

CITY OF STAMFORD 19TH CHARTER REVISION COMMISSION

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Thomas Lombardo, Co-Chair
Jackie Pioli, Clerk

PUBLIC HEARING REPORT **Wednesday, May 11, 2022** **7:00 p.m.**

This meeting was held in the 4th Floor Cafeteria, Government Center, 888 Washington Blvd., Stamford, CT. In attendance were Commission Co-Chairs Kolenberg and Lombardo; Clerk Pioli; and Commission Members Bilicznianski, Bowser, Camporeale, Halpern, Lane, Larobina, Martinez, McMullen, Pramberger. Absent or excused were Commissioners Loeb, Michelson, and Williams.

Co-Chair Lombardo called the public hearing to order at 7:07 p.m.

Jerry Silber read the following statement:

I'm here to talk about the zoning petition process.

My name is Jerry Silber. I've lived in Stamford for over 40 Years, both of my daughters went to Stamford High school I live in the Turn of River area. When I first moved here if you went out anywhere near rush hour time you couldn't move. Thousands of cars would go into and out of High Ridge Office Park. That's not the case anymore - The Office Park is mostly abandoned - a waste of valuable land in our community. It's nice that the thousands of cars are not going in and out every day, but maybe something else could be done.

Back to my two daughters... They and almost all their friends have not chosen Stamford as a place to live. One key reason is that it is too expensive. There simply is not enough housing for the demand.

That brings me to the zoning petition process which is flawed. You might ask why is it flawed. Well let's look at a recent example of another office park on Long Ridge Road. Our zoning board was open to repurposing abandoned office space for low-density housing. A group here in town started a petition to say what a terrible thing that would be. And here we get to the flaw. Who signed that petition. It wasn't a representative sample of the people who live in Stamford. If you analyze it I'm sure that you will find that it was signed by white middle and upper-middle-class homeowners. Now I've got nothing against white middle and upper-middle class homeowners. But guess what, that's not the majority of people who live in Stamford. More than half, rent apartments. But only landowners are allowed to petition. So if one of those renters would like to start a petition in support of low-density housing -they can't.

Now I'm all for allowing for public input. That is why we have a professionally staffed Land Use Bureau that supports a Zoning Board made up of citizens from our community who need to be approved by our Board of Representatives. They hold public hearings like we are doing

tonight. I've attended some of them and have seen how they respond and request changes to projects based on that public input.

I would also like to add that the protest petition process has a very troubling history. In particular, as Judge Berger, the lead land-use judge in our state, noted in a recent court decision involving the Board of Representatives, the protest petition process "has historically been used to discriminate." Judge Berger also noted that "the protest petition process allows the complicated zoning process to be overseen and, thus, administered by those in a more political forum instead of a land-use commission that presumably has some expertise in the subject." I think these are very powerful statements by the leading legal expert in the field.

So I'm here today to sincerely request that as you consider changes to Stamford's charter, you consider the fact that the zoning petition process delays, or even worse kills worthwhile projects that our community needs to make housing more affordable. So you should either eliminate it or keep it reserved for extreme cases.

Virgil de la Cruz read a portion of the following statement:

The US Constitution (First Amendment) states Congress shall make no law ... abridging the right of the people to peaceably assemble and to petition the Government for redress of grievances.

The Connecticut State Constitution (Article 1, Section 14) states that: The citizens have a right, in a peaceable manner, to assemble for their common good, and to apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by petition, address or remonstrance.

Charter Sections C6-40-5, -6, &-9 (Referrals to the Board of Representatives) via a petition are the only places where the right to petition is recognized in the Charter, albeit in the narrow area of zoning. Given the Constitutional guarantees, this section of the Charter must remain.

However, this section imposes onerous obstacles such as an extremely short "ten day" limit on which to obtain required signatures for a petition, which could run into the hundreds of signatures, and violates the constitutional prohibition against abridging the right of the people to petition. Given the nature of the task, the vagaries of weather, vacations, travel, etc., a 30 day limit for gathering signatures would be much more realistic and acceptable.

Also the Charter should clearly state the qualifying requirements for signatures in accordance with the most recent State Supreme Court decision in the Comfort & Sons vs Board of Representatives case (Time life Fitness in High Ridge), and clarify the procedure for submitting petitions.

To avoid disenfranchising condominium owners, a large segment of Stamford residents, from their constitutional right to petition the government, inasmuch as no statute exists regarding the status of condominium owners, the Charter should recognize that "condominium owners" are landowners, by virtue of their undivided interest on the land under the condominium complex, and therefore can petition the government.

Furthermore, since the Constitutional guarantee is a blanket guarantee, not limited to any narrow area of governance, such as zoning, the following sentence should be added to the list of powers in Sec. C2-10-2. - Powers of Board of Representatives: "The power to receive, review, and adjudicate petitions."

Charter Section C5-20-3 - "The Corporation Counsel ... shall in all respects act as attorney for the City, its Officers, Departments, Boards, Commissions, Authorities and Agencies." - places the Corporation Counsel in a hopelessly compromised position, having to serve two masters, the Administration (Executive Branch) and the Board of Representatives (Legislative Branch).

The Board of Representatives is the independent legislative branch of the City. It is the only entity in City government capable of performing the indispensable checks and balance function on the Administration. In situations where the Administration and the Board of Representatives differ, the Corporation Counsel, as a member of the Administration, and serving the multitude of Officers, Departments, Boards, Commissions, Authorities and Agencies, and employees of the Administration, is hopelessly conflicted in acting as neutral counsel to the Board of Representatives.

If month after month, year after year, decade after decade a coin is tossed and always come out tails, there is something wrong with the coin.

To ensure complete independence of the Representatives of the people, Sec. CS-20- 3. - Legal Functions, should be revised as shown below: Notwithstanding the foregoing, the Board of Representatives may, by a resolution ~~jointly presented by the Majority Leader, Minority Leader, the President and the Clerk and~~ approved by the affirmative vote of not less than 2/3 present. retain independent counsel to represent the Board of Representatives with respect to a specific case or controversy, to render opinions, and appear in any proceeding, and may appropriate monies to pay the fees and costs of such counsel.

Joshua Esses spoke in favor of the Board of Education using the same counsel to negotiate collective bargaining agreements and to handle CBA disputes and the Board of Education being able to select its own counsel.

There being no further speakers, the public hearing was closed and the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Co-Chairs Lombardo and Kolenberg

This meeting is on [video](#).