

# *Fasano, Ippolito & Lee, LLC*

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Nicholas N. Mingione

September 2, 2014

Brian Knudsen  
The Legacy Theatre  
128 Thimble Islands Road  
Branford, CT 06405

**RE: Stony Creek Association**

Dear Mr. Knudsen:

As you are aware, we represent the Stony Creek Association with respect to the above-referenced matter. Dan Bullard has requested that I respond to the issues raised in your letter dated August 5, 2014, August 13, 2014, August 19, 2014 and August 27, 2014.

1, 2 & 7. It is my opinion that both the Stony Creek Association and its individual members have standing to appeal the decision of the Zoning Enforcement Officer approving the "Tenant Fit Up" application. In your letter, you make reference to CGS Section 8-7. Although the statute is not relevant to the current appeal, we have named individual members of the Stony Creek Association as appellants so that we satisfy the 100 ft. rule, even if were applicable. Furthermore, legal standing to appeal is not limited solely to individuals within 100 ft. but also includes any individuals or entity affected by the decision.

3. Your letter is deemed a request under the Freedom of Information Act, CGS Section 1-200, et seq. As a result, a copy of the Engagement Letter is produced.

4. Your letter is deemed a request under the Freedom of Information Act, CGS Section 1-200 et seq. The information requested is deemed exempt from production under CGS Section 1-210(b)(4) because it seeks "records pertaining to strategy and negotiations with respect to pending claims or pending litigation to which the public agency is involved . . .".

5. The Stony Creek Association has not agreed to pay the legal fees of James Stock and Eleanor Stack and Linda Barr and James Flora. Those individuals were generous enough to volunteer to be named as parties to the appeal for the purpose of avoiding any technical standing issues such as those raised in Paragraphs 1, 2 and 7 of your letter.

6. I am not aware of the issue with the flyers. However, the Stony Creek Association will endeavor to comply with all rules and regulations of Stony Creek and the Town of Branford.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Timothy J. Lee, Esq.  
TJL/mgb