

October 6, 2015

Stony Creek Association Board-

Before the Board goes into Executive meeting I have some important concerns regarding the Legacy Theatre.

1. From an email from Legacy Theatre the week of 9/28/15, Elm City Architects has received the schematic plans for the Legacy Theatre and are in the process of reconciling the code issue to have a building plan ready in 6 weeks - an estimated 6-9 months is estimated for completion. My questions - Is the SCA Board Planning & Zoning committee aware of these codes? What are the code issues? With whom is Elm City Architects reconciling with?
2. Because of the FOIA, any further anonymous donations shall not be turned over to the SCA Board anymore but to an outside source possibly Linda Reed and/or Brian Ameche who are representing the Stachs and Joan Johnson.
3. Since June 2014 the Board has gone above and beyond their duties to hear all sides of the Legacy Theatre issues and have supported the majority of residents who have objected to the "tenet fit-up" permit, the ZBA's decision and to proceed to Superior Court. I think it's time the Board stepped down as plaintiffs and let the plaintiffs Joan Johnson, the Stach's, the representatives and Rob Alling go forward with this case. My questions: Where is Rob Alling and his promise of taking care of the legal fees to bring this to Superior Court? Where are we with mediation? Why is it taking so long?

In the matter of the private meeting Linda Reed, Brian Ameche and the plaintiffs has with Tim Lee with no SCA Board member present, my questions are: Was the Board advised of this meeting? Why wasn't a SCA Board member present? Who paid for that meeting?

Any future private meetings without the Board's consent or representation should be paid for by the anonymous donations and Rob Alling.

If the board steps down as a plaintiff, will the above questions apply?

Last but not least... In an article on 10/2/15 in the Shoreline Times - the local residents of Madison won a case in Superior Court against the Madison Beach Hotel and the Madison ZBA's approval for "Concerts, outdoor lighting, and other behavioral associations at the hotel" the court agreed "the change of zoning classifications clearly appears to be for the sole benefit of the hotel in the middle of a large residential zone. This would be detrimental to the owners of the residents in the area." Whole article is enclosed for attachment to the minutes as well as this letter. "Never give up!"

-Janet Weithas

Homeowners win round vs. hotel

Court rejects shore zoning district used for concerts, other events

By Juliemar Ortiz

jortiz@nhregister.com
@juliemarortiz on Twitter

MADISON • A judge ruled against the Madison Beach Hotel and the town's Planning and Zoning Commission by striking down a declaration to create the West Wharf District on the town's shoreline, which cleared the way for concerts and other events.

According to a document filed

Tuesday in Superior Court in New Haven by Judge Howard F. Zoranski, the town's Planning and Zoning Commission's actions were "arbitrary, unreasonable, illegal and in abuse of its discretion," by creating the district.

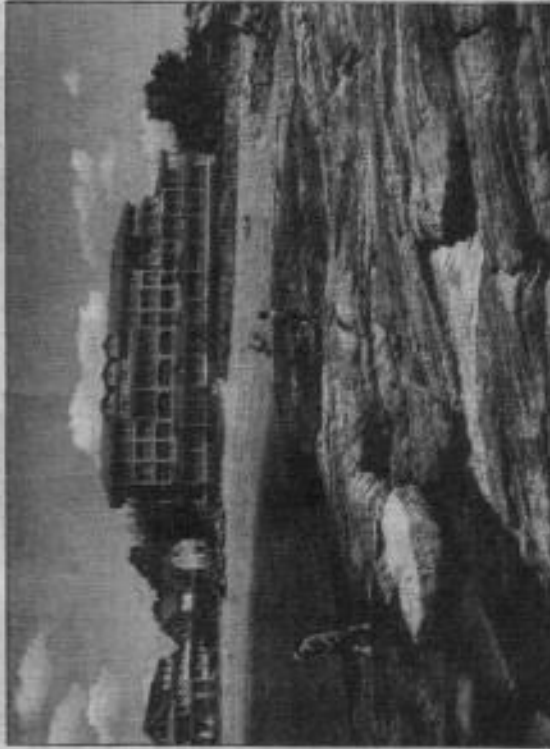
The West Wharf District, proposed by the Madison Beach Hotel, established, "an appropriate mechanism for continued regulatory control of [uses] in order to mitigate any potential adverse impacts to the surrounding residential neighborhood," according to the original text of the zoning district. Before creation of the West Wharf District, the hotel was located in a residential zone.

The district was approved on June 19, 2014, and since then, the hotel has used the area for several events including a summer concert series.

That decision, however, will be reversed now that the court has sided with town residents who formed the Madison Beach Preservation Association and took action against the town, commission and hotel.

Emile Geisenheimer, a member of the association, lives near the hotel and said he and his neighbors are pleased with the court decision. Geisenheimer said they were fed up with the

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PETER HVIZDAK — NEW HAVEN REGISTER FILE PHOTO

The Madison Beach Hotel.

appears to be for the sole benefit of the hotel in the middle of a large residential zone. This would be detrimental to the owners of the residents in the area."

In June 2014, the Planning and Zoning Commission held a public hearing regarding the creation of West Wharf District before approving it by a 6-3 vote.

"A very large number of neighbors attended this hearing and spoke to oppose

the proposed zoning action. Only the Hotel's representatives and town officials spoke in favor of the proposal," the Madison Beach Preservation Association said in a written statement.

Madison First Selectman Fillmore McPherson remains supportive of the actions of the zoning commission.

"We are disappointed in the decision and we are reviewing with the council whether or not to move

forward with the appeal," McPherson said in a phone interview Thursday.

McPherson said the court decision will not have an immediate impact.

Neither Town Planner David Anderson, nor a representative from the hotel, were immediately available for comment.

Geisenheimer said neighborhood concerns regarding the hotel remain, as there is a pending lawsuit pushing

for the town to enforce 24 variance conditions restricting operations at the hotel, established in 2008.

According to Geisenheimer, the hotel has not held up its end of the agreement and planning and zoning officials do not enforce it. Conditions included restrictions on outdoor lighting at night, the number of people allowed to attend a banquet, the location where certain activities can take

place, amplification, parking and other restrictions.

"We're concerned that they will continue to fail to enforce the rules."

However, he thinks they are headed in the right direction with this court ruling.

"We are very happy that the court saw the injustice in the action of the town of Madison Planning and Zoning Commission and has invalidated its illegal action."