

From: [Steven LOEB](#)
To: [Collette, Kenneth](#)
Subject: Waterfront Magee LLC DEEP Application
Date: Tuesday, February 12, 2013 4:16:06 PM

Dear Mr. Collette, I was going to write something similar to what Mr. Dailey wrote to you earlier today. He forwarded a copy of his correspondence to me.

It was clear at the hearing that the opponents met the burden of proof that this application should be rejected and I request that you do reject it.

If for some reason it is not rejected, you will have the burden of explaining how an applicant can disregard the Ct State laws and regulations, the DEEP procedures and the laws of Stamford, CT and still get affirmative action on its application. If this happens, I can assure you that there will be many citizens of the State of Connecticut looking into this very closely.

Respectfully submitted,

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----- Forwarded by Steven LOEB/NY/Cgsh on 02/12/2013 04:05 PM -----

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Date: 02/12/2013 12:02 PM
Subject: Waterfront Magee LLC DEEP Application

Dear Mr. Collette and Ms. Bellantuono,

I have been trying to reach both of you by phone without success. It would be greatly appreciated if you could return my call as soon as possible. My phone number is at the bottom of this letter.

I wish to thank you for your efforts in collecting information relating to the Waterfront Magee LLC Application at the public hearing last week. I would also like to thank you for taking the time to listen to all of the speakers and for your generosity relating to the time each person had to speak.

There was overwhelming public resistance to this application as you witnessed last week. I would urge you to reject this application based on the following:

- The Applicant does not own the waterfront land, they don't have permission from the City to use it and it could be years, if ever that they get it. You have put the cart before the horse!
- While not part of your specific task here, the application is part of a process whereby the Applicant is required to replace an illegally dismantled full service boat yard and marina with an equal replacement. An independent study was just released and a copy given to you which states that the Magee Avenue boat yard would be effectively less than 12-15% of the dismantled yard. This would indicate that the Zoning Board of Stamford would be forced to reject the application they have with them regarding this land as insufficient and thus the DEEP application is unnecessary.
- The City of Stamford may not have the right to grant access to the waterfront to the Applicant due to Deed restrictions from when they acquired the land for public use.
- Incorrectly filled out forms
- Inaccurate reporting of the facts relating to the application by the applicant - one example is not reporting current violations
- False information provided in the application which is punishable by law
- DEEP processes and policies ignored in processing the application to the current status
- The granting of dredging would be in direct contradiction to the Stamford Harbor Commission policy on dredging and they have priority rights over the State in this situation
- There has been no proper research and or studies to indicate possible short and long term pollution exposure from the dredging of a known polluted sea bottom
- The location of the marina is at the worst possible site such that it would restrict commercial traffic, pose a clear danger to property and life by

commercial traffic (the tug and barge operators said without hesitation that this is extremely dangerous and if built in this location that boats would be damaged and loss of life is extremely probable)! The lesser danger is that they would run aground on every transit past the location not only blocking the channel, but stirring up the polluted bottom and violating numerous laws aimed at public safety and environmental safety.

I have been boating since 1965 and in the marine business since 1976. I am greatly in favor of building up of water dependent uses in all of Connecticut waters. This current application is one exception. It makes no sense to put a boat yard at this location. The factors that would make a boat yard a viable business are all lacking in this location. I have spoken to several boat yard operators who have looked at the site. They would refuse to set up a business there due to it not being viable.

You even heard this yourself at the hearing by a local marine businessman. The applicant is not concerned with the viability of the business as they only want to get the application approved so that they can remove an even larger water dependent use in another part of the harbor. I predict that if they get the use of the waterfront, if they get all of the approvals and if the Zoning Board of Stamford allows the change of the zoning regulations on the 14+ acre site known as Yacht Haven, that BLT will quickly try to build the office building on that site. They will never complete the boat yard at Magee Ave. Loss of a huge water dependent use and no completed boat yard! That is what you would be setting the City of Stamford up for if this is approved.

One of the people offering comment on the situation mentioned corruption. I will refrain from calling it that at this time, but it is abundantly obvious to the public that there is tremendous top down pressure on State and local officials to push these two projects through. It seem that no matter what laws are broken, no matter how much the public is against it and with no regard as to pressures on lower level officials to disregard proper procedures, laws and the proper duties of their jobs, the force of government and unscrupulous developers is aiming to get this done. I will put on record that if this application is approved as it now stands, I would recommend that the matter be directed to the Connecticut State Attorney General and to the United States Attorney General for investigation.

In most situations in life that I come across, I have always been a person who tries to make things work for all parties and to help all involved come out looking their best. I feel that the DEEP is involved in this current situation long before it would normally be so. I feel that there is still so much to be done at the local level before the DEEP or many other State and Federal agencies are required. I would like to offer a solution to the DEEP in this current situation that may not please anyone fully, but is the right thing to do. In an effort to defuse the current tension between all parties, **the DEEP should ask the Applicant to retract their application** and refrain from submitting it again until such time as the forms are all filled out correctly, there is full disclosure of all facts without misrepresentations or false statements, when City of Stamford has granted them rights to the waterfront and they have worked out a plan to work with the local commercial traffic such that all parties can safely use the same waters and without disruption to timely use of such waters.

The right thing to do would be to reject the application and let the public know that the DEEP works for the taxpayers of Connecticut and their best interests. That it is not engaged in letting politicians, developers or other forces deter it from their responsibilities and obligations of their jobs. The least that the DEEP should do is what I mentioned above, have the Applicant retract the application.

Thank you again for coming to Stamford to hold the public hearing and listening to all those who put tremendous effort into their comments.

Regards,

Kevin Dailey
Cell 203-434-6060

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