

GDP Approval No. 216-26 Conditions of Approval Status Summary

February 15, 2023

Condition Number	Condition	Status
1.	The survey titled “GDP, General Location Survey,” prepared by Redniss & Mead dated April 11, 2016, revised to July 18, 2016, is approved as the General Development Plan (GDP). A reference to the Certificate of Approval for Appl. #216-26 shall be included in the notes on the GDP. The GDP shall be endorsed by the Zoning Board Chairman and recorded in the City of Stamford Land Records prior to Final Plan approval.	Recording of Original GDP Plan pending required endorsement. Modified GDP will be recorded following approval of Appl. 222-32
2.	In the Final Plan submittal, the Applicants shall describe and detail the process and timing for all other local, state and federal permits necessary for the development project.	COMPLETE. See Response #10 in Response Memorandum prepared by Carmody Torrance Sandak & Hennessey LLP, dated February 14, 2023.
3.	Unless a FEMA Conditional Letter of Map Revision (or equivalent action/approval) is obtained and the building locations are deemed to be out of the flood prone area, Final Plans shall conform to Section 7.1 (Flood Prone Area Regulations) of the Stamford Zoning Regulations.	COMPLETE. See Letter of Map Revision (“LOMR”) dated November 30, 2018, locating development outside of flood prone area, attached as Schedule A.
4.	Final Plans shall be consistent with the design guidelines entitled “Stamford Mill River Corridor Design Guidelines” prepared by Sasaki Associates, as may be amended from time to time subject to Zoning Board approval. In connection with Final Plan review, RBS, or its successor developer, shall pay an amount not to exceed \$20,000 (in 2016 dollars) for the review of the building(s) design by a consultant retained by the City of Stamford.	COMPLETE. See Urban Redevelopment Commission (the “URC) Resolution #2023-1, attached as Schedule B, confirming compliance with the “Stamford Mill River Corridor Design Guidelines” prepared by Sasaki Associates.

		See architectural review memorandum dated January 13, 2023, and letter from Lisa Feinberg, dated February 6, 2023, attached as Schedule C.
5.	Final Plan approval by the Zoning Board shall be required prior to the issuance of a Building Permit. An application for Final Plan approval shall include detailed site and architectural plans including exterior architectural designs, materials and specifications as well as landscaping, grading, soil and erosion control and utility plans.	Final Plan approval pending. Appl. 222-32 materials include detailed site and architectural plans including exterior architectural designs, materials and specifications as well as landscaping, grading, soil and erosion control and utility plans.
6.	In the Final Plan submittal, the Applicants shall include a Parking Management Plan and may include parking management strategies including but not limited to, valet, tandem, vehicle elevator, and/or stacked vehicles.	COMPLETE. See the Transportation Demand Management / Parking Management Plan (“PMP”) prepared by SLR dated September 2022, and filed September 30, 2022. Revised PMP prepared by SLR and dated January 2023 filed on January 12, 2023. Note: Per a February 3, 2023 e-mail correspondence from Transportation, Traffic and Parking Department (“TTP”) Chief Frank Petise, attached as Schedule D, there are no outstanding transportation/parking concerns regarding Appl. 222-32.

7.	RBS or its successor developer shall conduct a market analysis to determine the viability of a retail use on the ground floor of the building on Block B and provide same in connection with a Final Plan submission.	<p>COMPLETE.</p> <p>See the “Market Retail Study” prepared by CBRE, dated September 29, 2022, and filed on September 30, 2022. CBRE concluded that retail space is “not a viable option” for the Property.</p>
8.	If the Mill River Park Middle Corridor Plan public access improvements have not been approved and/or constructed at the time of Final Plan submission, Final Plans shall contain details regarding said public access improvements and the responsibility for construction, timing and funding sources related to same.	<p>Pursuant to the Completion Agreement, the City of Stamford is responsible for the design, permitting and construction of the riverwalk improvements. The City is currently in default of this obligation. (see Notice of Default from Lisa L. Feinberg to Doug Dalena, Director of Legal Affairs, dated December 5, 2022, attached as Schedule E).</p> <p>Should the Zoning Board approve Appl. 222-32, as proposed, the Applicant is willing to undertake this work and endeavor to complete it in connection with the development. See Letter of Intent for Completion of Mill River Improvements, executed January 24, 2023, attached as Schedule F.</p>
9.	Prior to Final Plan approval, the road discontinuance process related to the western portion of Division Street shall be completed in conformance with Article IV of the City of Stamford Code of Ordinances, and title has been conveyed to RBS or its successor in title.	<p>COMPLETE.</p> <p>See Resolution No. 3882 of the Stamford Board of Representatives approving the</p>

		<p>discontinuance of Division Street, attached as Schedule G.</p> <p>See deed from the City of Stamford to RBS Americas Property Corp conveying western portion of Division Street, recorded in Volume 12232, Pg. 12 of the Stamford Land Records, attached as Schedule H.</p>
10.	<p>Prior to issuance of a Building Permit, a public access easement shall be conveyed to the City of Stamford to accommodate the Mil River Park Riverwalk improvements. The public easement would include the walkway from Clinton Avenue to the River Walk. The Final Plan shall address the comments of Robert Zaitooni included in the memo dated 7/26/2016 and demonstrate the bike accessibility of the walkway between Clinton Avenue and the Riverwalk.</p>	<p>COMPLETE.</p> <p>See Easement recorded in Volume 12232, Pg. 21 of the Stamford Land Records, attached as Schedule I.</p> <p>A public access easement over the walkway from Clinton Avenue to the River Walk will be added if Appl. 222-32 is approved as proposed.</p> <p>Note: Email correspondence from F. Petise dated February 14, 2023, attached as Schedule J, confirming 2022 – 2023 TTP review supersedes the 7/26/2016 memorandum.</p>
11.	<p>Prior to issuance of a Building Permit, a suitable easement or covenant, approved by the Director of Legal Affairs or his or her designee, shall be recorded on the Stamford Land Records confirming the joint development of Block A and Block B and the merger of these non-contiguous parcels for</p>	<p>To be completed prior to the issuance of a Building Permit.</p>

	purposes of calculating residential density, Floor Area Ratio and building coverage.	
12.	Applicants shall have one year from the effective date of this approval within which to submit Final Plans subject to Zoning Board approval of up to three extensions, each not more than one year, upon timely application and good cause shown. Provided however, if RBS or its successor developer satisfies its public obligation within two years of the effective date of this approval, the GDP shall remain in effect for five years with the opportunity for up to five extension, each not more than one year, upon timely application and good cause shown. For purposes of this condition, the public access obligation shall consist of providing an easement in accordance with Section 9-I-4-b of the tender of \$1.7 million (or an alternative amount agreed upon by RBS, the City and the Mill River Park Collaborative but in no event shall the contribution exceed \$1.7 million) for purposes of construction of the Riverwalk improvements. In the event that the Mill River Park Collaborative is not prepared to move forward with construction at the time that the easement and payment are tendered, RBS or its successor developer may satisfy this condition by placing an easement and payment in escrow with an agreed upon escrow agent or, in the alternative, delivering the easement, but constructing the Riverwalk improvement itself.	Pursuant to Public Act 21-34, Appl. 216-26 remains vested until August 1, 2030.
13.	Included in the Final Plan submittal shall be an analysis of whether the proposed new southbound right-turn lane on Clinton Avenue is necessary. If it is not necessary, then in lieu of that new lane, other traffic or pedestrian enhancements of equivalent value agreed to by the City's Traffic Engineer and RBS or its successor developer shall be included.	COMPLETE. See e-mail correspondence dated February 9, 2023 from F. Petise, attached as Schedule K, confirming TTP memo dated November 22, 2022 supersedes this condition.
14.	In connection with Final Plan approval, sewer, streetscape and storm drainage plans shall be submitted and subject to review of design specifications and construction by the Engineering Bureau. Applicants shall address comments of Susan Kiskan, P.E. in her memorandum dated July 18, 2016.	COMPLETE. Complete engineering, streetscape and storm drainage plans included with Appl. 222-32, and reviewed by relevant

		City Departments, including the Engineering Bureau.
15.	In connection with Final Plan approval, sedimentation and erosion control plans shall be submitted and subject to review by the Environmental Protection Board staff.	COMPLETE. Complete Sediment and Erosion Control plans filed on September 30, 2022.
16.	Applicants shall make best efforts to keep the property in good condition up until and during the construction process. Existing lawn areas shall be mowed and maintained and construction debris shall be kept to a reasonable minimum.	COMPLETE.

Schedule A



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF STAMFORD, FAIRFIELD COUNTY, CONNECTICUT	A parcel of land, as described in the Warranty Deeds recorded as Instrument No. 2008012840, in Book 9393, Pages 210 and 211, Instrument No. 2008012844, in Book 9393, Pages 218 and 219 and in Book 9393, Pages 261 and 262; and Lots 8, 9 and 10, Jos. H. Webb, as described in the Quit Claim Deeds recorded as Instrument No. 2005022170, in Book 8219, Pages 299, 300, and 301, as Instrument No. 2005022171, in Book 8219, Pages 302, 303, and 304, and in Volume 1923, Pages 88 and 89, all in the Office of the Town Clerk, Town of Stamford, Connecticut
	COMMUNITY NO.: 090015	
AFFECTED MAP PANEL	NUMBER: 09001C0516G	
	DATE: 7/8/2013	
FLOODING SOURCE: LONG ISLAND SOUND; RIPPOWAM RIVER (LOWER REACH); STAMFORD		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 41.049098, -73.545436 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	--	0, 1, 6, & 17 Division Street and 99 & 100 Clinton Avenue	Portion of Property	X (shaded)	--	--	11.0 feet


Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION REVISOR: REVISED BY LETTER OF MAP REVISION
PORTIONS REMAIN IN THE FLOODWAY
FILL RECOMMENDATION

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.


 Luis V. Rodriguez, P.E., Director
 Engineering and Modeling Division
 Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)


ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

The portion of property is more particularly described by the following metes and bounds:

BEGINNING at a point at its intersection with the southerly side of Division Street, said point lying S 89°40'00" W a distance of 182.1± feet from the westerly side of Clinton Avenue; thence running in a generally southerly direction along the Zone AE Line the following nineteen (19) courses: S 04°28'00" E a distance of 4.6± feet, S 13°32'00" E a distance of 11.0± feet, S 29°55'00" E a distance of 9.0± feet, S 44°05'00" E a distance of 36.6±, S 46°25'00" E a distance of 22.8± feet, S 55°46'00" E a distance of 5.0± feet, S 73°45'00" E a distance of 19.5± feet, S 51°01'00" E a distance of 4.5± feet, S 16°30'00" E a distance of 6.0± feet, S 01°16'00" E a distance of 23.4± feet, S 17°42'00" W a distance of 14.1± feet, S 34°56'00" W a distance of 10.5± feet, S 53°13'00" W a distance of 10.5± feet, S 34°22'00" W a distance of 13.5± feet, S 25°05'00" E a distance of 33.0± feet, S 22°43'00" W a distance of 20.6± feet, S 12°51'00" W a distance of 24.2± feet, S 27°32'00" W a distance of 21.4± feet, and S 72°40'00" W a distance of 6.7± feet to its intersection with the 11ft contour (NAVD-88); thence running northwesterly along the 11ft contour, the following nine (9) courses: N 21°50'00" W a distance of 26.0± feet, N 20°23'00" W a distance of 39.0± feet, N 25°33'00" W a distance of 25.5± feet, N 21°12'00" W a distance of 51.5± feet, N 20°12'00" W a distance of 39.5± feet, N 15°00'00" W a distance of 43.0± feet, N 09°45'00" W a distance of 31.0± feet, N 04°48'00" W a distance of 33.0± feet, and N 01°00'00" W a distance of 23.0± feet to its intersection with the aforesaid existing Zone AE Line; thence running in a generally southeasterly direction along the existing Zone AE Line the following eleven (11) courses: S 34°00'00" E a distance of 6.7± feet, S 48°00'00" E a distance of 10.0± feet, N 89°40'00" E a distance of 6.0±, S 49°45'00" E a distance of 8.5± feet, N 89°40'00" E a distance of 15.0± feet, S 76°40'00" E a distance of 6.5± feet, S 83°06'00" E a distance of 17.4± feet, S 48°30'00" W a distance of 12.0± feet, S 40°12'00" W a distance of 4.2± feet, S 11°48'00" W a distance of 8.7± feet, and S 04°28'00" E a distance of 17.7± feet to the point of beginning

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.


Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

PORTIONS OF THE PROPERTY REMAIN IN THE FLOODWAY (This Additional Consideration applies to the preceding 1 Property.)

A portion of this property is located within the Special Flood Hazard Area and the National Flood Insurance Program (NFIP) regulatory floodway for the flooding source indicated on the Determination/Comment Document while the subject of this determination is not. The NFIP regulatory floodway is the area that must remain unobstructed in order to prevent unacceptable increases in base flood elevations. Therefore, no construction may take place in an NFIP regulatory floodway that may cause an increase in the base flood elevation, and any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management. The NFIP regulatory floodway is provided to the community as a tool to regulate floodplain development. Modifications to the NFIP regulatory floodway must be accepted by both the Federal Emergency Management Agency (FEMA) and the community involved. Appropriate community actions are defined in Paragraph 60.3(d) of the NFIP regulations. Any proposed revision to the NFIP regulatory floodway must be submitted to FEMA by community officials. The community should contact either the Regional Director (for those communities in Regions I-IV, and VI-X), or the Regional Engineer (for those communities in Region V) for guidance on the data which must be submitted for a revision to the NFIP regulatory floodway. Contact information for each regional office can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/about/regoff.htm>.


FILL RECOMMENDATION (This Additional Consideration applies to the preceding 1 Property.)

The minimum NFIP criteria for removal of the subject area based on fill have been met for this request and the community in which the property is located has certified that the area and any subsequent structure(s) built on the filled area are reasonably safe from flooding. FEMA's Technical Bulletin 10-01 provides guidance for the construction of buildings on land elevated above the base flood elevation through the placement of fill. A copy of Technical Bulletin 10-01 can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/mit/tb1001.pdf>. Although the minimum NFIP standards no longer apply to this area, some communities may have floodplain management regulations that are more restrictive and may continue to enforce some or all of their requirements in areas outside the Special Flood Hazard Area.

REVISED BY LETTER OF MAP REVISION (This Additional Consideration applies to the preceding 1 Property.)

The effective National Flood Insurance Program map for the subject property, has since been revised by a Letter of Map Revision (LOMR) dated 5/24/2018. The 5/24/2018 LOMR has been used in making the determination/comment for the subject property.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.


Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Schedule B

City of Stamford, Connecticut
URBAN REDEVELOPMENT COMMISSION
Office of Economic Development
888 Washington Boulevard

RESOLUTION NO. 2023-1

CONCERNING THE RECOMMENDATION OF APPROVAL FOR ZONING BOARD APPLICATION NO. 222-32

WHEREAS, the City of Stamford, Connecticut, Urban Redevelopment Commission (the "Commission") has been empowered in accordance with the provisions of Chapter 130 of the General Statutes of the State of Connecticut and the Code of Ordinances of the City of Stamford, Connecticut, to prepare, approve and carry out redevelopment and renewal plans within the City of Stamford; and

WHEREAS, the redevelopment of the property commonly known as 100 Clinton Avenue, Stamford, Connecticut (the "Property") is subject to the standards and procedures contained in the redevelopment and renewal plan known as the Mill River Corridor Project Plan (the "Plan"), as amended by the Commission; and

WHEREAS, CP VIII 100 Clinton LLC has filed land use applications with the Zoning Board of the City of Stamford ("Application No. 222-32") to redevelop the Property with two (2) seven-story residential buildings containing a total of 471 apartment homes and associated site improvements; and

WHEREAS, the Commission, in accordance with Sections 402 and 404 of the Plan reviewed Application No. 222-32 at its regular meeting held on Thursday, January 12, 2023; and

WHEREAS, the Commission finds Application No. 222-32 is in keeping with the goals, objectives, and purpose of the Plan; and

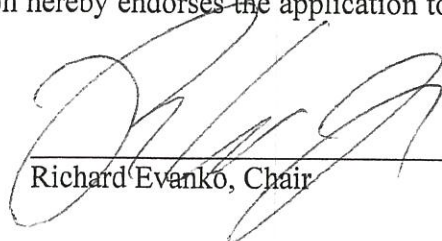
WHEREAS, the Commission finds Application No. 222-32 is consistent with the Stamford Mill River Corridor Design Guidelines; and

WHEREAS Application No. 222-32 will: (i) substantially increase the inventory of quality housing within walking distance of the central business district and the Stamford Transportation Center; (ii) create active and attractive urban streetscapes appropriate to the location; and (iii) locate and arrange residential redevelopment to enhance the use and security of the area's public open space.

NOW, THEREFORE, be it resolved that:

The Commission finds Application No. 222-32 is fully consistent with the provisions and objectives of the Plan, and the Commission hereby endorses the application to the Zoning Board for approval.

Approved By:


Richard Evanko, Chair

Schedule C

MAYOR
CAROLINE SIMMONS



DIRECTOR OF OPERATIONS
MATTHEW QUIÑONES

LAND USE BUREAU CHIEF
RALPH BLESSING
(203) 977-4714

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

January 13, 2023

Lisa L. Feinberg
Carmody Torrance Sandak & Hennessey LLP
1055 Washington Blvd., 4th Floor
Stamford, CT 06901-2218

Re: **Application 222-32 –CP VIII 100 Clinton, LLC, 0,100,102 Clinton Avenue, 29, 31, 37, 41 Division Street, and Parcel N-1 (“Block A”) and 75,79,99,101,107,113 Clinton Avenue and 0,1,4,6,10,17,19,25 Division Street (“Block B’)** (collectively, the **“Property”**). **Applications for General Development Plan, Site and Architectural Plans and/or Requested Uses and a Coastal Site Plan Review** – Proposing to construct two residential buildings totaling 471 units with 453± total parking spaces and associated amenities, landscaping, drainage and utility infrastructure. The property is located with the CAM boundary.

Dear Attorney Feinberg,

We reviewed the architectural and landscape plans submitted by your team including the architectural plan set prepared by Lessard Design dated September 28, 2022 and landscape plans prepared by Lee and Associated Inc. dated September 28, 2022. The project plans present a thoughtful design scheme for this large site through the use of building setbacks, articulation and use of a variety of materials. The proposed plans address our previous comments made during the pre-application meetings including enhancing the Clinton Avenue frontage of Block A and B by increasing amenity and lobby space and adding other non-parking areas to this frontage to minimize inactive space. The building activates the waterfront frontage as well as the northern frontage by having ground level units accessible directly from the street.

Please see the comments below on the current plans as discussed at the meeting held on January 11, 2023.

Elevations

1. While the current plans include several techniques to break the façade to reduce the perception of bulk, staff recommends varying the color tones for one or more of the ‘sections’ of the building along Clinton Avenue to reduce repetition of the pattern.
2. We also recommend varying the color tones for portions of the building situated in Block A to add visual interest.
3. Please note the building height and floor heights on all elevations.

4. Note floor level of the terrace on the floor plans and landscape plans.
5. Provide specifications/alternative treatments for any proposed vents for mechanical systems on the façade.

Landscape plans

6. Provide detail of the plantings along the pedestrian access to the waterfront (along the northern property line of Block B) including specifications for buffer planting, perennial planting.
7. Provide a perspective view and section view of the pedestrian access area along the northern property line.
8. We recommend landscaping the area between the building and the concrete sidewalk along Clinton Avenue on Block A and to extend the planted area along the building along Block B to cover the frontage along Clinton Avenue instead of the 'special paving' currently proposed.
9. We recommend replacing turf grass with natural grass on the amenity terraces.
10. Digital versions of the photometric plans are not legible. Please provide a higher resolution digital copy.
11. Add additional street lights along Clinton Avenue on both the west and east frontage for sufficient pedestrian lighting. Ensure that lights are aligned to the center of brick amenity strip for consistency.
12. Planting plan should show the height of all trees at planting and at maturity.
13. Show the location and size of the 'Usable Open Space' in an open space plan.
14. Show compliance with the street tree requirement.
15. Provide conceptual signage for the waterfront access on Clinton Avenue.

General comments

16. Provide the unit distribution along with the average floor area of the units of various type.
17. Provide the unit distribution of BMRs.
18. Please submit a Zoning Data Chart as a standalone document showing compliance with the requirements of the Mill River Design District.

As we review the application materials further, we may provide you with further comments. Please let us know if you have any questions regarding these comments and we look forward to your response.

Thank you,

Vineeta Mathur

Vineeta Mathur
Principal Planner

February 6, 2023

VIA ELECTRONIC

Ms. Vineeta Mathur
Principal Planner, Land Use Bureau
City of Stamford
888 Washington Boulevard
Stamford, Connecticut 06901
VMathur@StamfordCT.gov

**RE: ZB App No. 222-32: GDP Modification, Site Plan, and CAM Site Plan Applications (the “Applications”)
CP VIII 100 Clinton LLC (the “Applicant”)
0, 100, 102 Clinton Avenue, 29, 31, 37, 41 Division Street, and Parcel N-1 (“Block A”) (Parcel ID Nos. 000-7419, 000-5236, 001-7979, 000-0114, 002-4695, 000-7420, 000-7421, 004-4047) and 75, 79, 99, 101, 107, 113 Clinton Avenue and 0, 1, 4, 6, 10, 17, 19, 25 Division Street (Parcel ID Nos. 000-0970, 000-7252, 000-5252, 000-8940, 001-0862, 000-9006, 000-5088, 000-0187, 001-9314, 002-4699, 002-5791, 000-5087, 000-5086, 000-5076) (collectively, the Property’)**

Dear Ms. Mathur,

As you know, our firm represents the Applicant in the above-referenced Applications. The Applications relate to the construction of two (2), seven (7) story buildings on the east side of the Rippowam River between Tresser Boulevard and Richmond Hill Avenue. This project was originally approved by the Zoning Board in 2016 as a General Development Plan (“GDP”). At that time, the project consisted of 456 units. The current proposal modestly increases the density to 471 units.

As you are aware, a GDP approval vests the general massing and position of a building. However, it does not approve the design details. Those elements are part of the Final Site Plan approval. Nonetheless, at the time of the GDP approval, there was a concern that the final design of the building would reflect the renderings provided with the GDP. A copy of this rendering is attached. Thus, the Zoning Board included the following condition in the GDP approval:

Final Plans shall be consistent with the design guidelines entitled ‘Stamford Mill River Corridor Design Guidelines’ prepared by Sasaki Associates, as may be amended from time to time, subject to Zoning Board approval. In connection with Final Plan review, RBS or its successor developer, shall pay an amount not to

exceed \$20,000 (in 2016 dollars), for the review of the building(s) design by a consultant retained by the City of Stamford.

During preliminary discussions with the City, the Applicant was advised that a third-party review would not be necessary, provided the final design was thoughtful and met the requirements of the Design Guidelines. This would be determined by staff, who would conduct the review, as well as the Urban Redevelopment Commission (the "URC"), who is charged with administering the Mill River Corridor Project Plan. After seeing the proposed building, and obtaining a recommendation of approval from the URC, staff advised that payment for outside review would not be required. Please see attached rendering and URC resolution for reference.

I understand that this determination is subject to confirmation by the Zoning Board. Therefore, I am writing you now to ask that the Zoning Board consider this request in connection with its review of the Applications.

Thank you for your time and attention regarding this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Lisa Feinberg

Lisa L. Feinberg

Enc.

Cc: Ralph Blessing
Colin McClean

ARCHITECT & PLANNER
GOODING ARCHITECTURE
www.goodingarchitect.com
115 BRIDGE ST. 3RD FLOOR
STAMFORD CT 06902

DESIGNER



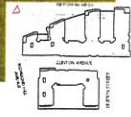
PROJECT NAME
RBS - CLINTON AVE
STAMFORD CT
OWNER
RBS
STAMFORD CT

VIEWING TITLE
BLOCKS 'A' & 'B'
PERSPECTIVE RENDERING

REVISION	02/24/16
BLOCK A REVISION	03/28/16
ZONING	07/14/16
FILE NUMBER	
NO.	
ISSUE/REVISION	DATE

DRAWING NUMBER
A5.11

1 PERSPECTIVE VIEW FROM BRIDGE LOOKING NORTHWEST



* NOTE: LANDSCAPE, EXISTING CONDITIONS, UTILITIES, SITE FEATURES, AND RIVERWALK ARE APPROXIMATE AND SHOWN FOR ILLUSTRATIVE PURPOSES ONLY AND MAY VARY AS THE PROJECT DEVELOPS. REFER TO LANDSCAPE FOR TREES AND LANDSCAPE INFORMATION.

lessard
DESIGN
8521 LEEBUNG PIKE, SEVENTH FLOOR, VIENNA, VA 22182
P: 571.830.1800 | F: 571.830.1801 | WWW.LESSARDDSIGN.COM

COVER
PERSPECTIVE RENDERING 1
FDP RESUBMISSION

THIS IS A PRELIMINARY RENDERING FOR ILLUSTRATIVE PURPOSES ONLY. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION SHOWN HEREIN. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY THE ARCHITECT.



100 CLINTON
STAMFORD, CT
CP VII 100 CLINTON, LLC

JAN 20, 2023
CIVIL ENGINEER'S MARKS ON
SEP 28, 2022
CML 002

A.01

City of Stamford, Connecticut
URBAN REDEVELOPMENT COMMISSION
Office of Economic Development
888 Washington Boulevard

RESOLUTION NO. 2023-1

CONCERNING THE RECOMMENDATION OF APPROVAL FOR ZONING BOARD APPLICATION NO. 222-32

WHEREAS, the City of Stamford, Connecticut, Urban Redevelopment Commission (the "Commission") has been empowered in accordance with the provisions of Chapter 130 of the General Statutes of the State of Connecticut and the Code of Ordinances of the City of Stamford, Connecticut, to prepare, approve and carry out redevelopment and renewal plans within the City of Stamford; and

WHEREAS, the redevelopment of the property commonly known as 100 Clinton Avenue, Stamford, Connecticut (the "Property") is subject to the standards and procedures contained in the redevelopment and renewal plan known as the Mill River Corridor Project Plan (the "Plan"), as amended by the Commission; and

WHEREAS, CP VIII 100 Clinton LLC has filed land use applications with the Zoning Board of the City of Stamford ("Application No. 222-32") to redevelop the Property with two (2) seven-story residential buildings containing a total of 471 apartment homes and associated site improvements; and

WHEREAS, the Commission, in accordance with Sections 402 and 404 of the Plan reviewed Application No. 222-32 at its regular meeting held on Thursday, January 12, 2023; and

WHEREAS, the Commission finds Application No. 222-32 is in keeping with the goals, objectives, and purpose of the Plan; and

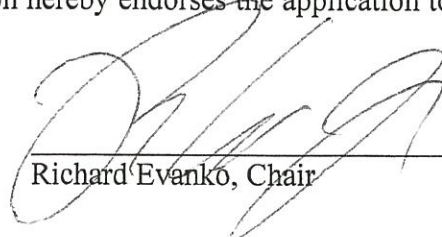
WHEREAS, the Commission finds Application No. 222-32 is consistent with the Stamford Mill River Corridor Design Guidelines; and

WHEREAS Application No. 222-32 will: (i) substantially increase the inventory of quality housing within walking distance of the central business district and the Stamford Transportation Center; (ii) create active and attractive urban streetscapes appropriate to the location; and (iii) locate and arrange residential redevelopment to enhance the use and security of the area's public open space.

NOW, THEREFORE, be it resolved that:

The Commission finds Application No. 222-32 is fully consistent with the provisions and objectives of the Plan, and the Commission hereby endorses the application to the Zoning Board for approval.

Approved By:


Richard Evankó, Chair

Schedule D

Jason A. Klein

From: Petise, Frank <FPetise@StamfordCT.gov>
Sent: Friday, February 3, 2023 3:56 PM
To: Jason A. Klein
Subject: [EXTERNAL] RE: ZB App. No. 222-32: Response to TTP Comments

Hi Jay,

That is correct, there are no outstanding items for TTP, we are all set.

Thanks,
Frank

Frank W. Petise, P.E.

Transportation Bureau Chief
City of Stamford
Transportation, Traffic & Parking
ph: 203-977-4124
m: 475-359-1729
fpetise@stamfordct.gov

See an issue? Let us know and track the progress:
www.stamfordct.gov/Fixit

From: Jason A. Klein [mailto:JKlein@carmodylaw.com]
Sent: Friday, February 3, 2023 3:49 PM
To: Petise, Frank
Subject: RE: ZB App. No. 222-32: Response to TTP Comments
Importance: High

Hey Frank,

Thanks for taking the time to connect a moment ago. I'm just confirming that there are no outstanding comments from TTP regarding ZB App. No. 222-32 for 100 Clinton Avenue. I believe we are all set, but just want to make sure before our hearing on Monday night. Thank you, Jay

From: Petise, Frank <FPetise@StamfordCT.gov>
Sent: Tuesday, January 17, 2023 12:35 PM
To: Jason A. Klein <JKlein@carmodylaw.com>; Buttenwieser, Luke <LButtenwieser@StamfordCT.gov>
Cc: Mathur, Vineeta <VMathur@StamfordCT.gov>; Lisa L. Feinberg <LFeinberg@carmodylaw.com>
Subject: [EXTERNAL] RE: ZB App. No. 222-32: Response to TTP Comments

Hi Jay,

We reviewed your submittal along with the letter from Lessard with regards to the ramp operation. Everything looks good to TTP.

Please let me know if you need anything else.

Thanks,
Frank

Frank W. Petise, P.E.

Transportation Bureau Chief

City of Stamford

Transportation, Traffic & Parking

ph: 203-977-4124

m: 475-359-1729

fpetise@stamfordct.gov

See an issue? Let us know and track the progress.

www.stamfordct.gov/Fixit

From: Jason A. Klein [<mailto:JKlein@carmodylaw.com>]
Sent: Tuesday, January 17, 2023 10:38 AM
To: Buttenwieser, Luke; Petise, Frank
Cc: Mathur, Vineeta; Lisa L. Feinberg
Subject: RE: ZB App. No. 222-32: Response to TTP Comments

Thanks Luke. I hope you all had a great weekend.

Can you confirm that TTP is comfortable with the ramp width as we discussed last week and as described in our materials filed last week? I'm also attaching a letter from our architect on the ramp operation.

Thank you, Jay

From: Buttenwieser, Luke <LButtenwieser@StamfordCT.gov>
Sent: Thursday, January 12, 2023 5:04 PM
To: Jason A. Klein <JKlein@carmodylaw.com>; Petise, Frank <FPetise@StamfordCT.gov>
Cc: Mathur, Vineeta <VMathur@StamfordCT.gov>; Lisa L. Feinberg <LFeinberg@carmodylaw.com>
Subject: [EXTERNAL] RE: ZB App. No. 222-32: Response to TTP Comments

Thanks Jay,

I can confirm the download of the files. We'll review and get back to you. Thanks.

Please note my new desk number: 203-977-1742

Luke Buttenwieser
City of Stamford
Transportation, Traffic & Parking
888 Washington Blvd., 7th Floor
Stamford, CT 06901

Office: (203) 977-**1742**

Cell: (203) 356-5789

Stamford has committed to zero roadway deaths by 2032.

Learn more about [Stamford Vision Zero](#)

From: Jason A. Klein <JKlein@carmodylaw.com>
Sent: Thursday, January 12, 2023 4:34 PM

To: Petise, Frank <FPetise@StamfordCT.gov>; Buttenwieser, Luke <LButtenwieser@StamfordCT.gov>
Cc: Mathur, Vineeta <VMathur@StamfordCT.gov>; Lisa L. Feinberg <LFeinberg@carmodylaw.com>
Subject: ZB App. No. 222-32: Response to TTP Comments

Frank & Luke:

Below is a secure link to our response to your comments regarding ZB App. No. 222-32 (100 Clinton Ave). Hard copies will be dropped off to both you and Vineeta either this evening or first thing tomorrow. Thank you, Jay

Citrix Attachments

2022.11.09 - 100 Clinton - Vehicle Tracking ...93).PDF	3.8 MB
2023.01.11 - 100 Clinton - Vehicle Tracking ...ons.pdf	1.2 MB
7258 Clinton Division Instersection Exhibit...66).PDF	178.5 KB
Response Letter to TTP Comments 1 12 23 ...10).PDF	2 MB
REVISED TDM - PMP Jan 2023 (S7479282)(1).PDF	6.1 MB
REVISED TDM - PMP Jan 2023 (S7479282).PDF	6.1 MB
REVISED Traffic Study Dec 2022 (S7479281).PDF	7.8 MB

[Download Attachments](#)

Jay Klein uses Citrix Files to share documents securely.

Jason A. Klein | [Bio](#)
Carmody Torrance Sandak & Hennessey LLP
1055 Washington Blvd., 4th Floor | Stamford, CT 06901-2218
Direct: [203-252-2669](tel:203-252-2669) | Fax: [203-325-8608](tel:203-325-8608)
JKlein@carmodylaw.com | www.carmodylaw.com

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Schedule E

December 5, 2022

Doug Dalena
Director of Legal Affairs
City of Stamford
888 Washington Blvd.
Stamford, CT 06901

RE: Notice of Default

Dear Attorney Dalena,

I represent CP VII 100 Clinton, LLC (“**Carmel**”), successor in interest to RBS Americas Property Corp. (“**RBS**”), and owner of properties located on the east bank of the Rippowam River subject to a certain agreement known as the “Completion Agreement” between RBS, the City of Stamford (the “**City**”) and Clinton Court – A Condominium Association, Inc., dated August 15, 2018 (the “**Completion Agreement**”). A copy of same is attached. Pursuant to Section 9 of the Completion Agreement, the City was obligated to design and construct, at its sole cost and expense, the Mill River Improvements (as defined in the Completion Agreement), within two (2) years from the Closing Date. The Closing Date was October 2, 2019. The City has neither designed nor constructed the Mill River Improvements to date.

Therefore, pursuant to Section 7(b) of the Completion Agreement, Carmel is providing written notice that the City has failed to perform its obligations under same and is in default. Please contact me immediately to discuss arrangements to cure this default.

Sincerely,

Lisa Feinberg

Lisa L. Feinberg

Cc: Thomas Cassone
Sandy Dennies

Schedule F

Letter of Intent for Completion of Mill River Improvements

The purpose of this non-binding letter of intent is to outline some of the terms under which the Owner of properties located on the east bank of the Rippowam River (namely, CP VIII 100 Clinton, LLC) is prepared to proceed with discussions regarding the design, permitting and construction of the Mill River Improvements as defined in a certain agreement known as the "Completion Agreement" between RBS Americas Property Corp., the City of Stamford (the "City") and Clinton Court – A Condominium Association, Inc., dated August 15, 2018 (the "**Completion Agreement**"), subject to entering into a settlement agreement.

Payment	The City will pay CP VIII 100 Clinton, LLC (" Carmel ") one million six hundred thousand dollars (\$1,600,000.00) to be used by Carmel for the exclusive purpose of designing, permitting and/or constructing the Mill River Improvements (the " City's Contribution ").
Permitting	The City will participate as a co-applicant on all necessary applications to permit the construction of the Mill River Improvements and assist with the expeditious processing of same.
Application Materials	Carmel will prepare all application materials, including application forms, plans and reports, at its sole cost and expense.
Cost Coverage	Carmel will fund all costs for the design, permitting and construction of the Mill River Improvements over and above the City's Contribution.
Design	Parties will work collaboratively on the design of the Mill River Improvements in consultation with the Mill River Collaborative.
Contingency	<p>Carmel's agreement to design, permit and construct the Mill River Improvements is expressly contingent upon Carmel obtaining approval of Appl. #222-32 with no objectionable conditions attached thereto, the expiration of all appeal periods with no appeal having been taken, or if an appeal has been taken, upon the full and final resolution of same, in a manner satisfactory to Carmel, in its sole and exclusive determination.</p> <p>Carmel acknowledges that the project requires approval by independent boards and commissions that are beyond the City's control to direct.</p>
Acknowledgment	The City acknowledges and confirms it is currently obligated to complete the design, permitting and construction of the Mill River Improvements and the completion of same by Carmel will result in a significant public benefit and substantial improvement to the City's mobility network.

**Non-binding
Nature**

The terms of this letter of intent are non-binding, are not intended to create a binding agreement, and neither party shall be entitled to any form of relief whatsoever based on such terms, including without limitation, injunctive relief or damages.

Owner:

CP VIII 100 Clinton, LLC

By: 

Print name: Lee Bloch

Title/Position: Duly Authorized

Date: 1/24/23

City:

City of Stamford

By: 

Print name: Douglas C. Dalena

Title/Position: Corporation Counsel

Date: 1/24/23

Schedule G

30TH BOARD OF REPRESENTATIVES CITY OF STAMFORD

President
MATTHEW QUINONES

Clerk of the Board
SUSAN NABEL

Majority Leader
RODNEY PRATT

Minority Leader
MARY L. FEDELI

RESOLUTION NO. 3882

APPROVAL OF DIRECTOR OF ADMINISTRATION'S FINAL REPORT DATED FEBRUARY 7, 2018 CONCERNING THE DISCONTINUANCE OF A PORTION OF DIVISION STREET, STAMFORD, CONNECTICUT, WEST OF CLINTON AVENUE, AND DIRECTING THAT SUCH DISCONTINUANCE BE CARRIED OUT

WHEREAS, at its meeting held August 4, 2015, the Board of Representatives of the City of Stamford adopted Resolution No. 3754 entitled "Notice Of Intent To Discontinue a Portion of Division Street, Street, Stamford, Connecticut" (the "Preliminary Resolution"); and

WHEREAS, pursuant to such Resolution and in accordance with City of Stamford Charter Sec. 8-60-3 and Stamford Code Sec 214-41, the Mayor has caused a report to be made on the contemplated discontinuance as described therein (the "Mayor's Report"); and

WHEREAS, the Director of Administration, following hearings as prescribed by Sections 8-60-4 of the Stamford Charter and 214-42 of the Stamford Code, has, pursuant to Charter Sec. 8-60-5 and Code Sec. 214-43 prepared and submitted to the Board of Representatives his Final Report dated February 7, 2018 on the probable cost of the discontinuance of Division Street, as more particularly described in the Preliminary Resolution, and the damages and benefits which should be assessed in favor of or against each property (the "Final Report").

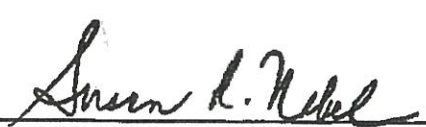
NOW THEREFORE, BE IT RESOLVED BY THE 30TH BOARD OF REPRESENTATIVES OF THE CITY OF STAMFORD THAT:

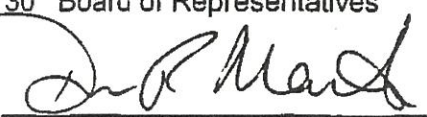
The Final Report is hereby accepted without modification; and

The Board of Representatives directs the proposed discontinuance of a portion of Division Street West of Clinton Avenue be carried out in accordance with the Mayor's Report and the Final Report.

This resolution was approved on the Consent Agenda at the regular monthly meeting of the 30th Board of Representatives held on Monday, March 5, 2018.


Matthew Quinones, President
30th Board of Representatives


Susan Nabel, Clerk
30th Board of Representatives


Approval - Mayor David R. Martin
Dated this 13 of March, 2018

INST# 2018004466 VOL 11910 PG 102 RECD 03/14/2018 10:56:49 AM
LYDA RUIJTER CITY & TOWN CLERK STAMFORD CT
BLOCK 7



Resolution No. 3882

March 5, 2018

Page 2

cc: Mayor David R. Martin
Ernie Orgera, Director of Operations
Michael Handler, Director of Administration
Kathryn Emmett, Esq., Law Department
Ted Jankowski, Director of Public Safety, Health & Welfare
Jay Fountain, Director of OPM
Thomas Madden, Director of Economic Development
Lyda Ruijter, Town & City Clerk
Thomas Cassone, Esq.
Lisa Feinberg, Esq.

Schedule H



INSTR # 2019015610
VOL 12232 PG 12
RECORDED 10/07/2019 12:47:10 PM
LYDA RUIJTER
CITY & TOWN CLERK STAMFORD CT
BLOCK 6 7
NO CONVEYANCE TAX

BLOCK NO. 6 & 7

RECORD AND RETURN TO:
Carmody Torrance Sandak & Hennessey LLP
Attention: Patrick J. Hanna
707 Summer Street, 3rd Floor
Stamford, Connecticut 06901

QUIT CLAIM DEED

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME GREETING:

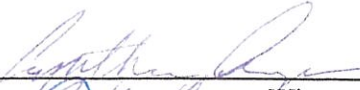
KNOW YE, that **The City of Stamford**, a political subdivision of the State of Connecticut having an office at 888 Washington Boulevard, Stamford, Connecticut (the “**Grantor**”), for the consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration received to its full satisfaction of **RBS Americas Property Corp.**, a corporation organized and existing under the laws of the State of Delaware having an office at 600 Washington Boulevard, Stamford, Connecticut (the “**Grantee**”), does remise, release and forever conveys **WITH QUITCLAIM COVENANTS** unto said Grantee and its successors and assigns forever, all right, title, claim and demand whatsoever as said Grantor has or ought to have in or to the property shown and described in the Schedule “A” attached hereto and made a part hereof.

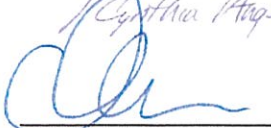
[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

[SIGNATURES AND ACKNOWLEDGEMENT ON THE FOLLOWING PAGE]

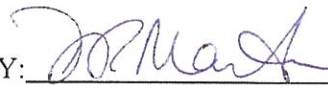
IN WITNESS WHEREOF, the Grantor has executed this Deed on the date noted below in the presence of:

CITY OF STAMFORD



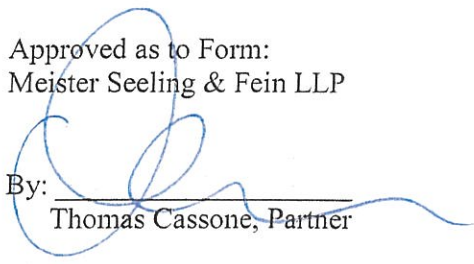
Cynthia Hooper, Witness


Thomas M. Cassone, Witness

BY: 

Name: David R. Martin
Title: Its Duly Authorized Mayor

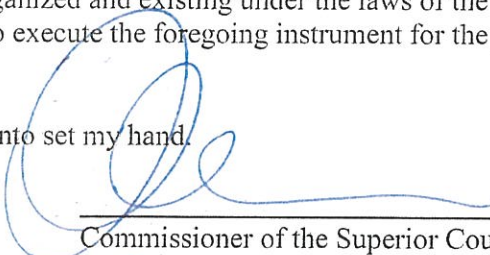
Approved as to Form:
Meister Seeling & Fein LLP


By: _____
Thomas Cassone, Partner

STATE OF CONNECTICUT }
 } ss.: Stamford
COUNTY OF FAIRFIELD }
 }

On this 26 day of SEPTEMBER 2019, personally appeared David R. Martin, the Mayor of the City of Stamford, a municipality organized and existing under the laws of the State of Connecticut, and that he is authorized to execute the foregoing instrument for the purposes therein contained.

In witness whereof I have hereunto set my hand.



Commissioner of the Superior Court/Notary-Public
Thomas M. Cassone

SCHEDULE A

Division Street Discontinuance
Perimeter Description

Beginning at a point on the westerly side of Clinton Avenue at its intersection with the northerly side of Lot 6 as depicted on Map 114 of the Stamford Land Records (S.L.R.);

running thence in a westerly direction along the northerly side of Lots 6, 7, 8, 9 and 10, on said Map 114 S.L.R., S 89° 40' 00" W a distance of 200.68 feet; and S 89° 22' 48" W a distance of 84.8 feet more or less to the Mean High Water (MHW) line of the Rippowam River;

running thence generally northerly along said MHW 51.6 feet more or less to land of RBS Greenwich Capital Property Acquisition Corp described in Bk. 9393 on Page 214 S.L.R.;

running thence in an easterly direction along lands of RBS Greenwich Capital Property Acquisition Corp described in Bk. 9393 on Pages 206, 210, 214 and 216 S.L.R.;
N 89° 40' 00" E a distance of 304.4 feet more or less to the aforesaid westerly side of Clinton Avenue;

running thence in a southerly direction along the aforesaid southerly side of Clinton Avenue S 01° 19' 17" E a distance of 46.51 feet to the Point of Beginning

Subject to:

1. A public access easement in favor of Grantor, its successors, heirs and assigns, to be recorded in the Stamford Land Records

Schedule I



INSTR # 2019015613
 VOL 12232 PG 21
 RECORDED 10/07/2019 12:47:10 PM
 LYDA RUIJTER
 CITY & TOWN CLERK STAMFORD CT
BLOCK 6 7
 NO CONVEYANCE TAX

BLOCK NO. 6 & 7

RECORD AND RETURN TO:
Carmody Torrance Sandak & Hennessey LLP
Attention: Patrick J. Hanna
707 Summer Street, 3rd Floor
Stamford, Connecticut 06901

PUBLIC ACCESS EASEMENT AND AGREEMENT

This Agreement entered into this 2nd day of October, 2019 by and between **RBS Americas Property Corp.**, a corporation organized and existing under the laws of the State of Delaware having an office at 600 Washington Boulevard, Stamford, Connecticut (hereinafter referred to as “Grantor”) and the **City of Stamford**, a municipality organized and existing under the laws of the State of Connecticut and having an address of 888 Washington Boulevard, and lying within the County of Fairfield and State of Connecticut, acting herein by its duly authorized Mayor, David R. Martin (hereinafter called “City” or “Grantee”).

WITNESSETH:

WHEREAS, Grantor is the owner of property on the westerly side of Clinton Avenue and the northerly and southerly side of Division Street, Stamford, Connecticut, which property is described in the attached Exhibit A (the “Property”); and,

WHEREAS, the City has a plan to construct a path, termed a “Riverwalk” along portions of the Mill River, including along that portion of the Property which is directly adjacent to the Mill River; and,

WHEREAS, pursuant to a certain Completion Agreement between Grantor, the City and Clinton Court – A Condominium Association, Inc. dated August 15, 2018, Grantor agreed to provide an easement to the City for a proposed, future Riverwalk to be located in the rear of the Property along the Mill River; and,

WHEREAS, Grantor and the City now desire to enter into a Public Access Easement and Agreement to allow such future usage as hereinafter described.

NOW THEREFORE, for Ten (\$10.00) Dollars and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Grant of Easement. Grantor does hereby give, grant and convey unto the City a non-exclusive easement, in common and together with Grantor and such other persons or grantees as may hereinafter be given by Grantor, or to whom may hereafter be conveyed by Grantor, a similar non-exclusive easement, on, across and over those portions of the Property demarcated as “Public Access Easement P-2”, “Public Access Easement P-3”, “Public Access Easement P-4”, “Public Access Easement P-5”, “Public Access Easement P-6”, “Public Access Easement P-7”, “Public Access Easement P-8”, and “Public Access Easement P-9”, on a certain map titled “Easement Map Depicting Public Access Easements to be Granted to the City of Stamford and Construction Easement on Lands of Clinton Court Condominium” which map was prepared by Redniss & Mead, Inc. and is dated August 6, 2019, and is attached hereto and made a part hereon as Exhibit B, in order to allow the general public usage of a Riverwalk along the Mill River (hereinafter referred to as “Riverwalk Easement Area”), subject to the terms, conditions and limitations hereinafter contained and further subject to any matters existing of record.

2. Commencement Date of Easement. The right granted herein of the public to access and utilize the Riverwalk Easement Area shall not commence until such time as: 1) the City, at its sole cost and expense, obtains all necessary local, state and federal approvals necessary to construct the Riverwalk; and 2) the City, at its sole cost and expense, constructs the Riverwalk improvements.

3. Terms and Conditions. Grantor hereby conditions this easement and the City, for itself, its successors and the general public, accepts this easement herein granted, subject to the matters, restrictions, agreements, limitations and understandings described above and, upon the commencement of the easement, also to the following:

a. Unless otherwise modified by Section 9 of the Completion Agreement, the City shall be responsible for the construction of the Riverwalk, including that portion on the Property and within the Riverwalk Easement Area, as well as any permitting required to construct the Riverwalk. The City shall have the right and authority to make, in its name, any necessary applications for required permits to construct the Riverwalk within the Riverwalk Easement Area and any such application(s) shall be provided to Grantor at least fifteen (15) days prior to submittal. Grantor may object to same only if the design proposal by the City imperils the value of the Property by virtue of modification of flood elevations or some other design feature which causes a legitimate concern regarding the approved design of the existing/future building(s) on the Property or the safety of said building(s) or its occupants. The City shall have the further right to access the western portion of the Property, in a commercially reasonable fashion, and after written notice to Grantor, to construct such Riverwalk within the Riverwalk Easement Area. The City and its agents and/or contractors shall comply with all Federal, State and Local laws and regulations pertaining to such construction as are in effect from time to time. The City shall utilize only reputable contractors for construction of the Riverwalk and all such contractors shall be fully insured by reputable insurance carriers and provide Grantor with evidence that the City is named as an additional insured on said policy in the amount of not less than \$2,000,000.00 for property damage and \$5,000,000.00 for personal injury. The City shall use its best efforts to minimize disruption to the remainder of the Property outside of the Riverwalk Easement Area during such construction and shall be responsible to Grantor for the prompt repair of any damage caused to the Property.

b. The Riverwalk Easement Area may be used by the general public but shall be limited to the purposes of passage and re-passage (as well as normal and customary respite sitting and viewing) and for limited passive recreation by members of the public traveling on foot, bicycle or such other motorized or non-motorized devices not creating a nuisance, danger and allowed generally within City of Stamford's Mill River Park.

c. Grantor shall have the right, but no obligation, to promulgate and enforce reasonable rules and regulations regarding use of the Riverwalk Easement Area including, but not limited to prohibitions on:

- (i) sound transmission or sound amplification devices;
- (ii) cooking of food and/or use of any cooking device;
- (iii) launching of boats;
- (iv) use of alcohol or illegal drugs;
- (v) littering;
- (vi) playing football or any other game of ball or throwing stones, snowballs or any other thing liable to injure a person or property;
- (vii) nudity, obscenity, prostitution;
- (viii) use of the area to walk pets except if such pets are domestic pets on leashes; including that Grantor may require that pet owners clean up any droppings left by pets;
- (viii) activities promoting any commercial, non-commercial, religious, political or social cause or entity of any sort, including by way of example and not limitation:
 - (1) the solicitation of business or the posting or distribution of handbills, leaflets, or posters of any sort;
 - (2) demonstrations or gatherings for political purposes.

Grantor reserves the right, subject to review and approval by the City's Land Use Bureau, reasonably exercised, to promulgate such other reasonable rules and regulations regarding the conduct of individuals within the Riverwalk Easement Area not expressly set forth above. It is understood by both Grantor and the City that any rule or regulation shall be designed to assure the use and enjoyment of the Riverwalk Easement Area by the general public as a passive portion of the Mill River Park and to prevent nuisance or damage to the improvements in and on the Riverwalk Easement Area and to ensure that no activity taking place on the Riverwalk Easement Area interferes with Grantor's use of its residential building for its intended purposes and does not interfere with Grantor's quiet enjoyment and reasonable use of that building.

d. Grantor shall have the right, but no obligation, to enforce any rule or regulation regulating the Riverwalk Easement Area and to supervise the Riverwalk Easement Area as it relates to use by members of the general public and to exclude from the Riverwalk Easement Area any individual:

- (i) misusing same;
- (ii) creating a disturbance thereon;
- (iii) conducting any illegal activity;
- (iv) doing damage thereto or not conducting himself or herself in accordance with commonly accepted standards of decency and good conduct. Grantor shall not purposely and unreasonably discriminate against members of the public when supervising or enforcing commonly accepted standards of decency and good conduct.
- (v) violating any established rule or regulation regarding conduct on the Riverwalk Easement Area.

e. It is recognized and acknowledged by Grantor and the City that the Riverwalk Easement Area is intended to function as a portion of the City's public park known as the Mill River Park. Upon commencement of the easement rights granted herein as provided in Paragraph 2 above, the hours of use of the Easement Area shall coincide with those the City establishes for portions of the Mill River Park adjacent to the Riverwalk Easement Area. Grantor reserves the right to request from the City authorization to physically gate or close access to the Riverwalk Easement Area at the expiration of such access hours, upon a reasonable showing that such gate or closure is necessary.

f. Grantor reserves the right to install directional and informational signage with respect to the usage, rules and regulations of the Riverwalk Easement Area. Any such signage shall be subject to review and approval, reasonably exercised, by the City's Land Use Bureau.

g. Notwithstanding anything contained herein, Grantor reserves the right to temporarily prohibit access to all or a portion of the Riverwalk Easement Area:

- (i) when closure is required due to weather;
- (ii) when closure is required due to any condition (including, without limitation, any actual or perceived threat of violence or any other threat to the safety of the public), which Grantor determines, in its reasonable discretion, renders use of the Riverwalk Easement Area or its facilities unsafe;
- (iii) on the advice of legal counsel as necessary to avoid the abandonment of its ownership or rights to the City or the public generally; or
- (iv) in order to perform:
 - (1) necessary alterations, repairs, maintenance or landscaping;
 - (2) snow removal;
 - (3) construction of improvements on or adjacent to the Riverwalk Easement Area;
 - (4) security alerts; or
 - (5) fire, emergency or disaster recovery.

Provided however; in each instance the closure shall not be for a period of time longer than is reasonably necessary under the circumstance.

h. The City agrees to maintain, at its sole cost, all improvements and landscaping and shall keep the Riverwalk Easement Area reasonably clear of obstructions, dirt, debris, snow, ice and anything else that may impair its safe and convenient use by members of the public.

i. Grantor shall not be responsible for any costs associated with any such maintenance activities. The City hereby represents that based on the City's current Schedule of Insurance, the City maintains a general liability insurance policy and is self-insured up to \$1 million and has excess umbrella insurance coverage of \$10 million and \$25 million, and that such insurance coverage will cover any maintenance of the Riverwalk Easement Area.

j. The City is authorized to place a sign, that is a standard size consistent with other City public easement signage, at an appropriate location in the Riverwalk Easement Area, stating that the area is subject to a public access easement. The City agrees that maintenance of such signage shall be the responsibility of the City and that such signage will be consistent with signage of the Mill River Park and Riverwalk.

k. The City agrees that by accepting and recording this document that it will reasonably cooperate with Grantor in any of the Grantor's activities as they relate to the use of the Riverwalk Easement Area by members of the general public and the exercise of the Grantor's rights as herein set forth, and as it relates to enforcement of the rules and regulations which may be established by Grantor and to enforce same against the general public as Grantor may from time to time request.

l. Grantor and the City recognize and agree that the area subject to the easements granted herein remain the private property of Grantor and that Grantor may use such areas consistent with its rights as a private property owner so long as it does not prevent the public from exercising its non-exclusive rights granted herein.

m. Notwithstanding anything in this easement to the contrary, and pursuant to Conn. Gen. Stat. §52-557g, in no event shall Grantor be held liable by reason hereof for (i) the behavior or conduct of any member of the public, (ii) policing such conduct or (iii) safeguarding the health, safety or welfare of any person accessing or using the Riverwalk Easement Area. The failure of Grantor to exercise any or all of its rights and powers for any period of time, however long or indefinite shall not (i) be deemed a waiver of the right to exercise any or all of such rights and powers at any subsequent time or (ii) give rise to any liability to any person. It is not the intention of Grantor and the City to impose upon the City, by virtue of this easement any duty of care or other rights in favor of any member of the general public or user of the Riverwalk Easement Area. This easement shall not vest the general public or any member thereof with any right or privilege or any cause of action due to any breach or violation hereof.

n. The words "Grantor" and "City" shall be deemed to include successors and assigns where the context so requires or permits but shall not include and shall not extend to the right of the City to assign rights beyond those designated to the general public.

o. This easement shall run with the Property in perpetuity.

p. Each party hereby agrees to defend, indemnify, and hold harmless the other party from and against all costs, expenses (including reasonable attorneys' fees) judgement, losses and causes of action related to personal injury, death or property damage caused directly or indirectly by the acts or omissions of the indemnifying party or such party's employees, agents or contractors in the exercise of any rights or duties provided herein.

q. Each of the parties represents and warrants that it has the full capacity, right, power and authority to execute, deliver and perform this Public Access Easement and Agreement and that all required actions, consents and approvals therefor have been duly taken and obtained or will be taken and obtained prior to the commencement of any construction activity by the City in the Riverwalk Easement Area.

r. This Public Access Easement and Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all such counterparts shall constitute one and the same instrument.

[Signatures and Acknowledgements on the following page(s)]

TO HAVE AND TO HOLD, the said granted and bargained rights and easement to the City of Stamford forever, to its own proper use and behoof.

In witness whereof Grantor and Grantee have caused these presents to be executed by a duly authorized individual on this date and year first above written.

Signed, sealed and delivered
in the presence of:

WITNESS

Rural G. McIlarty
Name:

WITNESS

[Signature]
Name:

WITNESS

Name:

WITNESS

Name:

GRANTOR

RBS Americas Property Corp.

By: [Signature]
Name: ROONEY COLEMAN
Title: , Duly Authorized
MANAGING DIRECTOR
+ CHIEF FINANCIAL
OFFICER

GRANTEE

City of Stamford

By: _____
David R. Martin
Its Duly Authorized Mayor

Approved as to Form:
Meister Seeling & Fein LLP

By: _____
Thomas Cassone, Partner

STATE OF CONNECTICUT)
) ss: Stamford
COUNTY OF FAIRFIELD)

On this 21 day of September, 2019, personally appeared
Rodney Coleman, the CFO/MP of RBS Americas Property Corp., a Delaware
Corporation, duly authorized, who acknowledged that he/she signed, sealed and delivered the above
and foregoing instrument as his/her free act and deed, and the free act and deed of said corporation,
before me.



In witness whereof I hereunto set my hand.

[Signature]

Notary Public / Commissioner of the Superior Court
Date Commission Expires:

STATE OF CONNECTICUT)
) ss: Stamford
COUNTY OF FAIRFIELD)

On this _____ day of _____, 2019, before me, the undersigned officer, personally
appeared the Honorable David R. Martin, who acknowledged himself to be the Mayor of the
City of Stamford, a municipality organized and existing under the laws of the State of
Connecticut, and that he is authorized to execute the foregoing instrument for the purposes
therein contained.

In witness whereof I hereunto set my hand.

Notary Public / Commissioner of the Superior Court
Date Commission Expires:

TO HAVE AND TO HOLD, the said granted and bargained rights and easement to the City of Stamford forever, to its own proper use and behoof.

In witness whereof Grantor and Grantee have caused these presents to be executed by a duly authorized individual on this date and year first above written.

Signed, sealed and delivered
in the presence of:

GRANTOR

RBS Americas Property Corp.

WITNESS

By: _____

Name:

Name: _____
Title: _____, Duly Authorized

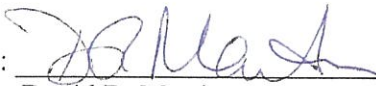
WITNESS

Name:

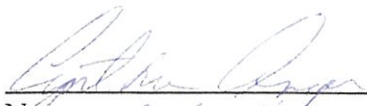
GRANTEE

City of Stamford

WITNESS

By: 


David R. Martin
Its Duly Authorized Mayor



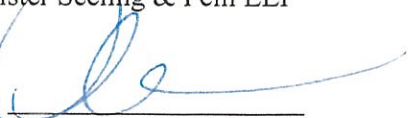
Name: Cynthia Hager

WITNESS

Approved as to Form:
Meister Seeling & Fein LLP



Name:

By: 

Thomas Cassone, Partner

STATE OF CONNECTICUT)
) ss: Stamford
COUNTY OF FAIRFIELD)

On this ____ day of _____, 2019, personally appeared _____, the _____ of RBS Americas Property Corp., a Delaware Corporation, duly authorized, who acknowledged that he/she signed, sealed and delivered the above and foregoing instrument as his/her free act and deed, and the free act and deed of said corporation, before me.

In witness whereof I hereunto set my hand.

Notary Public / Commissioner of the Superior Court
Date Commission Expires:

STATE OF CONNECTICUT)
) ss: Stamford
COUNTY OF FAIRFIELD)

On this 26 day of SEPTEMBER, 2019, before me, the undersigned officer, personally appeared the Honorable David R. Martin, who acknowledged himself to be the Mayor of the City of Stamford, a municipality organized and existing under the laws of the State of Connecticut, and that he is authorized to execute the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.

[Handwritten signature in blue ink]

Notary Public / Commissioner of the Superior Court
Date Commission Expires:

EXHIBIT A

4 Division Street:

All that certain piece, parcel or tract of land, with the buildings and improvements thereon, situated in the City of Stamford in the County of Fairfield and State of Connecticut, bounded and described as follows:

NORTHERLY: 53.75 feet by land now or formerly of Evelyn Waterbury;
EASTERLY: 121.90 feet by land now or formerly of Bella Webski et al;
SOUTHERLY: 50.00 feet by Division Street; and
WESTERLY: 125.87 feet by the Mill River.

EXCEPTING THEREFROM, All that certain lot of land, with the buildings thereon, situated in the City of Stamford, in the County of Fairfield, and State of Connecticut, shown and delineated as "Parcel PK-1" on a certain map entitled, "Property Survey Depicting Parcels to be conveyed to Clinton Court Condominium by RBS Americas Property Corp. and Drainage Easements in favor of The City of Stamford", by Redniss & Mead dated August 6, 2019 and recorded as Map No. 15076.

1 Division Street:

All that certain piece, parcel or tract of land, with the buildings and improvements thereon, situated in the City of Stamford in the County of Fairfield and State of Connecticut, known and designated as Lot Numbered Ten (10) on a certain map entitled "Map of Est. Jos. H. Webb, Dec'd Surveyed Sept. 1897 Wm. B. Cochrane C.E.", now on file in the office of the town clerk of said Stamford and numbered 114, reference thereto being had; said premises bounded:

NORTHERLY: 64.2 feet by Division Street;
EASTERLY: 133 feet by land now or formerly of CT Newspapers, Inc;
SOUTHERLY: 28 feet by land now or formerly of Roscoe Davis; and
WESTERLY: 136 feet by Mill River.

99 Clinton Avenue:

All that certain piece, parcel or tract of land, with the buildings and improvements thereon, situated in the City of Stamford in the County of Fairfield and State of Connecticut, bounded and described as follows:

NORTHERLY: 229.2 feet by land now or formerly of Abram Danziger, Anthony L. Bivona, et al, Joseph Krupiarz, et ux and Michael Albrizio, et ux, each in part;
EASTERLY: 50.0 feet by Clinton Avenue;

SOUTHERLY: 212.5 feet by land now or formerly of Vernall Goodwin, et al;
and

WESTERLY: 53.4 feet by Mill River.

101 Clinton Avenue:

All that certain piece, parcel or tract of land, with the buildings and improvements thereon, situated in the City of Stamford in the County of Fairfield and State of Connecticut, bounded and described as follows:

NORTHERLY: 212.5 feet, more or less, by land of Pasquale Pimpinella;

EASTERLY: 570 feet by Clinton Avenue;

SOUTHERLY: 195 feet, more or less, by land of Joseph Laganza; and

WESTERLY: 61 feet, more or less, by Mill River.

107 Clinton Avenue:

All that certain piece, parcel or tract of land, with the buildings and improvements thereon, situated in the City of Stamford in the County of Fairfield and State of Connecticut, bounded and described as follows:

NORTHERLY: by land of Albert F. Cesarelli et al;

EASTERLY: 60 feet by Clinton Avenue;

SOUTHERLY: by land of Stanley Grabowski, et al; and

WESTERLY: by Mill River.

113 Clinton Avenue:

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, and bounded Northerly by land now or formerly of Stanley Ziezabitoski et al; Easterly 60 feet by Clinton Avenue; southerly by land now or formerly of Antonia C. Bondi and Westerly by the Rippowam or Mill River.

0 Division Street:

ALL THAT certain piece, parcel or tract of land, together with the buildings and improvements thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut, known and designated as Lot Numbered Nine (9) on a certain map entitled, "Map of Est. of Jos. H. Webb, Dec'd Surveyed September 1897, W. B. Cochrane, C.E.", which map is in the office of the Town and City Clerk of the said City of Stamford as the Map Numbered 114, reference thereto being hereby

had. Said premises are bounded Northerly 50 feet by Division Street; Easterly 133 feet, more or less, by Lot Eight (BJ as shown on the aforesaid map; Southerly 50 feet by land now or formerly of Pasquale Pimpinella; and Westerly 133 feet, more or less, by land now or formerly of Michael Albrizio, et ux.

Division Street:

Beginning at a point on the westerly side of Clinton Avenue at its intersection with the northerly side of Lot 6 as depicted on Map 114 of the Stamford Land Records (S.L.R.);

running thence in a westerly direction along the northerly side of Lots 6, 7, 8, 9 and 10, on said Map 114 S.L.R., S 89° 40' 00" W a distance of 200.68 feet; and S 89° 22' 48" W a distance of 84.8 feet more or less to the Mean High Water (MHW) line of the Rippowam River;

running thence generally northerly along said MHW 51.6 feet more or less to land of RBS Greenwich Capital Property Acquisition Corp described in Bk. 9393 on Page 214 S.L.R.;

running thence in an easterly direction along lands of RBS Greenwich Capital Property Acquisition Corp described in Bk. 9393 on Pages 206, 210, 214 and 216 S.L.R.; N 89° 40' 00" E a distance of 304.4 feet more or less to the aforesaid westerly side of Clinton Avenue;

running thence in a southerly direction along the aforesaid southerly side of Clinton Avenue S 01° 19' 17" E a distance of 46.51 feet to the Point of Beginning

EXHIBIT B

[map of Riverwalk Easement Area]

Schedule J

Jason A. Klein

From: Petise, Frank <FPetise@StamfordCT.gov>
Sent: Tuesday, February 14, 2023 4:43 PM
To: Jason A. Klein
Subject: [EXTERNAL] RE: 100 Clinton Ave - Original GDP Condition No. 10

Hi Jay,

Yes, I concur with your email below as it pertains to the access pathway. Please let me know if you need anything else.

Thanks,
Frank

Frank W. Petise, P.E.

Transportation Bureau Chief
City of Stamford
Transportation, Traffic & Parking
ph: 203-977-4124
m: 475-359-1729
fpetise@stamfordct.gov

See an issue? Let us know and track the progress.
www.stamfordct.gov/Fixit

From: Jason A. Klein [mailto:JKlein@carmoditylaw.com]
Sent: Monday, February 13, 2023 4:35 PM
To: Petise, Frank
Subject: 100 Clinton Ave - Original GDP Condition No. 10

Frank,

I hope you are doing well. As we discussed, the Zoning Board has asked that we confirm the status of the conditions to the original GDP Approval for 100 Clinton Ave (Appl. 216-26).

Condition 10 of the original approval references comments by Robert Zaitooni dated July 26, 2016, which primarily concern the public access pathway along the northerly side of Block B connecting Clinton Avenue to the Rippowam River. I am writing to you to confirm that your department approves this accessway as currently proposed in Appl. 222-32, and supersedes the comments of Mr. Zaitooni. Specifically, the width of the access way varies from 8'-10' along the northerly side of Block B (including a 3'-5' planted buffer between Block B and the neighboring property at 69 Clinton Avenue). This will allow for the safe utilization of the path, and for appropriate screening for our neighbors to the north. The path will also be accessible by both pedestrians and bikers.

If you could confirm your approval of this facet of the project by replying to this email I would greatly appreciate it.
Thank you, Jay

Jason A. Klein | [Bio](#)
Carmody Torrance Sandak & Hennessey LLP
1055 Washington Blvd., 4th Floor | Stamford, CT 06901-2218

Direct: [203-252-2669](tel:203-252-2669) | Fax: [203-325-8608](tel:203-325-8608)
JKlein@carmodylaw.com | www.carmodylaw.com

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Schedule K

Jason A. Klein

From: Petise, Frank <FPetise@StamfordCT.gov>
Sent: Thursday, February 9, 2023 4:00 PM
To: Lisa L. Feinberg
Cc: Buttenwieser, Luke; Mathur, Vineeta; Blessing, Ralph; Jason A. Klein; Neil C. Olinski
Subject: [EXTERNAL] RE: 100 Clinton - GDP Condition 13

Good afternoon Lisa,

Yes, you are correct. Our comments dated November 22, 2022 to the Zoning Board supersede the original condition 13 of the 2016 GDP approval. We are not requesting any additional analysis related to a southbound turn-lane on Clinton or other traffic or pedestrian improvements beyond what was requested in our TTP Memo. Please let me know if you need anything else.

Thanks,
Frank

Frank W. Petise, P.E.

Transportation Bureau Chief
City of Stamford
Transportation, Traffic & Parking
ph: 203-977-4124
m: 475-359-1729
fpetise@stamfordct.gov

See an issue? Let us know and track the progress.
www.stamfordct.gov/Fixit

From: Lisa L. Feinberg [<mailto:LFeinberg@carmodylaw.com>]
Sent: Wednesday, February 8, 2023 1:10 PM
To: Petise, Frank
Cc: Buttenwieser, Luke; Mathur, Vineeta; Blessing, Ralph; Jason A. Klein; Neil C. Olinski
Subject: 100 Clinton - GDP Condition 13

Frank,

As we discussed, the Zoning Board has asked for confirmation that TTP intended for your comments dated November 22, 2022 (the TTP Memo") to supersede condition 13 of the attached 2016 GDP approval. In other words, TTP is not requesting any analysis related to a southbound turn-lane on Clinton or other traffic or pedestrian improvements beyond what was requested in the TTP Memo. As noted in the TTP Memo, the Applicant's agreement to undertake the City's obligation related to the riverwalk will significantly enhance the mobility network and outweigh any previously contemplated improvements.

If you are in agreement with the foregoing, please confirm same by replying to this email. In doing so, please note this will be added to the record for the pending ZB Appl. #222-32.

Best,

Lisa

Lisa L. Feinberg | [Bio](#)

Carmody Torrance Sandak & Hennessey LLP

1055 Washington Blvd., 4th Floor | Stamford, CT 06901-2218

Direct: [203-252-2677](tel:203-252-2677) | Fax: [203-325-8608](tel:203-325-8608)

LFeinberg@carmodylaw.com | www.carmodylaw.com

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