  
Tel: 203.377.0663  
Fax: 203.375.6561  
**ROBERGE ASSOCIATES**  
Coastal Engineers, LLC



LAND SURVEYING  
CIVIL ENGINEERING  
PLANNING & ZONING CONSULTING  
PERMITTING

**22 FIRST STREET**  
**STAMFORD, CT 06905**  
**203.327.0500**

August 6, 2013

Saddle Rock Road Howowner's  
c/o Mr. John Kirby & Susan Cullman  
88 Saddlerock Road  
Stamford, CT 06820

Reference: Proposed Agreement for Professional Services – *Waterfront Assessment*  
Saddle Rock Road Area – Long Island Sound - Stamford, CT

Dear Mr. Kirby & Ms. Cullman:

**ROBERGE ASSOCIATES COASTAL ENGINEERS, LLC (“RACE”)** and **REDNISS & MEAD, Inc. (“RM”)** are pleased to offer our combined expertise to you and the neighborhood residents for the purpose of assessing the current and historic site conditions relevant to coastal and upland flooding and to develop a strategy for future actions to mitigate the flood conditions.

The services are to be provided to Mr. John Kirby & Ms. Susan Cullman (“Client”), as representatives of the Saddle Rock Road neighborhood group. We recommend that a preliminary phase of work be performed by RACE and RM that will include the assembling and assessment of readily available historic aerial photographs, site elevation information, identification and characterization of existing waterfront structures, flood and storm water infrastructure, and the quantification of potential flood impacts. Based upon this data, the RACE and RM Team will develop a strategy for future studies, design, and site improvements.

The following paragraphs describe our understanding of the project and define the anticipated Scope of Professional Services which RACE and RM will provide to you and your neighbors.

#### **1. SCOPE OF SERVICES:**

The following sections identify the scope of services to be provided. These tasks will be authorized separately in writing at the sole discretion of the Client. These services will be provided as **BASIC SERVICES** for the completion of the work. Services which are not specifically identified as Basic Services will be considered as **ADDITIONAL SERVICES**. Additional Services are not included as a part of this agreement.

### **1.1 Assessment of Existing Structures and Site Conditions**

This initial phase of the proposed study will include, but not necessarily be limited to: (1) collection of readily available site information such as historic aerial photographs, land surveys of properties in the area, hydrographic surveys of relevant offshore reaches, elevation certificates, environmental reports, tide and wind data, drainage studies, maps of City installed drainage and storm water management structures, and similar and relevant information on this area; (2) on-the-ground verification of structure locations, dimensions, and current conditions; (3) preparation of a letter report summarizing the findings of this Task. The information gathered as a part of this Task will form the basis for all subsequent conceptual development and assessment tasks, as well as any regulatory activities which may be required under a separate agreement. This proposed effort will also include photographic documentation of the structures and damaged areas and identification of relevant and important natural resources which may influence future design and regulatory activities. Limited field measurements will be performed to supplement site survey work performed by others.

RACE and RM will perform a visual review of the existing shoreline and seawall and bulkhead structures, storm water outfall structures, and related infrastructure within the area of the study. This review will include verification of structure dimensions, characterization of the existing structural members and quality, identification of possible resource impact issues relevant to regulatory permit preparation, and visual condition assessment of the resources.

### **1.2 Assessment of Wave Climatology at Project Site**

Characterization of the wave climatology at this site is fundamental for the proper development of any shoreline protection structure(s). RACE will utilize empirical models, methodologies and procedures developed by the US Army Corps of Engineers and the Federal Emergency Management Agency (FEMA) for the determination of coastal flooding elevations and hazards and for the identification of waves and wave transformation at the site.

Specific methodologies regarding the computation of "wave setup" at this site must be applied. RACE will utilize the limited topographic data provided by the surveyor to simulate wind generated storm wave transformation at the site. A review of the existing site indicates that some limited elevation data may be required along the beach face and within the extent of the property and extending to and waterward of the approximate Mean Low Water (MLW) line. The existing topography extending waterward of the Mean Low Water at adjacent tidal waters will be estimated from NOAA mapping.

No allowance for additional survey mapping has been included as a part of this proposal. The Engineer will develop the characteristic 100-Year design wave which can impact the site using empirical modeling techniques as described above. This wave condition will be dependent upon the 100-Year storm related wind field, the 100-Year water surface elevation, and the super-elevation of the water surface which can result from wave setup. The modeled design wave will be transformed as it is artificially propagated onto the project site. The site is a highly complex site. The detailed wave transformation characteristics will be performed along a single transect which characterize the site. The results of the modeling will provide a tabulation of Stillwater elevations and wave heights at the design transect. Based upon the site topography and resulting wave transect data, RACE will determine the critical design conditions for the subject property which will be fundamental to the design of site facility repairs and improvements.

### 1.3 Preparation of Conceptual Repair and Improvement Schemes

RACE and RM will prepare and provide to the Client concept drawings, in 8 1/2" x 11" format, of the proposed improvements. These drawings will be conceptual only and will NOT be used for construction. It is anticipated, as a part of the BASIC SERVICES, of this Agreement, a budget of sixteen (16) hours of professional services is included for this effort. These concepts will be incorporated into the summary report of all observations and findings, described below, and include recommendations for future development of specific site improvement designs. This phase of work will be reviewed by the Client and is intended to form the basis for discussions with regulatory agencies to determine permitting requirements.

### 1.4 Preparation of Summary Report

A letter summary report will include narrative descriptions and photographic documentation of relevant structures, as well as a general location map showing the location of the observed structures. Such structures, as noted above, will include, but not necessarily be limited to the beach groin structures, catch basins and outfalls, seawall structures, residential structures and features of significance to the coastal flooding conditions of the area. The narrative will include a general description of the condition of the structures, elevation relevant to significant flood elevations, relevance to coastal flooding, and a recommendation whether further assessment would be warranted and beneficial.

### 1.5 Exclusions

The following are specifically excluded from the BASIC SERVICES to be provided as a part of the proposed work. Should these or other tasks be requested by the Client, the costs for these will be invoiced as ADDITIONAL SERVICES at the rates provided herein.

1. Final design or preparation of construction documents of any particular item.
2. Review and approval of alternate concepts proffered by the Client.
3. Additional site visits of structural or regulatory aspects of the project.
4. Permit application preparation or expediting, follow-up meetings except as noted, and associated costs.
5. Preparation, submittal, and attendance to meetings for local permit applications including, but not limited to, permits or reviews administered by the Planning and Zoning Department, Conservation Commission, Shellfish Commission, Building Department, etc.
6. Repairs to ancillary structures.
7. Reproduction, mailing and courier costs
8. Meetings, unless specifically referenced

## 2. ESTIMATED COSTS:

The estimated costs for the proposed engineering services are broken down by Task on the following Basic Services Cost Summary Table. Any ADDITIONAL Services which may be required, such as Geotechnical exploration and analytical services, or ADDITIONAL Services which may be requested by the Client during the performance of the BASIC Services will be invoiced separately and at a rate which is mutually agreeable to RACE, RM and the Client. Any ADDITIONAL Services shall be performed with the prior written consent of the Client.

A Retainer Fee in the amount of \$2,000.00 shall be paid by the Client to RACE and RM as a condition to commence service. The retainer shall be applied against the final invoice.



Invoices for professional services shall be submitted, at the option of RACE and RM, either upon completion of such services or on a monthly basis. Invoices shall be payable within thirty (30) days after the date of the invoice. All billings over thirty (30) days past due will be subject to interest charges of 1.0% per month on the unpaid balance. In the event that part or all of the account remains unpaid in full, ninety (90) days after initial billing, the Client shall be responsible for all costs of collection including, without limitation, reasonable attorney's fees. This Agreement is notice, where required, that RACE and RM shall file a lien whenever necessary to collect past due amounts. Failure to make payment within thirty (30) days of invoice shall constitute a release of RACE and RM from any and all claims which Client may have, either in tort or contract, and whether known or unknown at the time.

**BASIC SERVICES COST SUMMARY**

TASK DESCRIPTION	Basic Professional Services		Estimated Pass-Through Costs <sup>(3)</sup>
	RACE	Redniss & Mead	
<b>1.1 Assessment of Existing Structures and Site Conditions</b>	<b>\$1,500.00</b>	<b>\$1,500.00</b>	<b>\$120.00 <sup>(1)</sup></b>
<b>1.2 Assessment of Wave Climatology at Project Site</b>	<b>\$1,500.00</b>		
<b>1.3 Preparation of Conceptual Repair and Improvement Schemes</b>	<b>\$2,000.00</b>	<b>\$2,000.00</b>	<b>\$100.00 <sup>(2)</sup></b>
<b>1.4 Preparation of Summary Report</b>	<b>\$2,000.00</b>	<b>\$2,000.00</b>	
<b>PROJECT TOTAL</b>	<b>\$7,000.00</b>	<b>\$5,500.00</b>	<b>\$220.00</b>

- (1) Travel and related expenses.
- (2) Report preparation costs.
- (3) All fees exclude sales and use tax.

All time and materials invoices and all ADDITIONAL Services shall be invoiced at the following rates for the professional services indicated. These rates are subject to change at the beginning of each calendar year.

Principal –	\$205.00 / Hr	Engineering Associate –	\$90.00 / Hr
Project Manager –	\$165.00 / Hr	CADD Operator –	\$80.00 / Hr
Project Engineer –	\$130.00 / Hr	Technician –	\$75.00 / Hr
Engineer –	\$115.00 / Hr	Administrative –	\$65.00 / Hr

All reimbursable expenses shall be invoiced at direct cost plus 10% overhead expense. Reimbursable expenses shall include such expenses as: overnight deliveries; courier services; reproduction of documents; shipping and mailing expenses; and any other disbursement including without, limitation, application fees made on behalf of the Client. The total fee payable, projected prior to commencement of services, if stated, shall be a reasonable estimate subject to change. The final fee shall not exceed by more than 10% of such estimate, exclusive of reimbursable expenses, without prior written approval of the Client. Where the fee arrangement is to be on an hourly basis, the rates shall be those included as a part of this Agreement.

### 3. GENERAL TERMS AND CONDITIONS:

This agreement shall be governed by the laws of the State of Connecticut.

**Risk Allowance** The parties to this agreement agree that the risks of the proposed project shall be allocated such the total liability of RACEand RM to the Client for any and all claims, injuries, losses, expenses, damages or claim expenses arising out of this Agreement from any cause or causes shall not exceed ten (10) times the total fee for services of RACEand RM at the time such claims or causes arise or \$50,000.00, whichever is less. Such claims or causes include, without limitation, negligence, errors, omissions, strict liability, breach of contract and breach of warranty.

**Opinion of Probable Costs** Since neither RACE nor RM have no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, any opinions of probable project cost and construction cost provided for herein, where so stipulated in this agreement, are to be made on the basis of RACEand RM's best judgment as an experienced and qualified professional engineer, familiar with the construction industry; but cannot and do not guarantee that proposals, bids or actual project or construction cost will not vary from opinions of probable cost prepared as a part of the work.

**Ownership of Documents** All documents produced by RACE under this Agreement, such as drawings, specifications, and computer files, shall remain the property of RACE and may not be altered or used by the Client for any other endeavor without the written consent of RACE.

**Concealed Conditions** It is understood by the parties to this Agreement that the evaluation, reconstruction or rehabilitation of an existing structure requires that certain assumptions be made regarding existing conditions which are concealed or otherwise not visible. Some of these assumptions may not be verifiable without significant cost or destroying otherwise adequate and serviceable portions of the structure. Where it is impractical to verify assumptions concerning hidden conditions, RACEand RM assume no responsibility for any additional costs or liabilities associated with existing conditions which deviate from that assumed.

**Existing Conditions** Information on the existing structures will be obtained from existing drawings, preliminary site visits, and other documents. This Agreement is based upon the assumption that the construction of the existing structures was done in strict accordance with these drawings or with common construction standards and that the existing structural elements are, unless noted herein, in sound condition and are fully permitted with all required regulatory agencies. No attempt has been made to verify the integrity of the existing structures other than what will be explicitly shown on our drawings, and we assume no responsibility for its condition if it should turn out not to be adequate.

**Client Provided Information** RACEand RM shall be entitled to generally rely on the accuracy and completeness of information and documents furnished by Client and by other consultants such as surveys, soil boring logs, geotechnical reports, and working drawings of existing structures. Any substantial inaccuracies in the quality or completeness of information provided which requires a substantial effort to change or correct our work which is based on Client provided information shall constitute a change in the Scope of Services and be subject to the provisions which pertain to Additional Services.

**Time Period for Accepting Contract** This Agreement is valid for a period of 30 days, after which the Consultant reserves the right to review and revise the estimated fee, time schedule, and other terms specified herein.

**Alternate Dispute Resolution** All claims, counterclaims, disputes and other matters in question between the parties hereto arising out of or relating to this Agreement or breach thereof (except claims by RACE or its associates for fees and costs for professional services) will be presented to non-binding mediation, subject to the parties agreeing to a mediator(s).

**Contract Signatures** The individual executing this contract, if acting on behalf of a partnership, corporation, or funding agency, represents that he has the authority to do so.

#### Termination

- (1) This Agreement between the Client and RACEand RM may be terminated by either party and shall be deemed effective upon receipt of seven (7) days prior written notice.
- (2) If this Agreement is terminated during the course of performance of the work, RACEand RM shall be paid within seven (7) days of such termination the reasonable value of the services performed during the period prior to the effective date of termination.
- (3) If, prior to termination of this Agreement, any work by RACEand RM during any phase of the work is suspended in whole or in part for more than three (3) months or abandoned after written notice from the Client, RACEand RM shall be paid for such services performed prior to receipt of such notice.

We are prepared to undertake this project upon receipt of your written authorization to proceed. Please sign this Agreement and return one fully executed copy and the requested retainer fee to this office. We recommend that you retain a copy for your records. If you have any questions, please do not hesitate to contact the undersigned. We are looking forward to working with you on this project.

Very truly yours,

RACE

REDNISS & MEAD

John C. Roberge, PE  
Principal

Brian P. McMahon, PE  
Partner

Agreed to and accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**AUTHORIZED BY:** \_\_\_\_\_

For John Kirby & Susan Cullman, authorized signatory

Subj: **May 22 at 6PM**  
Date: 5/9/2013 4:07:42 P.M. Eastern Standard Time  
From: [susan@srcjk.com](mailto:susan@srcjk.com)  
To: [sfgrp@aol.com](mailto:sfgrp@aol.com), [Kathleenmurphy1@aol.com](mailto:Kathleenmurphy1@aol.com), [dtunick@tunickart.com](mailto:dtunick@tunickart.com), [slchrust@aol.com](mailto:slchrust@aol.com),  
[sharon@sharonchrustappraisals.com](mailto:sharon@sharonchrustappraisals.com), [botom@yahoo.com](mailto:botom@yahoo.com), [rachael.shanley@iris-worldwide.com](mailto:rachael.shanley@iris-worldwide.com),  
[stewart.shanley@iris-worldwide.com](mailto:stewart.shanley@iris-worldwide.com)  
CC: [JKirby@srcik.com](mailto:JKirby@srcik.com)

Dear Neighbors,

Many of us experienced a great deal of damage from Super Storm Sandy. Up and down Ocean Drive West, Saddle Rock Road and Rogers Road it is evident that Long Island Sound played havoc with our landscapes and our homes.

We live towards the end of Saddle Rock and face northeast. We were lucky. Fortunately, our sea wall held and most of the damage we incurred was under the house and on our land. The houses on either side of us were not as fortunate. The sea not only damaged those directly on the water in our cove, but other houses just somewhat inland.

Is there more we can do to protect our property from future storms? Is there more that we can do individually and is there more that we can do collectively? To answer those questions we consulted two coastal engineers who have some wisdom that we thought was worth sharing.

We have invited John Roberge of Roberge Associate Coastal Engineers and Ray Redniss of Redniss and Mead to come to our home and talk about our end of Shippan Point. They will share with us their advice and entertain questions you might have.

We are inviting homeowners who live along the our cove, from the stone cottage down to the end of Saddle Rock, as well as other neighbors who were affected by the sea washing over from the cove. If you know other neighbors who would like to come, just let us know.

We love living on Shippan and want to participate in providing as safe an environment as possible for our neighborhood.

**Please join us on May 22 at 6PM at 88 Saddle Rock Road.**

Hope to see you on the 22<sup>nd</sup>.

Sincerely,

Susan Cullman and John Kirby

Rsvp: [Susan@srcjk.com](mailto:Susan@srcjk.com)

Invitees: Chrust's, Delaney's, Dibacco's, Doesken's, Dwyer's, Finkelstein's, Kraemer's, Krill's, Lipkin's, Lu's, Murphy's, Rangelov's, Shanley's, Silverman's, Song's, Tunick's.

Subj: **Re: May 22 get together**  
Date: 8/10/2013 2:45:20 P.M. Eastern Daylight Time  
From: [susan@srcjk.com](mailto:susan@srcjk.com)  
To: [elliesilverman@aol.com](mailto:elliesilverman@aol.com), [slchrust@aol.com](mailto:slchrust@aol.com), [botom@yahoo.com](mailto:botom@yahoo.com), [stewart.shanley@iris-worldwide.com](mailto:stewart.shanley@iris-worldwide.com), [rocketmom389@aol.com](mailto:rocketmom389@aol.com), [mdelaney@delaneyassociates.net](mailto:mdelaney@delaneyassociates.net), [safriedman1@aol.com](mailto:safriedman1@aol.com), [kconsidine230@earthlink.net](mailto:kconsidine230@earthlink.net), [westcott@snet.net](mailto:westcott@snet.net), [dtunick@tunickart.com](mailto:dtunick@tunickart.com), [Kathleenmurphy1@aol.com](mailto:Kathleenmurphy1@aol.com), [sfgrp@aol.com](mailto:sfgrp@aol.com), [lakraemer@stblaw.com](mailto:lakraemer@stblaw.com), [Alistairjohnston@cox.net](mailto:Alistairjohnston@cox.net)  
CC: [JKirby@srcjk.com](mailto:JKirby@srcjk.com)

Hello Neighbors:

As a follow up to our meeting in May, we have received a proposal (see attachment) from John Roberge to assess our waterfront. We think it is worthwhile to take the next step at the price proposed. What do you think? It appears that after this study we could separately and/or together decide what made sense for each/all of us.

I realize that I do not have everyone's email, so please check the list and let me know whom I am missing.

Please hit reply all and let us all know what you think.

Best,  
Susan Cullman and John Kirby

On Mon, May 20, 2013 at 12:35 PM, Susan Cullman <[susan@srcjk.com](mailto:susan@srcjk.com)> wrote:

Looking forward to seeing everyone on Wednesday.

I just wanted to give you a heads up that we would like to start as close to 6 as is sensible because Ray Redniss can only stay until 7, but will have one of his partners with him who will stay longer.

Best,  
Susan and John

Subj: **Coastal Plan**  
Date: 8/21/2013 6:09:01 A.M. Eastern Daylight Time  
From: [susan@srcjk.com](mailto:susan@srcjk.com)  
To: [Alistairjohnstone@cox.net](mailto:Alistairjohnstone@cox.net), [botom@yahoo.com](mailto:botom@yahoo.com), [dtunick@tunickart.com](mailto:dtunick@tunickart.com), [elliesilverman@aol.com](mailto:elliesilverman@aol.com), [rocketmom389@aol.com](mailto:rocketmom389@aol.com), [kconsidine230@earthlink.net](mailto:kconsidine230@earthlink.net), [Kathleenmurphy1@aol.com](mailto:Kathleenmurphy1@aol.com), [sfgrp@aol.com](mailto:sfgrp@aol.com), [lkraemer@stblaw.com](mailto:lkraemer@stblaw.com), [mdelaney@delaneyassociates.net](mailto:mdelaney@delaneyassociates.net), [mfinkelst@gmail.com](mailto:mfinkelst@gmail.com), [robertrangelov@gmail.com](mailto:robertrangelov@gmail.com), [slchrust@aol.com](mailto:slchrust@aol.com), [rachael.shanley@iris-worldwide.com](mailto:rachael.shanley@iris-worldwide.com), [stewart.shanley@iris-worldwide.com](mailto:stewart.shanley@iris-worldwide.com), [Safriedman1@aol.com](mailto:Safriedman1@aol.com), [sstewart@dhrinternational.com](mailto:sstewart@dhrinternational.com), [westcott@snet.net](mailto:westcott@snet.net)  
CC: [JKirby@srcjk.com](mailto:JKirby@srcjk.com), [Susan@srcjk.com](mailto:Susan@srcjk.com)

Dear Neighbors,

At the meeting at our home this spring, we had a good discussion with John Roberge and Ray Redniss and, at the group's request they thought about our coastal situation. They previously had been retained in one capacity or another by many of us. We have now officially entered hurricane season. And we have a proposal. It was circulated about ten days ago. The essence is in effect a community study, utilizing among other things, the files they already have and the recent Federal studies as a basis for developing recommendations for our little community here and for the individual homeowners. The cost is 12,000 which would be divided among those of us who wish to participate. Six families have endorsed the idea. We have not heard from others though perhaps others have. If there are 12 participants the math is a lot easier.

In the meantime, we have retained the two firms to work with us on plans for 74 and 88 Saddle Rock. We think the community study is a good idea and that these experts should be booked to get going now. We are all keeping our fingers crossed for this season. By next season, I think we would all benefit by some more specific plans.

You have the proposal and the contact information for John and Ray if you have any questions. We are happy to serve as a clearing house.

Good luck to all.

Susan Cullman and John Kirby

p.s. We may be missing some emails of interested neighbors, please feel free to send this to them.

Subj: **Re: Coastal Plan**  
Date: 8/21/2013 10:53:09 A.M. Eastern Daylight Time  
From: [susan@srcjk.com](mailto:susan@srcjk.com)  
To: [lkraemer@stblaw.com](mailto:lkraemer@stblaw.com)  
CC: [safriedman1@aol.com](mailto:safriedman1@aol.com), [Alistairjohnstone@cox.net](mailto:Alistairjohnstone@cox.net), [botom@yahoo.com](mailto:botom@yahoo.com), [dtunick@tunickart.com](mailto:dtunick@tunickart.com), [elliesilverman@aol.com](mailto:elliesilverman@aol.com), [rocketmom389@aol.com](mailto:rocketmom389@aol.com), [kconsidine230@earthlink.net](mailto:kconsidine230@earthlink.net), [Kathleenmurphy1@aol.com](mailto:Kathleenmurphy1@aol.com), [sfgrp@aol.com](mailto:sfgrp@aol.com), [mdelaney@delaneyassociates.net](mailto:mdelaney@delaneyassociates.net), [mfinkelst@gmail.com](mailto:mfinkelst@gmail.com), [robertrangelov@gmail.com](mailto:robertrangelov@gmail.com), [slchrust@aol.com](mailto:slchrust@aol.com), [rachael.shanley@iris-worldwide.com](mailto:rachael.shanley@iris-worldwide.com), [stewart.shanley@iris-worldwide.com](mailto:stewart.shanley@iris-worldwide.com), [sstewart@dhrinternational.com](mailto:sstewart@dhrinternational.com), [westcott@snet.net](mailto:westcott@snet.net), [JKirby@srcjk.com](mailto:JKirby@srcjk.com), [pgio87@yahoo.com](mailto:pgio87@yahoo.com), [ahj83rr@yahoo.com](mailto:ahj83rr@yahoo.com)

Thank you for responding so promptly. Thus far, the following families have agreed to move forward:

Kraemer  
Finkelstein/Friedman  
—Shanley  
—Chrust  
Delaney  
— Cullman/Kirby

Susan Cullman  
Sent from my iPhone

On Aug 21, 2013, at 10:31 AM, "Kraemer, Lillian E." <[lkraemer@stblaw.com](mailto:lkraemer@stblaw.com)> wrote:

Not sure if I am n the six or not, but I will participate. Lillian Kraemer (46 Saddle Rock)

---

**From:** Sueannfriedman [[safriedman1@aol.com](mailto:safriedman1@aol.com)]  
**Sent:** Wednesday, August 21, 2013 10:07 AM  
**To:** Susan Cullman  
**Cc:** Alistair and Patricia Johnstone; David Lu and Nancy Tom; David Tunick; Ellie and Allen Silverman; Jamie and Michael Delaney; John and Kelly Considine; Karen & Kathleen Murphy; Karen Murphy; Kraemer, Lillian E.; Michael Delaney; Michael Finkelstein; Robert and Rachel Rangelov; Sharon and Steve Chrust; Stewart and Rachel Shanley; Stewart Shanley; Suzy Stewart and Geoffery Hammond; Mary Uva; John Kirby; Susan Cullman  
**Subject:** Re: Coastal Plan

my husband Michael Finkelstein and I agree to participate.

Sent from my iPhone

On Aug 21, 2013, at 6:09 AM, Susan Cullman <[susan@srcjk.com](mailto:susan@srcjk.com)> wrote:

Dear Neighbors,

At the meeting at our home this spring, we had a good discussion with John Roberge and Ray Redniss and, at the group's request they thought about our coastal situation. They previously had been retained in one capacity or another by many of us. We have now officially entered hurricane season. And we have a proposal. It was circulated about ten days ago. The essence is in effect a community study, utilizing among other things, the files they already have and the recent Federal studies as a basis for developing recommendations for our little community here and for the individual homeowners. The cost is 12,000 which would be divided among those of us who wish to participate. Six families have endorsed the idea. We have not heard from others though perhaps others have. If there are 12 participants the math is a lot easier.



In the meantime, we have retained the two firms to work with us on plans for 74 and 88 Saddle Rock. We think the community study is a good idea and that these experts should be booked to get going now. We are all keeping our fingers crossed for this season. By next season, I think we would all benefit by some more specific plans.

You have the proposal and the contact information for John and Ray if you have any questions. We are happy to serve as a clearing house.

Good luck to all.

Susan Cullman and John Kirby

p.s. We may be missing some emails of interested neighbors, please feel free to send this to them.

<Saddlerock Road Proposal 08-06-2013 (1).pdf>

Subj: **Coastal study**  
Date: 8/26/2013 11:05:18 A.M. Eastern Daylight Time  
From: [susan@srcjk.com](mailto:susan@srcjk.com)  
To: [slchrust@aol.com](mailto:slchrust@aol.com), [kconsidine230@earthlink.net](mailto:kconsidine230@earthlink.net), [rocketmom389@aol.com](mailto:rocketmom389@aol.com),  
[mdelaney@delaneyassociates.net](mailto:mdelaney@delaneyassociates.net), [mfinkelst@gmail.com](mailto:mfinkelst@gmail.com), [Safriedman1@aol.com](mailto:Safriedman1@aol.com),  
[ssewart@dhrinternational.com](mailto:ssewart@dhrinternational.com), [Alistairjohnstone@cox.net](mailto:Alistairjohnstone@cox.net), [lkraemer@stblaw.com](mailto:lkraemer@stblaw.com),  
[mliipkin@2wrs.com](mailto:mliipkin@2wrs.com), [sfgrp@aol.com](mailto:sfgrp@aol.com), [Kathleenmurphy1@aol.com](mailto:Kathleenmurphy1@aol.com), [robertrangelov@gmail.com](mailto:robertrangelov@gmail.com),  
[stewart.shanley@iris-worldwide.com](mailto:stewart.shanley@iris-worldwide.com), [rachael.shanley@iris-worldwide.com](mailto:rachael.shanley@iris-worldwide.com),  
[elliesilverman@aol.com](mailto:elliesilverman@aol.com), [botom@yahoo.com](mailto:botom@yahoo.com), [dtunick@tunickart.com](mailto:dtunick@tunickart.com), [westcott@snet.net](mailto:westcott@snet.net)  
CC: [JKirby@srcjk.com](mailto:JKirby@srcjk.com)

Dear All,

John and I were interested to read the article in the Stamford Advocate that discussed plans for rebuilding the parks in Stamford that were damaged by Sandy. Their intent is not to just rebuild as is, but to rebuild so that the parks will be better protected from future storms. Included in this article was a reference to Roberge Associates who have been retained to assist in the process. If you have not read it, please follow the link:  
<http://www.stamfordadvocate.com/local/article/Town-parks-rebuilt-to-last-4758883.php>.

We will be contacting John Roberge and Ray Redniss this week to ask them to go ahead on his proposal. At present, the Chrust's, Shanley's, Delaney's, Freidman/Finklestein's, Lilian Kraemer and John and I want to move forward and will share among us the cost of the study. We hope more will join this effort as we think we will learn a great deal about how and what we can do to further protect our beautiful end of the point.

Hoping everyone has an enjoyable holiday weekend.

Best,

Susan and John

Subj: **Coastal Review**  
Date: 10/24/2013 3:10:06 P.M. Eastern Daylight Time  
From: [susan@srcjk.com](mailto:susan@srcjk.com)  
To: [slchrust@aol.com](mailto:slchrust@aol.com), [kconside230@earthlink.net](mailto:kconside230@earthlink.net), [rocketmom389@aol.com](mailto:rocketmom389@aol.com),  
[mdelaney@delaneyassociates.net](mailto:mdelaney@delaneyassociates.net), [mfinkelst@gmail.com](mailto:mfinkelst@gmail.com), [Safriedman1@aol.com](mailto:Safriedman1@aol.com),  
[ssewart@dhrinternational.com](mailto:ssewart@dhrinternational.com), [ahj83@yahoo.com](mailto:ahj83@yahoo.com), [pgio87@yahoo.com](mailto:pgio87@yahoo.com), [lkraemer@stblaw.com](mailto:lkraemer@stblaw.com),  
[mliipkin@2wrs.com](mailto:mliipkin@2wrs.com), [mallorycharles@hotmail.com](mailto:mallorycharles@hotmail.com), [sfgrp@aol.com](mailto:sfgrp@aol.com), [Kathleenmurphy1@aol.com](mailto:Kathleenmurphy1@aol.com),  
[robertrangelov@gmail.com](mailto:robertrangelov@gmail.com), [stewart.shanley@iris-worldwide.com](mailto:stewart.shanley@iris-worldwide.com), [rachael.shanley@iris-worldwide.com](mailto:rachael.shanley@iris-worldwide.com),  
[elliesilverman@aol.com](mailto:elliesilverman@aol.com), [botom@yahoo.com](mailto:botom@yahoo.com), [dtunick@tunickart.com](mailto:dtunick@tunickart.com),  
[westcott@snet.net](mailto:westcott@snet.net)  
CC: [Susan@srcjk.com](mailto:Susan@srcjk.com), [JKirby@srcjk.com](mailto:JKirby@srcjk.com), [devin@racellc.com](mailto:devin@racellc.com), [jcr@racellc.com](mailto:jcr@racellc.com),  
[rick.redniss@rednissmead.com](mailto:rick.redniss@rednissmead.com)

Dear Neighbor,

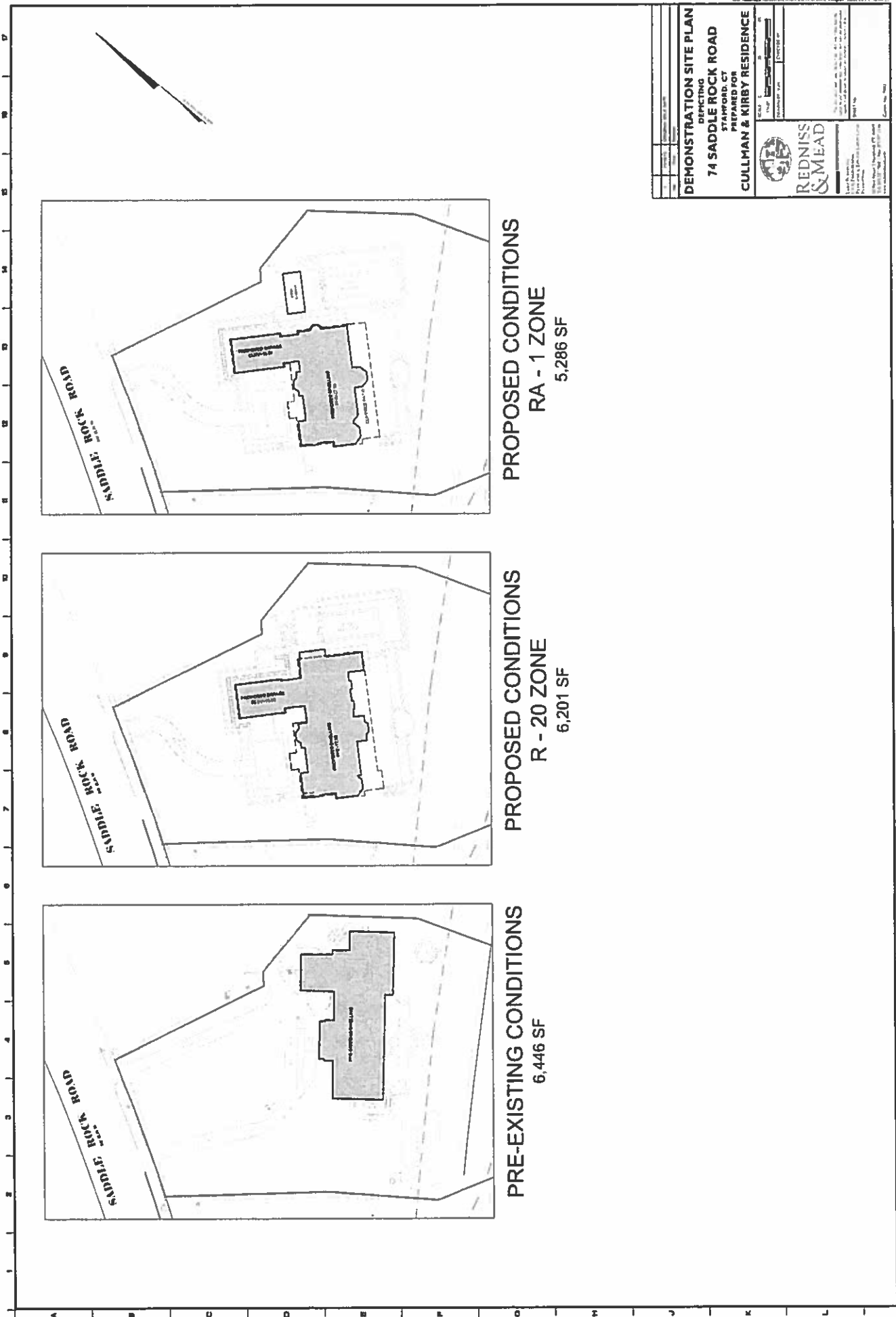
You may recall, we met back in May with the principals of RACE (coastal surveyors,engineers and planners) and Redniss & Mead (coastal engineers) to discuss the coastline. At that time we were all reeling from the effects of Super Storm Sandy. We have been lucky so far this year that we have not faced severe weather which has allowed many of us to retrench and shore up our property. Having said that, the question is: Is there more we can do and is there more we can do as a community.

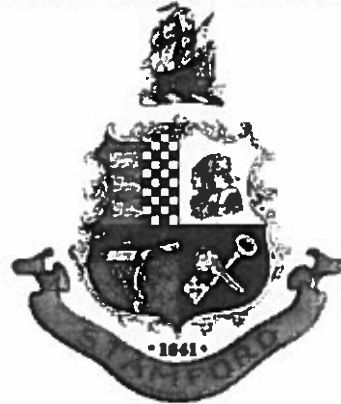
To remind, at that time we asked the experts to come up with a proposal for what scope of work may be entailed. In late August we received their proposal which included a visual assessment of existing structures (sea walls and jetties, for example) as well as a study of wave action. Their proposal stated that they would prepare a conceptual repair and improvement schedule and a summary. I believe everyone received a copy of their proposal, but I include it as an attachment for your convenience. Several neighbors have agreed to share the cost of this preliminary process. A deposit was sent in and they are now ready to start their work.

Tomorrow, you may see Devin Santa (RACE) walking the beach. He will be looking at the beach from the tip of Saddle Rock to the stone house by Stamford Avenue and also Rogers Road up to Kathryn Krill's house. I am assuming you do not mind this small intrusion.

Let's hope we never see another storm like Sandy! In the meantime, I am sure you agree that we should consider all our options.

Wishing everyone well,  
Susan Cullman and John Kirby





# STAMFORD, CT



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 [Home \(Default.aspx?lo=T\)](#)

## 74 SADDLE ROCK ROAD

[Sales](#)   
 [Print](#)   
 [Map It](#)

**Location** 74 SADDLE ROCK ROAD   
 **Assessment** \$2,102,680   
 **PID** 13778  
**Mblu** 003/ 4167/ / /   
 **Building** 1  
**Acct#** 003-4167   
 **Count**  
**Owner** KIRBY JOHN J JR ET AL

### Current Value

Assessment						
Valuation Year	Building	Extra Features	Outbuildings	Improvements	Land	Total
2012	\$317,510	\$8,380	\$94,890	\$420,780	\$1,681,900	\$2,102,680

### Owner of Record

**Owner** KIRBY JOHN J JR ET AL   
 **Sale Price** \$1,800,000  
**Co-Owner** CULLMAN SUSAN R SUR CL   
 **Book & Page** 10693/ 266  
**Address** 74 SADDLE ROCK ROAD   
 **Sale Date** 03/20/2013  
 STAMFORD, CT 06902-8230

### Ownership History

Ownership History			
Owner	Sale Price	Book & Page	Sale Date
RICH ANNE S EST OF		10386/ 065	03/29/2012
RICH ANNE S	\$0	4365/ 343	01/27/1995
RICH JAMES A	\$0	3667/ 215	03/04/1991
SPRING REALTY CORPORATION	\$0	2067/ 131	08/21/1981

### Building Information

**Building 1 : Section 1**

**Year Built:** 1915  
**Living Area:** 14072

Building Attributes	
Field	Description
Style	Colonial
Stories:	2 Stories
Occupancy	1
Exterior Wall 1	Stucco Wood
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Clay Tile
Interior Wall 1	Plaster
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Hot Wtr Bbd
AC Type:	None
Total Bedrooms:	8 Bedrooms
Total Bthrms:	5
Total Half Baths:	1
Total Xtra Fixtrs:	
Total Rooms:	12
Fireplace Msny.	1
Fpl. Gas/Prefab	
Fpl. Outdoor	
Fpl. Addnl. Open	
Bsmt. Garage	

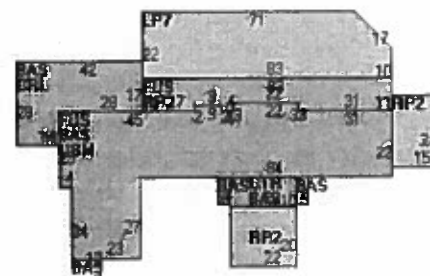
**Building Photo**



(<http://gis.vgsi.com/photos/StamfordCTPhotos/00\12\89\22.jpg>)

**Building Layout**

UBM(-1895)



Building Sub-Areas			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	4349	4349	
FUS	Upper Story, Finished	3988	3988	
CRL	Crawl Space	868	0	
CTH	Cathedral Ceiling	220	0	
LP7	Flagstone Patio	1754	0	
RP2	Porch Covered	1629	0	
UBM	Basement, Unfinished	1264	0	
		14072	8337	

**Extra Features**

Extra Features				Legend
Code	Description	Size	Value	Bldg #
RP2	Porch Covered	440 S.F	\$2,570	1
RP2	Porch Covered	829 S.F	\$4,850	1
RP2	Porch Covered	360 S.F	\$4,540	1

**Land**

**Land Use**

**Use Code** 112

**Land Line Valuation**

**Size (Acres)** 1.24

**Description** Single Family OF  
**Zone** R20  
**Neighborhood** 3840  
**Alt Land Appr** No  
**Category**  
**Depth**  
**Assessed Value** \$1,681,900

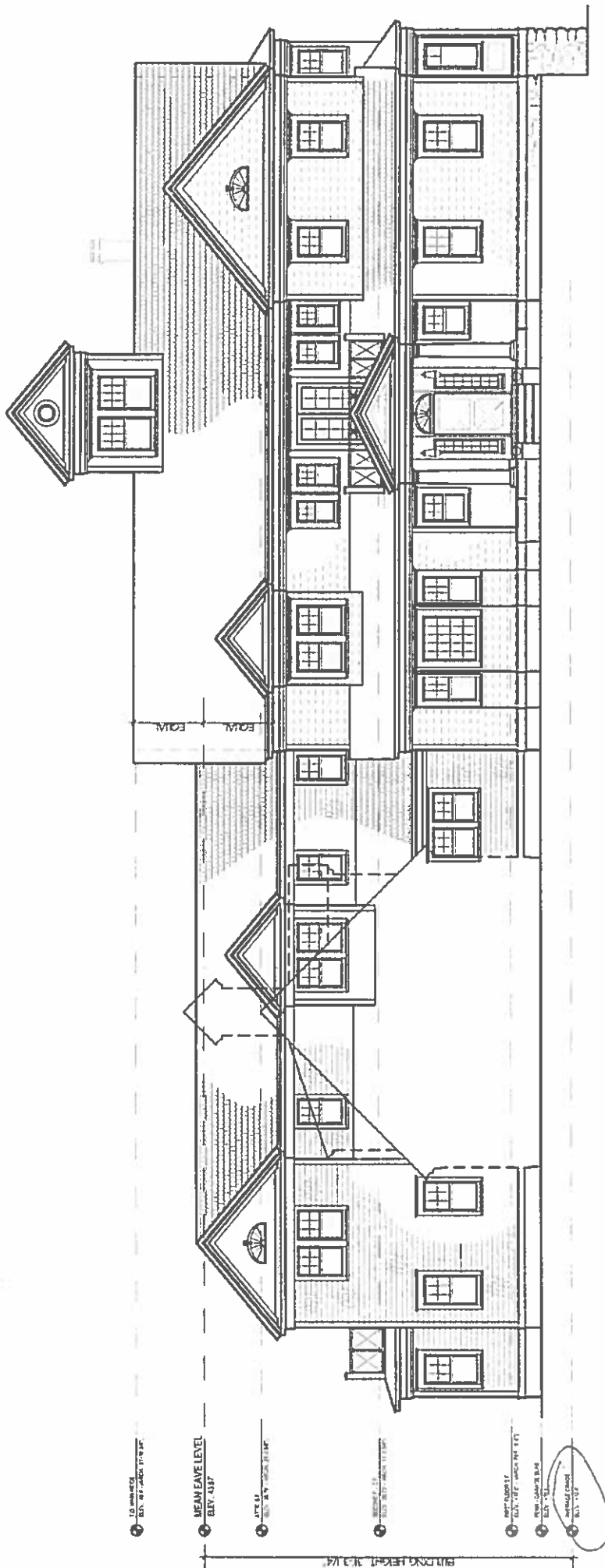
**Outbuildings**

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
LP7	Patio Flgstr			1754 S.F.	\$19,730	1
LS3	Pool Concret			1144 S.F.	\$115,830	1

**Valuation History**

Assessment						
Valuation Year	Building	Extra Features	Outbuildings	Improvements	Land	Total
2011	\$962,720	\$19,510	\$93,860	\$1,076,090	\$2,318,570	\$3,394,660
2010	\$962,720	\$19,510	\$93,860	\$1,076,090	\$2,318,570	\$3,394,660
2009	\$962,720	\$19,510	\$93,860	\$1,076,090	\$2,318,570	\$3,394,660

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FRONT ELEVATION

1

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



Subj: **Re: Zoning Application**  
Date: 11/22/2013 11:46:39 A.M. Eastern Standard Time  
From: [SFGrp@aol.com](mailto:SFGrp@aol.com)  
To: [susan@srcjk.com](mailto:susan@srcjk.com)

Susan:

I just received Redniss & Mead's Zoning Board Application letter, dated November 21, 2013. Please give me a call to discuss this letter further. Do you intend to take advantage of the new height and floor limitations noted in the letter in the construction of the new house at 74 Saddle Rock Road?

Karen Murphy  
203-324-9797

In a message dated 10/12/2013 1:33:43 P.M. Eastern Standard Time, [susan@srcjk.com](mailto:susan@srcjk.com) writes:

Dear Neighbors,

As a follow up to our conversations, on Friday, Rick Redniss of Redniss & Mead applied for a zoning change from R-20 to RA-1 (one acre zones) for the following properties:

68 Saddle Rock Road (Murphy)  
74 Saddle Rock Road (Cullman/Kirby)  
88 Saddle Rock Road (Cullman/Kirby)  
89 Saddle Rock Road (Shanley)  
102 Saddle Rock Road (William Ward)  
107 Saddle Rock Road (Chrust)  
123 Saddle Rock Road (Silverman)

You will be receiving a copy of the application by mail, but if you would like it sooner we have extras and are happy to give you one.

Should you have any questions, feel free to call us, or, for a professional answer, please contact Rick Redniss at [rick.redniss@rednissmead.com](mailto:rick.redniss@rednissmead.com) or 203-912-7855.

Hope everyone is enjoying this beautiful day.

Susan

**Subj:** Re: RA1 Zoning Application (Saddle Rock)  
**Date:** 11/27/2013 7:07:06 P.M. Eastern Standard Time  
**From:** [rick.redniss@rednissmead.com](mailto:rick.redniss@rednissmead.com)  
**To:** [slchrust@aol.com](mailto:slchrust@aol.com), [kconsidine230@earthlink.net](mailto:kconsidine230@earthlink.net), [sfgrp@aol.com](mailto:sfgrp@aol.com), [kathleenmurphy1@aol.com](mailto:kathleenmurphy1@aol.com),  
[robertrangelov@gmail.com](mailto:robertrangelov@gmail.com), [stewart.shanley@iris-worldwide.com](mailto:stewart.shanley@iris-worldwide.com), [rachael.shanley@iris-worldwide.com](mailto:rachael.shanley@iris-worldwide.com),  
[elliesilverman@aol.com](mailto:elliesilverman@aol.com), [botom@yahoo.com](mailto:botom@yahoo.com), [dtunick@tunickart.com](mailto:dtunick@tunickart.com)  
**CC:** [susan@srcjk.com](mailto:susan@srcjk.com), [JKirby@srcjk.com](mailto:JKirby@srcjk.com), [R.Mazzeo@rednissmead.com](mailto:R.Mazzeo@rednissmead.com), [dab@benjamingold.com](mailto:dab@benjamingold.com),  
[rick.redniss@rednissmead.com](mailto:rick.redniss@rednissmead.com)

We are writing everyone at this time to apologize and clarify.

First to apologize because we did not mail out copies of the application to everyone as Susan indicated in her October 12 email ( below). We have been answering calls and emails and sending information to various people that have contacted us, but not everyone has all the information. The application itself did not have much of the information that people are interested in anyway, so we are now sending everything we have sent to anyone to help answer all questions. We are sorry for any gap in communication. It was not our intent and certainly not Susan and John's intent to hold back any information to anyone. We are also adding other interested parties to this email if they have reached out to us or Susan and John.

Next we need to clarify several issues that we have spoken to some people about but not all (in no particular order):

1. The genesis of this application was that Susan and John had designed an R20 house and came to me to help with a variance application. I suggested that going RA1 was a superior way to achieve their goals. Over the years several properties along the Stamford coastline have gone to RA1 since it is better zoning and more accurately reflects the existing land use patterns ie most lots are larger than a half acre. Also with the reality of rising flood elevations and recent Super Storm Sandy, the need to be able to raise homes out of harm's way warrants extra height. Some municipalities have enacted new regulations to grant automatic height relief. We discussed this with staff but decided it was too broad and comprehensive and would have required much study and time. The RA1 alternative was the practical solution. It gives 5' more of zoning height (note: actual height is design driven. There could be a design using R20 that has a higher peaked roof than one in the RA1. Think of an A frame house as the most dramatic example. The zoning height is the midpoint of the peak and the eave.) RA1 also allows the extra 'half story. (Note : in Stamford the half story is defined as up to one third of the floor below up to 7 1/3 ' high.) Again design is the key. There can be lots of area below 7 1/3' thus creating lots of bulk in the R20 while an RA1 design might have a steeper pitched roof and less area/bulk below 7 1/3'. Allowing a 'full' 3rd level vs 'half ' allows for better vertical design which is important in a coastal area. A smaller footprint usually has the feeling of less bulk and more viewing around the house but again that depends on the design. There are other reasons why RA1 is superior to R20/zba variance and we are happy to discuss them further ( ie no hardship, flexibility to make simple cosmetic changes to plans, etc). We encouraged Susan and John to go RA1 .
2. What if you do not have an acre or 125' of frontage (vs 100')? Does that create a problem? No. The R20 and RA1 regulations are basically the same except for lot size, frontage and rear yard setback. The rear yards of all the RA1 proposed lots are Long Island sound so the 10 feet in additional set back for RA1 (60v50') has no practical impact . Front and side yards are the same. Coverage is the same. The lot size and frontage also have no practical impact since everything is proportional to the existing lot size; so the development rights are essentially unchanged. Lots less than one acre become legally nonconforming but the practical impact except as outlined herein is none. Anyone that wants to change anything on their property can do so in exactly the same manner as if it were R20 (except for 60' rear yard & additional height as described below). No new burden is being added. No one would have to 'move their house' due to this zone change.
3. So houses that already have variances could automatically add more height? Depending upon the specific facts and what variances were granted, it is doubtful . If for example a house got a side yard variance and now wanted to raise that roof, they would still have to go back to ZBA. In practical terms we could examine all seven properties and see what this might mean to each. The purpose is to be able to have beautiful homes above the flood in a rational way. Is it possible from a particular angle that an RA1 house block someone's particular view more so than an R20 home? Sure. Similarly an R20 design with a low pitched roof might have more impact to a particular view than the RA1.
4. What if I had over 40,000 square feet and wanted to subdivide under R20? Doesn't this stop that? The entire area being re-zoned is about 4' under water during a "design" storm . The city has strong policies and practices that would 99.9% preclude introducing yet another house that will be subject to flood hazard inundation .
5. When most houses want be raised up, they went to zba. There was a hearing, we got notice and could comment formally. If RA1, is there an application process or can an 'ugly' house just go in. First note that depending upon who you ask, there have been 'ugly' houses approved by zba even when people complained at

the hearing. Going to zba is no panacea. Second any new house in this affected area is required to submit a complete CAM (coastal area management) application to the Zoning Board which gets a full review by engineering, EPB, etc. In addition to site visits and thorough review, the ZB can and has initiated public hearings where they felt the particulars of the application so warrant. The minimum height of the first floor of a home in this area needs to be a minimum of elevation 15 to comply with the latest FEMA flood regulations. Susan and John have elected 17.5 (FYI- Murphy's is about one foot higher by way of comparison). The ZBA is technically supposed to allow only the minimum relief necessary. Is that smart practice in a known flood hazard area? Would you want to go to all that trouble to be at the exact minimum? Would you want the zba to force you to do that? 6. Attached are all the plans generated to date including the new RA1 front elevation done today. (Not sure if Susan and John have even seen it). You can compare the prior house, R20 design, and RA1 design. Compare the R20 /RA1 plan: The result is 3+ feet in zoning height while the length was reduced by 21 feet and it is further away from the Murphy house. The peak of the steeply pitched roof is taller by 6+ feet. So depending upon the viewing perspective it will appear taller. The small triangle of extra height is the trade off for significantly reduced footprint and facade length. The plans will be submitted as part of the CAM application once the zone is changed and the plans are complete.

In addition to submitted plans and supplemental exhibits, also attached are the City's staff report and Engineering comments. Please note that the staff report references a unanimous recommendation of approval from the Planning Board.

It is my professional opinion, along with that of the Planning Board and P&Z staff, that RA-1 is the appropriate zone for the tip of Shippan.

If you have any thoughts, questions, or want to discuss anything in more detail prior to Monday's ZB meeting, please feel free to contact me anytime over the holiday weekend. You have my email. My cell # is (203)912-7855 and the office # is (203)327-0500, 5110

**From:** Susan Cullman [<mailto:susan@srcjk.com>]

**Sent:** Saturday, October 12, 2013 2:34 PM

**To:** Chrust, Sharon and Steve; Murphy, Karen; Murphy, Karen & Kathleen; Shanley, Stewart; Shanley, Stewart and Rachel; Silverman, Ellie and Allen; Tom, David Lu and Nancy; Uva, Mary

**Cc:** Richard W. Redniss; John Kirby

**Subject:** Zoning Application

Dear Neighbors,

As a follow up to our conversations, on Friday, Rick Redniss of Redniss & Mead applied for a zoning change from R-20 to RA-1 (one acre zones) for the following properties:

68 Saddle Rock Road (Murphy)

74 Saddle Rock Road (Cullman/Kirby)

88 Saddle Rock Road (Cullman/Kirby)

89 Saddle Rock Road (Shanley)

102 Saddle Rock Road (William Ward)

107 Saddle Rock Road (Chrust)

123 Saddle Rock Road (Silverman)

You will be receiving a copy of the application by mail, but if you would like it sooner we have extras and are happy to give you one.

Should you have any questions, feel free to call us, or, for a professional answer, please contact Rick Redniss at [rick.redniss@rednissmead.com](mailto:rick.redniss@rednissmead.com) or 203-912-7855.

Hope everyone is enjoying this beautiful day.

Susan

Subj: **Map/Zone Change from R-20 to RA-1 (File Number: 213-33)**  
Date: 11/28/2013 8:49:25 A.M. Eastern Standard Time  
From: [SFGrp@aol.com](mailto:SFGrp@aol.com)  
To: [susan@srcik.com](mailto:susan@srcik.com), [JKirby@srcik.com](mailto:JKirby@srcik.com)  
CC: [rick.redniss@rednissmead.com](mailto:rick.redniss@rednissmead.com), [elliesilverman@aol.com](mailto:elliesilverman@aol.com), [slchrust@aol.com](mailto:slchrust@aol.com), [botom@yahoo.com](mailto:botom@yahoo.com),  
[stewart.shanley@iris-worldwide.com](mailto:stewart.shanley@iris-worldwide.com), [rachael.shanley@iris-worldwide.com](mailto:rachael.shanley@iris-worldwide.com),  
[robertrangelov@gmail.com](mailto:robertrangelov@gmail.com), [dtunick@tunickart.com](mailto:dtunick@tunickart.com), [kconsidine230@earthlink.net](mailto:kconsidine230@earthlink.net)

Dear Susan and John:

As discussed yesterday, Kathleen and I are requesting again that you withdraw the above referenced Zoning Board Application to change Seven Properties located on Saddle Rock Road from R20 to RA1 zoning. Kathleen and I want to be neighborly, and due to the failure to communicate with us and other neighbors about this Zoning Board Application and the fact that the Zoning Board's hearing is scheduled for Monday, December 2, 2013, the best and fairness course of action at this time is to withdraw the Application.

Please let me and the other neighbors hear from you as soon as possible about this reasonable request.

Happy Thanksgiving to all.

Karen Murphy  
203-324-9797

Subj: Re: Map/Zone Change from R-20 to RA-1 (File Number: 213-33)  
Date: 11/28/2013 11:38:27 A.M. Eastern Standard Time  
From: [dtunick@tunickart.com](mailto:dtunick@tunickart.com)  
To: [rick.redniss@rednissmead.com](mailto:rick.redniss@rednissmead.com)  
CC: [SFGGrp@aol.com](mailto:SFGGrp@aol.com), [susan@srcjk.com](mailto:susan@srcjk.com), [JKirby@srcjk.com](mailto:JKirby@srcjk.com), [elliesilverman@aol.com](mailto:elliesilverman@aol.com),  
[slchrust@aol.com](mailto:slchrust@aol.com), [botom@yahoo.com](mailto:botom@yahoo.com), [stewart.shanley@iris-worldwide.com](mailto:stewart.shanley@iris-worldwide.com),  
[rachael.shanley@iris-worldwide.com](mailto:rachael.shanley@iris-worldwide.com), [robertrangelov@gmail.com](mailto:robertrangelov@gmail.com), [kconsidine230@earthlink.net](mailto:kconsidine230@earthlink.net)

Dear All,

Everyone respects and likes Susan and John, and they are certainly close personal, and extremely generous friends of mine.

No one wants a neighborhood battle. Neither do we want a result that engenders bad feelings - let's be frank - as we had with the resulting structure between the Shanleys and my house when we all stayed away from that hearing and accepted everything in good faith. A town official told me point blank that they couldn't believe no one protested and that no one showed up to voice an objection.

Unless I'm mistaken, and I've barely discussed the current situation with anyone, it seems that the objection that some neighbors have is not the one acre zoning, but rather the potential size and height of the proposed residence.

If I may suggest a compromise, perhaps if we have a neighbors' meeting with Susan, John, and Ray, there might be some discussion and drawings for a better understanding of their proposal. That would mean asking for a short postponement of the hearing. In turn, everyone who has concern should attend with an open mind and in a spirit of friendship and co-operation. We should all be grateful that Susan and John have stepped forward in the purchase of the property and will be taking steps to make a major improvement to the Saddle Rock and Rogers neighborhood.

Regards on this Thanksgiving holiday,

David Tunick  
71 Saddle Rock

On Thu, Nov 28, 2013 at 10:22 AM, Richard W. Redniss <[rick.redniss@rednissmead.com](mailto:rick.redniss@rednissmead.com)> wrote:  
Since you have included your phone number I will call you tomorrow . if there is a time that works for you please let me know. I am also available by cell 203 9127855 over the weekend and Monday.  
I have spoken to several other people in the neighborhood- everyone that has reached out to me- and once they have understood the facts the issues seemed to be significantly addressed. Not always totally but sometimes that is not possible.  
This is not a complicated matter. RA1 v R20. I could see major concerns if we were going in the opposite direction. Much of the information that was just sent is not required to be sent nor required to support this zone change. This is not a site plan approval. That step comes later. We are happy to discuss any and all aspects of this application . Delaying in itself does not address the issues which to date have included some incorrect assumptions . It will not take long to discuss this and we have time to do so before the hearing starts.  
If people are too busy over the holiday weekend we can meet/ discuss on Monday . If necessary we can meet at city hall an hour before the hearing starts. Many times this has proven very valuable as everyone can participate in person . Should there still be a reason to continue the hearing after starting it on Monday that remains an option depending upon our meeting and the zoning boards agreement  
We will not be withdrawing this application . This is not 'heavy handed' . It is just that my decades of experience has shown me that simply delaying without talking about the issues does not contribute to a better result  
Have a happy thanksgiving.

On Nov 28, 2013, at 8.49 AM, "[SFGGrp@aol.com](mailto:SFGGrp@aol.com)" <[SFGGrp@aol.com](mailto:SFGGrp@aol.com)> wrote

Dear Susan and John:

Monday, December 02, 2013 AOL: SFGGrp

As discussed yesterday, Kathleen and I are requesting again that you withdraw the above referenced Zoning Board Application to change Seven Properties located on Saddle Rock Road from R20 to RA1 zoning. Kathleen and I want to be neighborly, and due to the failure to communicate with us and other neighbors about this Zoning Board Application and the fact that the Zoning Board's hearing is scheduled for Monday, December 2, 2013, the best and fairness course of action at this time is to withdraw the Application.

Please let me and the other neighbors hear from you as soon as possible about this reasonable request.

Happy Thanksgiving to all.

Karen Murphy

203-324-9797

Subj: **RE: Map/Zone Change from R-20 to RA-1 (File Number: 213-33)**  
Date: 11/29/2013 3:36:33 P.M. Eastern Standard Time  
From: [slchrust@aol.com](mailto:slchrust@aol.com)  
To: [rick.redniss@rednissmead.com](mailto:rick.redniss@rednissmead.com), [dtunick@tunickart.com](mailto:dtunick@tunickart.com)  
CC: [SFGGrp@aol.com](mailto:SFGGrp@aol.com), [elliesilverman@aol.com](mailto:elliesilverman@aol.com), [botom@yahoo.com](mailto:botom@yahoo.com), [stewart.shanley@iris-worldwide.com](mailto:stewart.shanley@iris-worldwide.com), [rachael.shanley@iris-worldwide.com](mailto:rachael.shanley@iris-worldwide.com), [robertrangelov@gmail.com](mailto:robertrangelov@gmail.com), [rachel@thefreshwatergroup.com](mailto:rachel@thefreshwatergroup.com), [kconsidine230@earthlink.net](mailto:kconsidine230@earthlink.net), [susan@srcjk.com](mailto:susan@srcjk.com), [JKirby@srcjk.com](mailto:JKirby@srcjk.com), [R.Mazzeo@rednissmead.com](mailto:R.Mazzeo@rednissmead.com), [dab@benjaminigold.com](mailto:dab@benjaminigold.com), [schrust@centricap.com](mailto:schrust@centricap.com)

Steven & I will be there. I am not sure why there seems to be push back to this zoning change. I certainly would not want a property that is contiguous with mine to be subdivided into two properties.

Best,

*Sharon Chrust*  
Sharon Chrust & Associates  
107 Saddle Rock Road  
Stamford, CT 06902  
[www.sharonchrustappraisals.com](http://www.sharonchrustappraisals.com)  
Tel: 203-327-5980  
Cell: 203-613-4919  
Fax: 203-961-9161

**From:** Richard W. Redniss [<mailto:rick.redniss@rednissmead.com>]  
**Sent:** Friday, November 29, 2013 2:59 PM  
**To:** David Tunick  
**Cc:** [SFGGrp@aol.com](mailto:SFGGrp@aol.com); [elliesilverman@aol.com](mailto:elliesilverman@aol.com); [slchrust@aol.com](mailto:slchrust@aol.com); David Lu and Nancy Tom; [stewart.shanley@iris-worldwide.com](mailto:stewart.shanley@iris-worldwide.com); [rachael.shanley@iris-worldwide.com](mailto:rachael.shanley@iris-worldwide.com); [robertrangelov@gmail.com](mailto:robertrangelov@gmail.com); Rachel Rangelov; [kconsidine230@earthlink.net](mailto:kconsidine230@earthlink.net); Susan Cullman; John Kirby; Ray Mazzeo; Dan Benjamin  
**Subject:** Re: Map/Zone Change from R-20 to RA-1 (File Number: 213-33)

The 4 pm meeting was for Sunday . Sorry that that was not clear.  
As for delaying for weeks we will have to see what Susan and John say. I'm still waiting to hear for example what your specific concerns are.  
If I understood that perhaps I could understand what a delay solves.  
Please feel free to call or outline what your concerns are.  
Thank you

On Nov 29, 2013, at 2:37 PM, "David Tunick" <[dtunick@tunickart.com](mailto:dtunick@tunickart.com)> wrote:

Dear Rich,

Thank you for proposing a meeting today. but I know I cannot be there due to long scheduled commitments today and tonight (out of town) and the rest of the weekend. While constructive. it is a little short notice to get everyone together in a few hours or on Monday night a half hour before the hearing.

What would be more constructive would be to pick a time a week or two or more down the road so the neighbors. virtually all of whom are on friendly terms. could sit down and digest

what's proposed, discuss it, ask questions, and voice concerns, if any, so as to avoid some sort of unnecessary mess in the hearing.

Sincerely yours,

David

On Fri, Nov 29, 2013 at 1:36 PM, Richard W. Redniss <[rick.redniss@rednissmead.com](mailto:rick.redniss@rednissmead.com)> wrote:

- >> John and Susan are away, returning to Shippan on Sunday. They were hoping to be home early afternoon . Why don't we meet at their house at 4pm.
- >> Please remember that the purpose of the zoning hearing on Monday night is to change the zoning to one acre to allow more protection from the hazardous flooding that destroyed the prior home on this site .Any appropriately sized replacement home -which is required to have it's first floor elevated 6-9 feet above the existing grade - would likely seek a height variance to exist safely above the rising sea.
- >> The specific home that Susan and John propose to build and its siting are among the things that will be considered during the subsequent CAM application process.
- >>
- >> As you know Susan and John have been trying to muster neighborhood support for common approaches to storm protection. In building their new home and landscaping, they propose to incorporate storm mitigation and protective steps.
- >>
- >> Stamford may eventually do what other neighboring towns have already done which is to allow greater height by right . Long term these types of changes are needed to allow coastal homes to enjoy the same development rights as non coastal properties while being out of harms way.
- >>
- >> Please enjoy the rest of the weekend and we will see those who would like join us on Sunday. Alternatively you can call my cell at 202 9127855 any time over the weekend.
- >
- > Ps Should Susan and John get stuck in traffic we will shift to 7pm and I will email people by about 2pm.
- >>
- >>>>



Subj: **Fwd: Map/Zone Change from R-20 to RA-1 (File Number: 213-33)**  
Date: 11/30/2013 11:26:46 A.M. Eastern Standard Time  
From: [rick.redniss@rednissmead.com](mailto:rick.redniss@rednissmead.com)  
To: [SFGrp@aol.com](mailto:SFGrp@aol.com)  
CC: [elliesilverman@aol.com](mailto:elliesilverman@aol.com), [slchrust@aol.com](mailto:slchrust@aol.com), [botom@yahoo.com](mailto:botom@yahoo.com), [stewart.shanley@iris-worldwide.com](mailto:stewart.shanley@iris-worldwide.com), [rachael.shanley@iris-worldwide.com](mailto:rachael.shanley@iris-worldwide.com), [robertrangelov@gmail.com](mailto:robertrangelov@gmail.com), [dtunick@tunickart.com](mailto:dtunick@tunickart.com), [kconsidine230@earthlink.net](mailto:kconsidine230@earthlink.net), [rachel@thefreshwatergroup.com](mailto:rachel@thefreshwatergroup.com), [dab@benjamingold.com](mailto:dab@benjamingold.com), [susan@srcjk.com](mailto:susan@srcjk.com), [JKirby@srcjk.com](mailto:JKirby@srcjk.com), [R.Mazzeo@rednissmead.com](mailto:R.Mazzeo@rednissmead.com), [ray.redniss@rednissmead.com](mailto:ray.redniss@rednissmead.com), [alexs@andalex.com](mailto:alexs@andalex.com)

Answers below.

On Nov 29, 2013, at 5:22 PM, "[SFGrp@aol.com](mailto:SFGrp@aol.com)" <[SFGrp@aol.com](mailto:SFGrp@aol.com)> wrote:

Dear Mr. Redniss:

I am going out of state to my high graduation reunion and will not be back until late Sunday. I would, however, appreciate it if you would answer the following questions as I will be checking my email:

hope you enjoy the reunion.

1. What representations were made by you or any other person to the Zoning or Planning officials, including Norm Cole and David Woods, regarding any consent of the property owners included in the ZB Application?

I understood from susan and john that everyone except nancy and david said ok. They are still evaluating the ramifications as it applies to them. If you are saying you want out ,or never wanted in ,that is not a problem. We can simply tell the ZB that you want out and they can approve as modified. Please let us know if this is the case.

2. I noticed in the five (5) page Zoning Application, dated October 10, 2013, that I received from you via email on November 27<sup>th</sup> at 7 p.m., that the Acres involved in the ZB Application total 8.35 Acres. There are eight, not seven, numbers involved in this calculation. Can you explain where the last number, 0.58, in the series of eight (8) numbers in Exhibit A comes from?

When changing zones you also include the entire road frontage where homes on both sides are being changed plus half of the street right of way where only one side of the street is being changed. That is the 8th number.

3. The Staff Report, which I also received in the aforementioned November 27<sup>th</sup> email, states:

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. (Staff Report, p.3)

What regulation, rule or other law is Mr. Woods referencing to make such a statement?

We assume he is referring to section 7.1 the flood prone area regulations .

4. Besides the Applicant's two properties, how many of the other five property owners' buildings and land conform to the regulations for the R20 district? If so, whose?

Although I do not have all the information with me nor have we done an exhaustive study of each of the 5 I believe all 5 have at least 20,000 sf. There appear to be some conflicts with a strict interpretation of the R20 zone as you well know since you received variances to allow your historic structures to remain as legally nonconforming. Obviously many homes do not comply with today's flood elevations. The question of height of building is also potentially an issue. There appear to be other nonconformities on set backs . Not exactly sure what the issue is wrt this question.

5. Besides the Applicant's two properties, do any of the other five property owners' buildings and land conform to the regulations for the RA1 district? If so, whose?

First ,one of their lots does not contain an acre(88) Since the lot size of an existing lot has no limiting impact ( other than obvious proportional size) they were comfortable making their own lot nonconforming . I believe your lot is just under an acre. The other 4 as I recall are all over an acre. In any event what difference does that make?

6. How does the increase in the Circle Diameter from 100 feet to 125 affect each of the seven properties?

Not sure about your lot or susan and John's existing house lot and we have not measured each one exactly but it appears that the others can accommodate the larger circle. We did check the silvermans since they are an access way lot and they go to a 150 ' circle v 120 for R20. Both fit.

In any event just like the lot size the circle has no impact on an existing lot

7. If a property owner's lot is non-conforming, can the property owner add the third story to the house and increase

the height to 35 feet without a variance?

If you are asking if the lots that would become nonconforming by going to RA1 (ie yours and Susan and John's #88) could add a 3rd story the answer depends on the details. We do not believe you could add any height to your home but maybe there is something we need to learn about that. I have not looked into that possibility or practicality for Susan and John's existing 88 house. Remember there is theory, potential, and practical reality. Depending upon design a 30' zoning height house could have a Higher PEAK than a 35' zoning height house. Are you concerned about them adding a 3rd floor to 88 house? Did I get your question right?

If a property has a variance now it might need another to add height/story depending upon the specific facts.

8. In your email you state that the "[f]ront and side set yards are the same." Isn't the front yard setback 60 feet in RA1 and 50 feet in R20?

No. The REAR yard setback changes from 50 to 60. That is the Long Island sound side (notwithstanding any argument that LIS should be considered a front). The front yard set back is 40' in both zones

9. Your November 27<sup>th</sup> email implies that the neighbors will have an opportunity to revisit issues the neighbors have with the ZB Application. Please provide the citation to the Coastal Management Act that provides the neighbors with the opportunity to raise zoning and other issues with respect to Applicant's construction plans for the property located at 74 Saddle Rock Road? What issues are the neighbors entitled to raise at the CAM review?

The ZB can hold a hearing on a CAM application. They also can review letters sent to them.

I recall being at cam aps where people talked about a host of zoning related issues. If you have specific issues about what they are proposing why not raise them now? If we understood your issues we could evaluate them and respond.

10. Is it correct to say that the Applicant's drawings/plans generated to-date and provided to the neighbors are non-binding if the ZB Application is approved?

Yes. This is not a site plan approval. Are you concerned that Susan and John are developing these plans to bait and switch with different plans?

11. What are the rules and regulations, to include Zoning and CAM, regarding the use of fill to raise the base ground

elevation?

Assuming you are referring to the implication of fill on allowable height , definition 16b allows for up to 3' of fill above the preexisting average grade. In this area that is about elevation 9. Adding 3 gets you to elevation 12. The new flood maps / regs require the lowest habitable floor be elevation 15 with the height still being measured from about 12.

12. To your knowledge, has any property owner ever been denied, or had difficulty obtaining, a variance to raise their house to comply with FEMA? If so, please provide the zoning file number for such property.

I do not have file numbers nor do I know if any were denied outright. I do know that the zba routinely adopts conditions that affect the design and use of property . Reviewing the two recent cases on this street , including yours, bears this out. Also height via variance is supposed to only allow the minimum necessary for relief. Do you think elevation 15 is the prudent way to build a new home in this area? Your house is about 18.5 as I recall.

Or are you suggesting that all applications are approved and therefor susan and john could apply for the same house via ZBA and be successful?

Thank you for agreeing to answer the neighbors' questions.

We will miss you at the Sunday meeting. We can continue to exchange Q&As and talk before the hearing Monday night.

If anyone wants to explicitly point out the particular issue that concerns them including looking out windows towards this property and see how the extra 5' zoning height might make a critical difference I am happy to do that Sunday before our 4pm meeting.

Susan and john have been at this for a long time , have cleaned up all the environmental issues , tried to make the area safer for everyone, and now want to proceed to build a beautiful home that will be an asset to this neighborhood. Unnecessary delays are unfair. We filed the application and took the first date assigned to us . We notified people with more time than required by the regulations. The application is simple. RA1or R20. Weeks of delay are not necessary. Unless something more specific that would constructively benefit from a postponement comes out before Monday night we intend to proceed with the hearing.

Thank you

Karen Murphy

In a message dated 11/29/2013 1:17:14 P.M. Eastern Standard Time, [rick.redniss@rednissmead.com](mailto:rick.redniss@rednissmead.com) writes:

Is there a good time to talk today?

On Nov 28, 2013, at 10:22 AM, "Richard W. Redniss" <[rick\\_redniss@rednissmead.com](mailto:rick_redniss@rednissmead.com)> wrote:

Since you have included your phone number I will call you tomorrow . if there is a time that works for you please let me know. I am also available by cell 203 9127855 over the weekend and Monday.

Monday, December 02, 2013 AOL: SFGrp

I have spoken to several other people in the neighborhood- everyone that has reached out to me- and once they have understood the facts the issues seemed to be significantly addressed. Not always totally but sometimes that is not possible. This is not a complicated matter. RA1 v R20. I could see major concerns if we were going in the opposite direction. Much of the information that was just sent is not required to be sent nor required to support this zone change. This is not a site plan approval. That step comes later. We are happy to discuss any and all aspects of this application. Delaying in itself does not address the issues which to date have included some incorrect assumptions. It will not take long to discuss this and we have time to do so before the hearing starts.

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We will not be withdrawing this application. This is not 'heavy handed'. It is just that my decades of experience has shown me that simply delaying without talking about the issues does not contribute to a better result.  
Have a happy thanksgiving.

On Nov 28, 2013, at 8:49 AM, "SFGrp@aol.com" <SFGrp@aol.com> wrote:

Dear Susan and John:

As discussed yesterday, Kathleen and I are requesting again that you withdraw the above referenced Zoning Board Application to change Seven Properties located on Saddle Rock Road from R20 to RA1 zoning. Kathleen and I want to be neighborly, and due to the failure to communicate with us and other neighbors about this Zoning Board Application and the fact that the Zoning Board's hearing is scheduled for Monday, December 2, 2013, the best and fairness course of action at this time is to withdraw the Application.

Please let me and the other neighbors hear from you as soon as possible about this reasonable request.

Happy Thanksgiving to all.

Karen Murphy  
203-324-9797

October 10, 2013

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)**

Dear Norman,

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

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

In support of the application, enclosed please find:

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

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

Sincerely,



Richard W. Redniss, AICP

Enclosures

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



**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 9<sup>th</sup> DAY OF October 2013

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 October 9<sup>th</sup> 2013  
 COUNTY OF FAIRFIELD

Personally appeared Richard W. Redniss, signer of the foregoing application, before me

[Signature]  
 Notary Public, Commissioner of the Superior Court

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

**FOR OFFICE USE ONLY**

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

By: \_\_\_\_\_



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

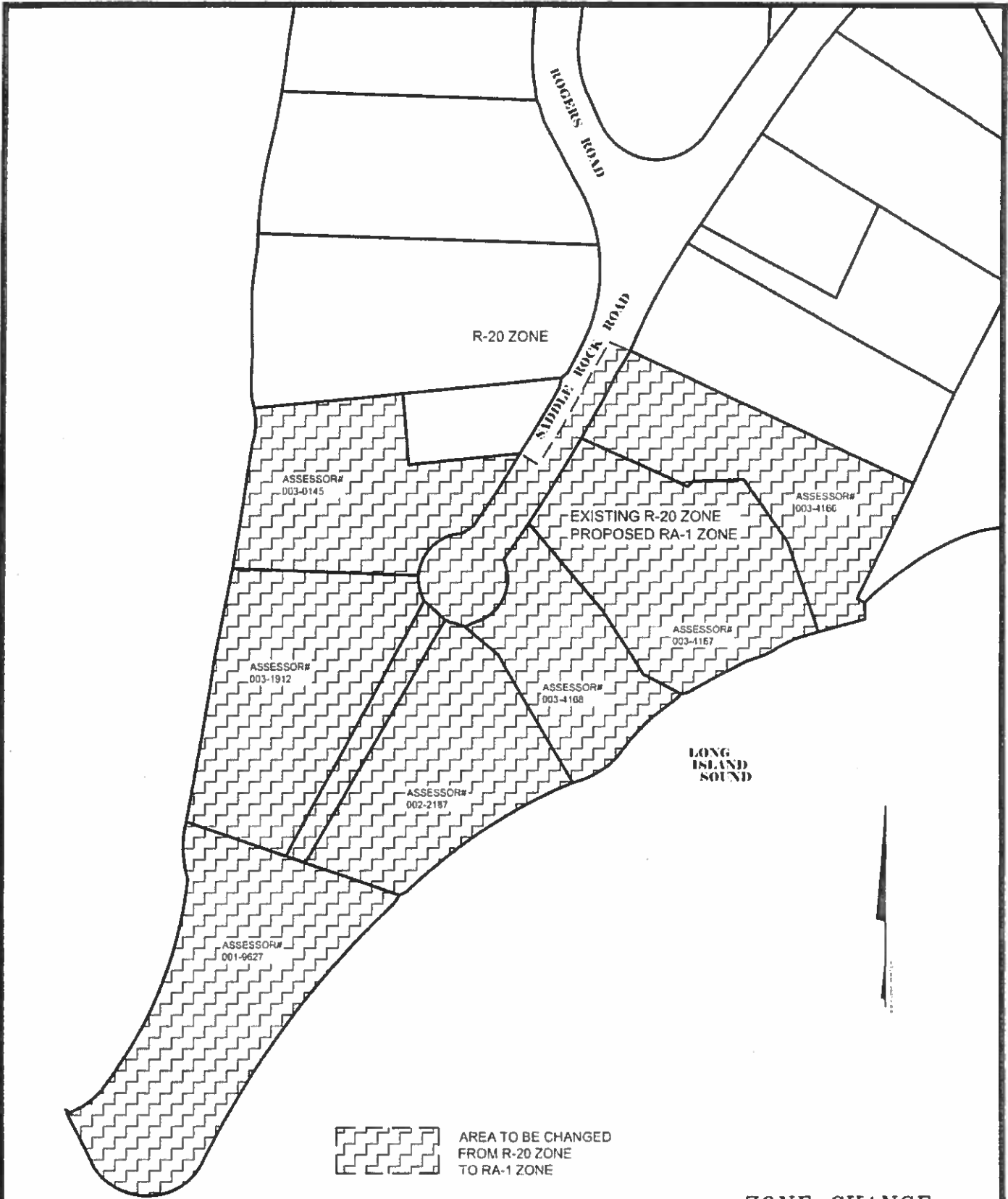
Area: 1.08 + 1.16 + 1.67 + .98 + .65 + 1.24 + 0.99 + 0.58 (Saddle Rock Road) = 8.35 Acres

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.

**Saddle Rock Road  
Zone Change Application  
Exhibit B  
Property Owners List**

<b>Properties Changing from R-20 to RA-1</b>			
<b>Property Address</b>	<b>Property Owner</b>	<b>Owner Mailing Address</b>	<b>Parcel ID</b>
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




 AREA TO BE CHANGED  
 FROM R-20 ZONE  
 TO RA-1 ZONE

**ZONE CHANGE  
SADDLE ROCK ROAD**



**Redniss & Mead**

ENGINEERS · SURVEYORS · PLANNERS · WWW.REDNISSMEAD.COM  
 22 FIRST STREET · STAMFORD, CONNECTICUT 06905 · 203-327-0500

COMM. NO.:  
7683

DATE: 10/07/13  
 SCALE: 1"=150'



**City of Stamford  
Zoning Board**

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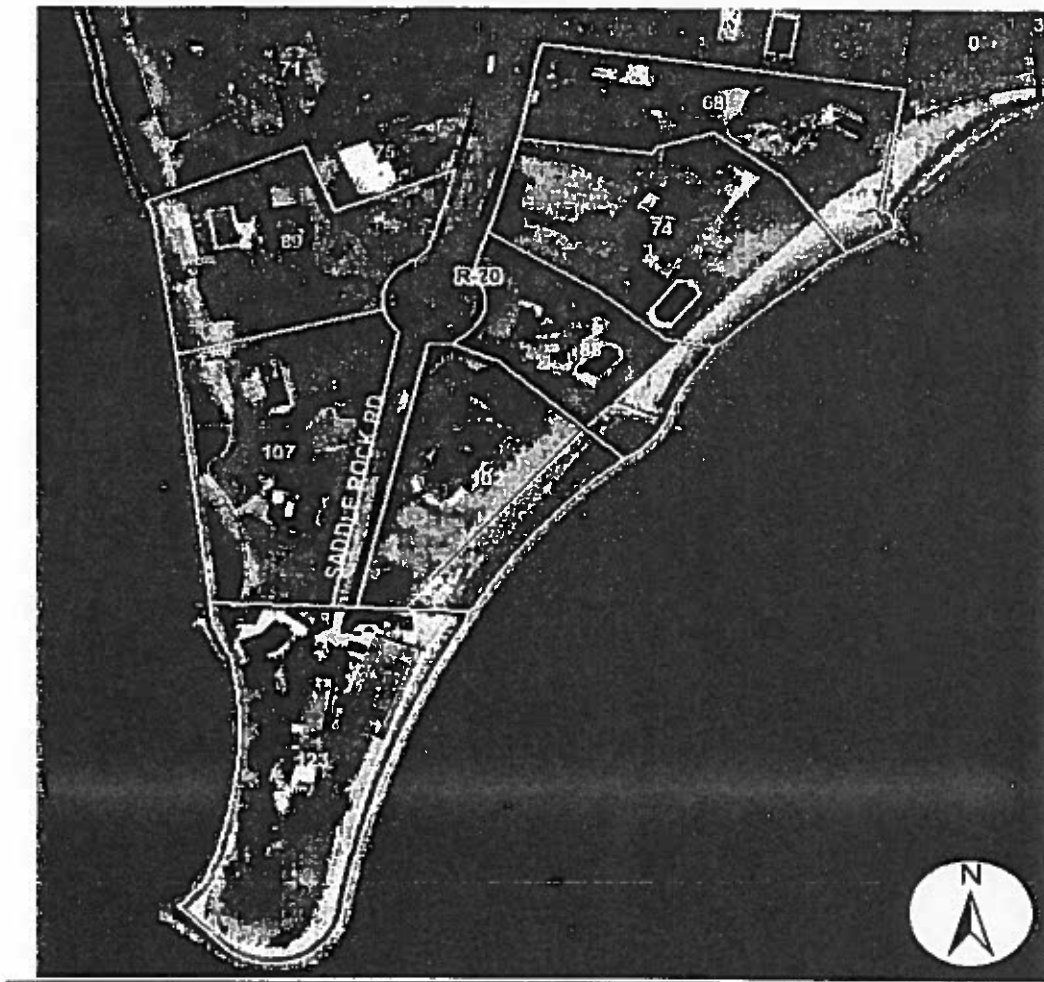
**STAFF REPORT**

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**TO:** CITY OF STAMFORD ZONING BOARD  
**FROM:** DAVID W. WOODS, PH.D., AICP, PRINCIPAL PLANNER  
**SUBJECT:** ZB APPL. 213-33 APPLICATION FOR ZONING MAP AMENDMENT – SADDLE ROCK ROAD  
**DATE:** NOVEMBER 26, 2013

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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 of 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 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.

November 21, 2013

*Via Certificate of Mail*

**Re: #68, 74, 88, 89, 102, 107, and 123 Saddle Rock Road  
ZB Application 213-33 (Zone Change from R-20 to RA-1)**

Dear Neighbor,

We are writing to you on behalf of Susan Cullman and John Kirby, owners of 74 and 88 Saddle Rock Road, and other property owners in the neighborhood to inform you of the application to change seven coastal properties at the southern tip of Saddle Rock Road from the R-20 (half acre) to the RA-1 (one-acre) zone. A map showing the properties that are proposed to be changed is enclosed.

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

The application was reviewed, on referral, by the Planning Board of the City of Stamford who voted 5-0 in favor of recommending approval.

Pursuant to Article VI, Sections 20-B(1) and B(2) of the Stamford Zoning Regulations, we are writing to notify you that the Zoning Board has scheduled a Public Hearing for this application on the following date, place, and time:

**Monday, December 2, 2013  
Stamford Government Center, 4<sup>th</sup> Floor Cafeteria  
888 Washington Boulevard  
Stamford, CT 06901  
7:00pm**

The hearing may be continued to such time and place as will be announced by the Zoning Board at the hearing. Additional application materials are available for your review at our office or in the Land Use Department, located on the 7<sup>th</sup> floor of the Stamford Government Center during regular business hours (Monday – Friday, 8:30 a.m. – 4:30 p.m.).

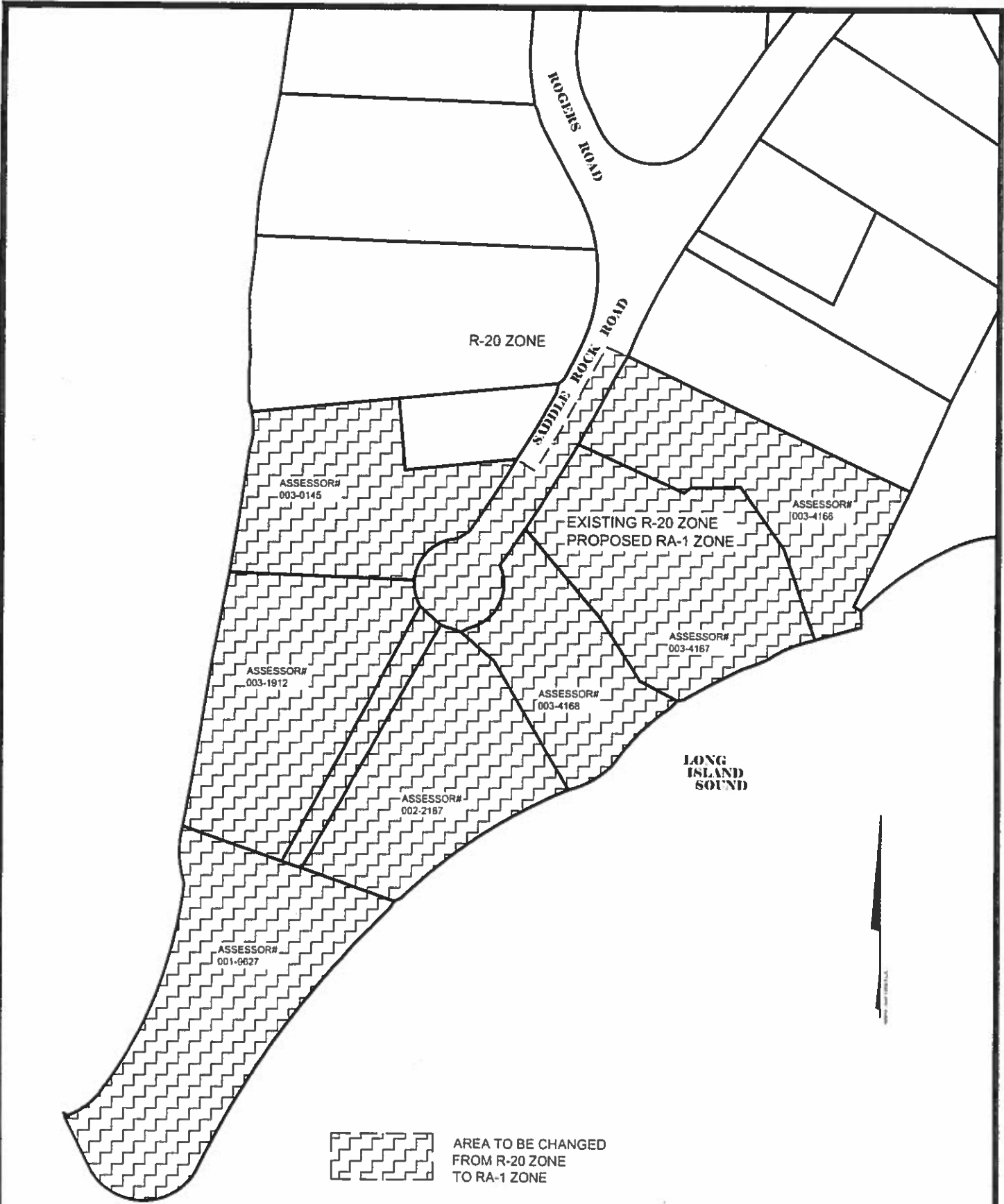
Should you have any questions or wish to discuss the plans, please feel free to contact us.

Sincerely,

  
Richard W. Redniss, AICP

Enclosures

cc: N. Cole, Land Use Bureau Chief



**ZONE CHANGE  
SADDLE ROCK ROAD**



**Redniss & Mead**

ENGINEERS · SURVEYORS · PLANNERS · WWW.REDNISSMEAD.COM  
22 FIRST STREET · STAMFORD, CONNECTICUT 06905 · 203-327-0500

COMM. NO.:

7683

DATE:

10/07/13

SCALE:

1"=150'



AGREEMENT made this 2nd day of February A.D., 1981, by and between FAYE DINAWAY, of the City of Stamford, County of Fairfield and State of Connecticut, hereinafter referred to as the "PARTY OF THE FIRST PART" and JOHN A. CONTEGNI, MADELINE D. CONTEGNI, DIANE B. SAXTON, GEORGE P. EGBERT and JUDITH B. EGBERT, all of the City of Stamford, County of Fairfield and State of Connecticut, hereinafter referred to as the "PARTIES OF THE SECOND PART".

WITNESSETH:

WHEREAS, the Party of the First Part is the owner of 2.94 acres of real property located on the East side of Saddle Rock Road in the City of Stamford, County of Fairfield and State of Connecticut, which premises are more particularly described in a Deed from Deleo Brothers Development Corp. to Faye Dunaway, dated February 9th, 1979 and recorded in the Stamford Land Records in Volume 1820 at Page 43; and

WHEREAS, the Party of the First Part has obtained approval from the Planning Board of the City of Stamford to subdivide the premises into four (4) separate buildings lots, which decision of the Planning Board was appealed by the Parties of the Second Part to the Superior Court for Fairfield County and which Appeal is now pending in said Court; and

WHEREAS, the Parties of the Second Part are the owners of real property located in said Saddle Rock Road area in close proximity to the property of the Party of the First Part and which properties are more particularly set forth in the following Deeds:-

- a) Jeanne S. Rich to Madeline D. Fitzgerald  
now Madeline D. Contegni, by Deed dated  
June 27, 1977 and recorded in the Stamford  
Land Records in Volume 1655 at Page 256;
- b) Dorothy Hauser Thompson to Diane B. Saxton  
by Deed dated January 3, 1978 and recorded  
in said Land Records in Volume 1705 at Page  
321; and

- c) Charles W. Russell, et ux to George P. Egbert and Judith B. Egbert by Deed dated June 16, 1978 and recorded in said Land Records in Volume 1750 at Page 308.

and

WHEREAS, the parties hereto recognize the existence of certain restrictive covenants and agreements, which are included in the Deeds of conveyance to each of the respective properties, which were intended to maintain the nature of use, density of development and the general character of the area; and

WHEREAS, the premises now belonging to the Party of the First Part were assembled by three (3) separate conveyances from The Shippan Point Land Company to:

- a) Homer S. Cummings, dated March 31, 1911 and recorded in the Land Records of the City of Stamford in Volume 130 at Page 238;
- b) Ella W. Bohannon, dated March 15, 1912 and recorded in said Land Records in Volume 161 at Page 129; and
- c) Emilie Stein, dated October 30, 1914 and recorded in said Land Records in Volume 183 at Page 102

and which properties included the restriction imposed by The Shippan Point Land Company in their Deeds of conveyance; and

WHEREAS, all of the parties hereto recognize that the purpose of The Shippan Point Land Company restriction was to control the intensity of use and the development of the land and to preserve and maintain the general character of said area; and

WHEREAS, the parties hereto agree upon the desirability of controlling the future development of the area; and

WHEREAS, there is now a desire on the part of all the parties to resolve said differences giving rise to the above stated Appeal.

NOW, THEREFORE, in consideration of the Parties of the Second Part withdrawing said Appeal from the decision of the Planning Board of the

City of Stamford to the Superior Court for Fairfield County and the mutual promises and agreements herein contained the Party of the First Part hereby places upon the Land Records of the City of Stamford, the following described property:

All that certain piece, parcel or tract of land, with the buildings and improvements thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut, bounded Northerly 357 feet by land now or formerly of George P. Egbert et al, Easterly 142 feet by land now or formerly of John H. McNeil and Sheila McNeil, Southeasterly 320 feet by the waters of Long Island Sound, Southerly 236 feet by land now or formerly of Cynthia Stauffer and Westerly 376 feet by Saddle Rock Road, said dimensions being more or less. Said property being known as 74 Saddle Rock Road and containing 2.94 acres, more or less.

The terms hereof are imposed on said property and shall run with the land, not personal to the signatories hereto, but shall enure to their benefit and their heirs and assigns, to wit:

1. The above described premises shall be used for single family residents only, and no other purpose and may not be divided or subdivided into more than three (3) buildings lots. The parcel after subdivision, located on the Northerly boundary and contiguous to property now owned by George P. Egbert and Judith S. Egbert shall have an area of not less than 27,500 square feet.

2. The existing cottage located on said premises shall not be enlarged or expanded<sup>see below</sup> and that in the event another dwelling is constructed on said premises, and the Zoning Regulations permit said cottage to remain,<sup>see below</sup> said cottage will not be occupied by anyone except a full time employee, guests or member of the immediate family of the owner of the property.

3. No dwelling, accessway structure or view obstruction shall be located in the triangular area 50' x 95' x 110' at the Southwesterly corner of said premises.

4. No first floor elevations of any dwelling to be constructed shall be below elevation 11.9 feet above mean high water level USCGS Datum.

• at its present location

5. No dwelling shall be located within 29 feet of the property of George P. Egbert and Judith S. Egbert.

6. No dwelling shall be constructed in said premises within 100 feet of the mean high water line of Long Island Sound as established July 14, 1976, and as shown on the subdivision map.

7. The intent of these restrictive covenants and agreements is to protect property values. The parties hereto, their successors and assigns and heirs, shall all have the right to enforce the terms of this agreement in case of its violation by such court action as may be appropriate, including but not limited to, application for injunctive relief. Such action may be taken by any of the parties hereto, their heirs, successors and assigns, either individually or collectively.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, the day and year first above written.

Signed, Sealed, and Delivered in the presence of:

Charles P. Rector  
ALBIONIA H. Rector  
T. Rector  
T. R. O'NEIL

[Signature] (L.S.)  
FIRST PARTY OF THE FIRST PART

[Signature]  
[Signature]

[Signature] (L.S.)  
-SIGNED IN PRESENCE OF-  
Michael D. Potopari (L.S.)  
-WITNESSE TO CONTRACT-

[Signature] (L.S.)  
Diane J. Barton  
[Signature] (L.S.)  
George P. Egbert

## REASONS FOR PROTEST/OBJECTION

Date: December 2, 2013

File Number: 213-33 Map/Zone Change from R-20 to RA-1  
for Seven Properties along Long Island Sound  
("ZB Application")

To: City of Stamford's Zoning Board

The requested Map/Zone Change from R-20 (half acre minimum lot size) to RA-1 (one acre minimum lot size) described in the referenced file for the seven properties located at 68, 74, 88, 89, 102, 107 and 123 on Saddle Rock Road in the City of Stamford, County of Fairfield and the State of Connecticut should be denied.

### (REASONS FOR PROTEST/OBJECTION)

The Applicant, Susan Cullman and John Kirby, has shown no good cause or any compelling reason why this rezoning ZB Application should be approved. Indeed, the Applicant's planning and zoning consultants, Redniss & Mead, affirm that the sole purpose of the ZB Application is for the Applicant to avoid compliance with the hardship zoning regulation that would be required to be demonstrated and established before a height variance could be granted by the Zoning Board for the Applicant's new home.

If this ZB Application is granted, the Zoning Board will in essence have granted a variance from the standards of Section 7.1 – Flood Prone Area Regulations - which only the Zoning Board of Appeals has the authority to do.

#### **No Notice**

The Applicant failed to provide a copy of the ZB Application, dated October 10, 2013, to the neighbors, including property owners whose properties are being proposed to be rezoned from RA20 to RA1. The neighbors also had no notice that the Planning Board scheduled the review of the Zoning Board's referral in this matter for its November 16, 2013, regular scheduled meeting.

The neighbors did not learn of Applicant's scheme to obtain height and story relief from the zoning regulation via a map/Zoning change until sometime after November 21, 2013, the date of the notice of the Zoning Board's public meeting on ZB Application.

#### **Applicant Failed to Disclose Real Reason for ZB Application**

The Applicant failed to disclose to the Zoning Board, the Planning Board and to most, if not all, of the neighbors the real, sole purpose for the ZB Application was for the Applicant's to achieve their goal to obtain five (5) feet of more zoning height for the Applicant's new home, which in all likelihood the Applicant could not accomplish through the appropriate process, the zoning variance process. The Applicant's property lot size is 1.24 acres and has more than ample space to build a lovely, large new home on this 1.24 acre lot without the need for a height or story (2 1/2 to 3) variance.

## REASONS FOR PROTEST/OBJECTION

### **Zoning Board, Planning Board and Staff Were Mislead**

In approving the Zoning Board referral, the Planning Board apparently found that the ZB Application change from R20 to RA1 would “lessen density in a flood prone area.” What was not disclosed in the ZB Application, dated October 10, 2013, was the following:

1. First and foremost, Redniss & Meads’ admission that the City of Stamford has “strong policies and practices that 99.9% preclude introducing yet another house that would be subject to flood hazard inundation.” (Richard Redniss’ email to the neighbors, dated November 27, 2013 at A22, point 4)
2. Second, three (68, 88, and 102) of the seven properties are less than one acre and could not be subdivided based on the R20 requirement of a minimum one half acre lot size.
3. Third, the Applicant’s 1.24 acre lot (#74) has a restriction limiting it to one dwelling on the lot. (A26)
4. Fourth, based on information and belief, the other three lots could not accommodate another building due to, among other things, the Coastal Area Management Act and Section 7.1 –Flood prone Area Regulations.

In short, there will be no lessening of density if this ZP Application is approved. This ZB Application is nothing more than a “Spot Zoning” application for the Applicant to obtain indirectly what could be accomplished directly through the City’s zoning variance process a height and story variance.

Further in the approval process to-date there has been is no consideration or analysis of (i) safety, in particular flooding, issues, (ii) the lack of a comprehensive district plan for Saddle Rock Road, Rogers Road and Ocean Drive West, (iii) the fact that the Applicant’s proposed residence will block views and light from other properties and (iv) the value of buildings other than the Applicant’s.

See the Appendix for other concerns. For example, what legal authority supports the “key criteria in analyzing any request to change a zoning classification” selected in the Staff Report? (See A28, Question 3; Staff Report, p.3 at A41) As discussed in the next section, this ZB Application does not enhance the property owners’ ability to meet the provisions of the Zoning Code. To the contrary, the grant of this ZB Application will place many currently conforming lots into nonconformity status.

### **Non-Conforming Lots/ Self-Imposed Hardships**

The grant of the ZB Application will place three currently conforming lots (68, 88 and 102) into three the non-conforming lots due to RA-1’s minimum one acre requirement. This raises a number of issues. Most significantly, the property owners may have difficulty claiming hardship for a substandard lot when the property owner created the hardship by agreeing to this ZB Application. In one case the owner of a self-impose hardship had to show that he was willing to

## REASONS FOR PROTEST/OBJECTION

sell at a fair and reasonable price and the adjoining property owners refuse to make a reasonable offer to establish that an undue hardship exists.

Also the properties that cannot currently comply with the 50 foot rear setback may have set a higher bar for a variance in the future due to the self-imposed 60 foot rear setback.

### **Purpose & Intent of RA-1 Districts**

This Application satisfies neither the purpose nor the intent of RA-1 zoning. RA-1 districts are meant to protect large lots in rural settings. The seven properties are located in anything but a rural area. The Stamford Zoning Regulations states that the purpose of RA-1 "districts is to set aside and protect areas which have been developed... predominantly for single family dwellings on large lots in a rural setting." (Article 3, Section 4, paragraph AA 1.1, Stamford Zoning Regulations) Further there is no plan or intent for the non-conforming lots to be merged with adjacent lots to allow for the substantial purpose of a RA1 land regulation to prevail - minimum one acre lots. Without such an intent or plan the proposed change in zoning is ineffective and serves no purpose.

**Other: See Appendix**

### **Conclusion:**

There simply is no basis for the Zoning Board to approve this ZB Application which admittedly was designed to enhance the value of the Applicants property.