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**MEMORANDUM**

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**TO:** Stamford Zoning Board  
**FROM:** Attorney Tim Hollister  
**SUBJECT:** 120 Long Ridge Road: Special permit and site plan application  
**DATE:** 10/27/2025  
**CC:** Attorney Lisa Feinberg

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The 120 Long Ridge Road development team has asked me to prepare a brief memo in response to staff comments regarding operable windows and regulation of building appearance such as “façade enhancement.”

The applicant and its architects are, of course, committed to building tenant comfort and safety, and to a building that is aesthetically pleasing and complements the neighborhood. Cost of construction is a factor, with the recognition that a first-rate design is part of ensuring that there will be high demand to live at this property.

Windows that can be opened (“operable”) are a design choice, with pros and cons. The Connecticut State Building Code applicable to multi-level, multi-family residential buildings does not require in new construction that bedrooms have windows for fire escape purposes if the building is sprinklered, as this one is required to be. Operable windows make interior temperature and humidity control and window cleaning more difficult.

In any event, the decision as to whether to incorporate operable windows rests solely with the developer. Zoning commissions do not have authority to require operable windows, for several reasons. First, window style is not a zoning issue, and in fact, as noted above, is governed by the State Building Code. Second, § C6-40-1 of the Stamford Charter, which sets forth the powers of the Zoning Board, makes no mention of windows or anything comparable. In general, Connecticut municipalities and their boards and commissions have only powers expressly delegated by the legislature or necessarily implied from an express delegation. Third, our courts have held that aesthetic considerations alone are insufficient to regulate land use using a municipality’s police power. *Gionfriddo v. Windsor*, 137 Conn. 701, 705 (1951); *Murphy, Inc. v. Westport*, 131 Conn. 292, 296 (1944). Instead, “[t]he zoning power must bear a rational relationship to the subjects which fall fairly within the police power and must be exercised through means which are not so unreasonable as to be arbitrary.” *Faubel v. Zoning Commission*,

154 Conn. 202, 210 (1966). In other words, architectural style and building appearance are not the purview of zoning commissions. See D. Merriam, *Connecticut Land Use Law and Practice*, § 4.48 (4<sup>th</sup> ed. and 2025 Supp.). Finally, window style is a construction cost consideration and thus also a choice to be made by the builder.

These principles and reasons also extend to “façade enhancements” such as siding type and orientation.

The applicant appreciates every effort and suggestion of City staff to improve the proposed development, and will continue its efforts to propose and maintain the highest quality building and features.