

RETURN DATE: JANUARY 31, 2012 : SUPERIOR COURT

GURPREET AHUJA : J.D. OF STAMFORD-  
NORWALK

VS. : AT STAMFORD

THE ZONING BOARD OF THE :  
CITY OF STAMFORD, and PROCUREMENT, LLC : DECEMBER 29, 2011

**COMPLAINT - APPEAL FROM ZONING BOARD**

TO THE SUPERIOR COURT FOR THE JUDICIAL DISTRICT OF STAMFORD/NORWALK TO BE HELD AT STAMFORD on January 31, 2012, comes GURPREET AHUJA, individually, of 821 High Ridge Road, Stamford, Connecticut 06905 (described more fully in "Schedule A" attached hereto), appealing a decision by the ZONING BOARD OF THE CITY OF STAMFORD approving defendant Procurement, LLC Application # 211-23 & Application # 211-24 for Special Exception and for Site and Architectural Plans and/or Requested Uses, (collectively, the "Application") and says:

1. Plaintiff is the owner of real property located in the City of Stamford, with the address 827 High Ridge Road, Stamford, Connecticut 06905 (hereinafter, "Plaintiff's Property"). The Plaintiff's Property is located within one-hundred (100) feet of the real property which is the subject of Application # 211-23 & Application # 211-24.

2. Defendant, ZONING BOARD OF THE CITY OF STAMFORD (hereinafter, the "Board") is the agency empowered by law to hear and decide Applications for Special Exceptions in the RM-1 zone and for Final Site and Architectural Plan approval in connection with real property within jurisdictional boundaries of the City of Stamford.

3. The Defendant, Procurement, LLC, is the owner of real property located at 11 Maplewood Place and 808, 812, 816, 820, 826 High Ridge Road, Stamford, Connecticut.

4. The Application was submitted to redevelop the subject properties into a 28,300 square foot, two story building containing 10 residential units and a child day care center, and an approximately 12,000 square foot two and one-half story building containing 12 dwelling units. The Application included a map depicting an entrance and exit to the potential development site from three roads: High Ridge Road, Maplewood Place, and Bradley Place.

5. A public hearing on the Application was held on September 26, 2011 and October 6, 2011. A continuance of the public hearing on the Application was scheduled for October 24, 2011, but ultimately postponed until November 10, 2011. The final public hearing on the Application was held on November 10, 2011.

6. Notice of the public hearings on the Application were published in The Stamford Advocate only on the following dates: September 14, 2011, September 21, 2011, October 28, 2011 and November 4, 2011.

7. The Code of Ordinances of the City of Stamford §§C6-40-11 & C6-40-12 regulate the Notice Requirements for a public hearing held by the Zoning Board of the City of Stamford. Such Ordinances exceed the minimum statutory notice requirements set forth in Conn. Gen. Stat. §8-3, *et. seq.*. Specifically, §C6-40-11 states, "Notice of each public hearing held with

respect to...applications for approval of site and architectural plans and/or requested uses shall be given by publishing in an official newspaper the time, place, and purpose of such hearing. § C6-40-12 provides, "If more than one public hearing is considered by the Zoning Board to be necessary or advisable, additional hearings may be held **upon due notice**, as herein above set forth."

8. At the public hearing held on November 10, 2011, the Defendant, in efforts to reach a compromise with its neighbors, changed the Application by reducing the number of dwelling units from 22 to 17 and changed the traffic pattern to the proposed development by eliminating one of the entrances and exits on Bradley Place. The Defendant failed to file a site plan or plot plan reflecting the changes with the Zoning Board of the City of Stamford or with the Town's Clerk Office prior to such hearing. At no time was a new or updated traffic impact and access study submitted.

9. On December 12, 2011, the Board deliberated and voted to approve the Application, with conditions.

10. Legal Notice of the Board's decision approving the Application, with conditions, was published in The Stamford Advocate on December 16, 2011.

11. The Plaintiff is statutorily aggrieved by the decision of the Board approving the Application, with conditions, in that she is an owner of land that abuts or is within a radius of one hundred feet of any portion of the land involved in the decision of the Board.

12. In approving the Application, the Board acted illegally, unlawfully, arbitrarily, upon unlawful procedures, in excess of its authority and in excess of its authority and in abuse of its discretion, in one or more of the following respects:

(a) The Board lacked jurisdiction to hear and decide the Application where notice of the public hearings held on October 6, 2011 and October 24, 2011 was not published in a newspaper having general circulation in the City of Stamford.

(b) The Board lacked jurisdiction to approve the Application since it was materially changed by the Defendant at the last public hearing held on November 10, 2011. The changes made to the Application on November 10, 2011 were material and therefore constituted a new application. The Board lacked jurisdiction to approve the new application since it did not comport with the notice requirements of Conn. Gen. Stat. §8-3 *et seq.* and the Stamford Zoning Regulations Article VI § 20.

(c) The Board made findings and reached conclusions that were inconsistent and contrary to the evidence and testimony presented to it.

(d) The Board's approval of the Application, with conditions, is beyond its jurisdiction and *ultra vires*.

(e) The Board's approval of the Application, with conditions, was not necessary, reasonable, or supported by substantial evidence.

WHEREFORE, the Plaintiff appeals from the decision of the Zoning Board of the City of Stamford in approving Application # 211-23 and Application # 211-24 and pray for the following relief:

1. The Court sustain the appeal and the decision of the Board be reversed; or
2. The Court sustain the appeal and the decision of the Board be remanded to the Board; or
3. The Court award such other relief as in law or as in equity may pertain.

Dated this 29th day of December, 2011 at Stamford, Connecticut.

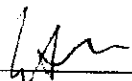
THE PLAINTIFF,

GURPREET AHUJA

BY: 

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HER ATTORNEY

Please enter the appearance of:



Nicholas Ahuja  
Commissioner of the Superior Court  
Juris No. 430311

Schedule A

Description

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 Revised Plot "G-1" on a certain map entitled "Map Showing Subdivision of Properties Prepared for Ajay Ahuja Stamford, Connecticut", now on file in the office of the town clerk of said Stamford and numbered 12454, reference thereto being had for a more particular description thereof.