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August 19, 2016

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## **SOUNDKEEPER APPEALS STAMFORD ZONING BOARD DECISION ON 14-ACRE BOATYARD SITE**

### **Complaint Filed Against Zoning Board and BLT Asks Court to Void August 8 Approval**

Soundkeeper, Inc. has commenced an appeal of the Stamford Zoning Board's August 8, 2016 decision to approve an application by The Strand/BRC Group, LLC (an affiliate of Building & Land Technologies ("BLT")) to remove Condition 7 of the Harbor Point General Development Plan. Condition 7 requires BLT to maintain a full-service working boatyard on the 14-acre peninsula at the foot of Bateman Way in the south end of Stamford that was the site of the Yacht Haven West boatyard since the 1970s and other water-dependent uses for more than 100 years.

Soundkeeper's complaint was served on the Zoning Board and BLT on August 17, 2016. The complaint will be filed in Connecticut Superior Court. The Zoning Board and BLT must answer the complaint before October 4, 2016. Soundkeeper was an environmental intervenor in the Zoning Board proceeding.

The complaint alleges that the Zoning Board acted illegally, arbitrarily, capriciously, in abuse of discretion vested in it, and in violation of its own regulations and applicable state statutes because:

- a. the Zoning Board failed or refused to follow the City's zoning regulations;
- b. the SRD-S Zoning Regulations prohibit modification of the existing, viable, water-dependent boatyard use on the 14-acre peninsula, unless four mandatory prerequisites are satisfied, none of which were satisfied in this case;
- c. a recently-appointed Zoning Board member's participation in the Board's deliberations and vote violated the City Charter and also deprived the public of fundamental fairness and due process because she was not lawfully a member of the Zoning Board during the full public hearing;
- d. the Zoning Board's decision is not supported by substantial evidence and does not find a basis in fact or law;
- e. the Zoning Board's decision is the product of bias and predetermination;
- f. the Board sought and relied upon information and communication outside the public process; and
- g. the Zoning Board's decision is based on other errors of law and fact as will be revealed by the record in court.

Yacht Haven West was the last full-service boatyard in Stamford and likely the largest and one of only a few remaining in the Sound with lifts for hauling boats, full boat repair service, 250 wet slips, and winter storage for more than 500 boats on land. After BLT/Strand illegally terminated the boatyard in 2011, the Zoning Board issued a cease and desist order, notifying BLT/Strand that it was in violation of the zoning code and requiring a site plan to re-establish a working boatyard at Yacht Haven West. The Cease and Desist Order is the subject of another lawsuit, *The Strand/BRG Group LLC v. Zoning Board of Appeals of the City of Stamford*, to which Soundkeeper is also a party. BLT faces significant penalties for violating the Cease and Desist Order for so many years.

For five years, BLT stood in blatant violation of Condition 7 of its development plan and then in violation of the Cease and Desist Order. Rather than complying with the mandatory legal requirement to maintain boatyard operations – which The Strand agreed to when its general development plan was approved in 2007, and despite receiving the substantial economic benefits of that general development plan for nearly a decade – BLT sought to remove that requirement. The Zoning Board has now compounded BLT’s violations of law by issuing the August 8 approval, which Soundkeeper contends in the new lawsuit is likewise illegal.

“For nearly thirty years, Soundkeeper has fought to guarantee continued public access to the Sound for boating, swimming, and fishing, to promote a working waterfront, and to protect water quality.” said Reed Super of Super Law Group, Soundkeeper’s long-time attorney and adviser. “Soundkeeper is continuing that effort. A full-service boatyard and marina should be restored at the Yacht Haven West site as soon as possible. We vigorously oppose the elimination of the requirement to maintain a boatyard on the 14-acre peninsula.”

The complaint was signed by Attorney Keith R. Ainsworth of New Haven.

### **About Soundkeeper**

Soundkeeper, founded in 1987, is a not-for-profit organization whose mission is to protect and enhance the biological, physical, and chemical integrity of Long Island Sound through education, projects, and advocacy. Soundkeeper’s members include a broad cross-section of the public including commercial and recreational fishermen and shellfish harvesters, boaters, swimmers, birders, and many others who use and love the Sound. Soundkeeper’s priorities include improving and protecting the water quality of the Sound and its harbors as well as preserving access to the Sound for recreational purposes. For more information, see [www.soundkeeper.com](http://www.soundkeeper.com).

Attachment: Complaint in *Soundkeeper, Inc. v. Zoning Board of the City of Stamford, The Strand/BRG Group, LLC.*

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