



Land Use-Urban Redevelopment Committee – Board of Representatives

Harry Day, Chair

Committee Report

Date: Wednesday, February 1, 2017
Time: 7:00 p.m.
Place: Republican Caucus Room, 4th Floor, Government Center

The Land Use-Urban Redevelopment Committee met as indicated above. In attendance were Chair Day and Committee Member Reps. Heaphy, Okun, Patterson, Ryan and Summerville. Absent or excused were Committee Member Reps. Hoch and McGarry. Also present were Rep. de la Cruz; Rev. Tommie Jackson, URC; Michael Pollard, Chief of Staff; Jim Lunney, Zoning Enforcement Officer; Bill Hennessey and Jay Klein, Carmody, Torrance, Sandak, Hennessey LLP; and several members of the public. (See attached [public hearing sign-in sheet](#)).

Chair Day called the meeting to order at 7:08 p.m.

Item No.	Description	Committee Action
1. LU29.072	ORDINANCE <u>for public hearing and final adoption</u> ; Restructuring the Urban Redevelopment Commission (URC). 07/06/16 – Submitted by Mayor Martin 07/20/16 - Held in Committee 08/24/16 – Held in Committee 11/30/16 – Approved by Committee, as amended, for publication	Approved 6-0-0
2. LU29.074	ORDINANCE <u>for public hearing and final adoption</u> ; Amending Code Section 88, Buildings, Demolition of, to add a new Section 88 – 5.D. 10/19/16 – Submitted by Rep. Day 11/30/16 – Approved by Committee for publication	Approved 6-0-0

Chair Day opened the public hearing. There being no members of the public wishing to speak, the public hearing was closed. Mr. Pollard thanked the Committee for its work on this matter. A motion to approve this ordinance for final adoption was made, seconded and approved by a vote of 6-0-0 (Reps. Day, Heaphy, Okun, Patterson, Ryan and Summerville in favor).

Chair Day opened the public hearing. Jill Smyth of the Historic Neighborhood Preservation Program spoke in favor of this amendment as giving them time to speak to owners during the 180 day waiting period without destruction of the property. Jay Klein spoke expressing concerns about the impact of the demolition waiting period generally. Chair Day suggested that he bring his concerns to the Committee for a review of the demolition ordinance and noted that this amendment tracks the requirements of State law. Don Corbo questioned whether the current ordinance would apply to asbestos abatement. There being no further members of the public wishing to speak, the public hearing was closed.

A motion to approve this ordinance for final adoption was made, seconded and approved by a vote of 6-0-0 (Reps. Day, Heaphy, Okun, Patterson, Ryan and Summerville in favor).

3. [LU29.077](#) VERIFICATION; Process for Appealing an Amendment to the Zoning Map from C-N to V-C for Property Commonly Known as 45 Church Street. 01/04/17 – Submitted by Zoning Board **Report Accepted 5-0-1**

Chair Day explained that the Committee has a two-step process in reviewing appeals from the Zoning Board. The first step is determining if the appeal is valid. Ms. Rosenson reviewed the memo evaluating the appeal and the conclusion that the appeal was not valid because the required number of owners (namely, owners of 20% or more of the area within 500 feet of the border of the property which is the subject of the Zoning Map amendment) did not sign the petition. In response to a question from Rep. Ryan, she noted that the withdrawn signatures were presented to the Zoning Board prior to the deadline for the filing of the appeal, and that the 20% threshold would not have been met even with these signatures.

Committee members discussed the process for appealing Zoning Map amendments and questioned whether members of the public should be permitted to speak to this report. Chair Day determined that since there was no public hearing noticed on this item, and there were no issues in dispute, it would be inappropriate to permit members of the public to speak to this item. Committee members suggested that the Zoning Board should provide greater guidance on this process to members of the public.

A motion to accept the report was made, seconded and approved by a vote of 5-0-1 (Reps. Day, Heaphy, Okun, Patterson and Summerville in favor; Rep. Ryan abstaining).

4. [LU29.078](#) REJECTION; Appeal of an Amendment to the Zoning Map from C-N to V-C for Property Commonly Known as 45 Church Street. 01/04/17 – Submitted by Zoning Board **No Action Taken**

Chair Day stated that the finding in Item 3 that the appeal is not valid has rendered this item moot.

5. LU29.079 REVIEW; Process for Addressing Zoning Violation Complaints. 01/03/17 – Submitted by Reps. Quinones, Kolenberg, de la Cruz, DePina, Zelinsky, Di Costanzo, Fedeli and Mitchell **Report Made**

Rep. de la Cruz explained that this item was initiated as a result of a specific complaint made to Citizens Services which does not seem to have been addressed. Committee members discussed the Zoning Enforcement Procedure with Mr. Lunney, including:

- The need for additional Zoning Enforcement staff
- The time taken to perform inspections
- The difficulty of getting courts to impose fines

Chair Day adjourned the meeting at 8:50 p.m.

Respectfully submitted,
Harry Day, Chair

This meeting is on [Video](#).