



Land Use-Urban Redevelopment Committee – Board of Representatives

Harry Day, Chair

Committee Report

Date: Wednesday, May 31, 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. Hoch, Miller, Okun, Patterson, Ryan and Summerville. Absent or excused were Reps. Heaphy and McGarry. Also present were President Skigen; Reps. Coleman, Coppola, de la Cruz, Figueroa, Kolenberg, McMullen, Moore, Nabel, Silver and Zelinsky; Ellen Bromley, Social Services Director; Kathryn Emmett, Corporation Counsel; Michael Handler, Director of Administration; and approximately 30 members of the public.

Chair Day called the meeting to order at 7:02 p.m.

Item No.	Description	Invitee(s) or Designee(s)
1. LU29.082	RESOLUTION <u>and public hearing</u> ; Approving the Donation of City-Owned Property to 72 Franklin LLC. 04/06/17 – Submitted by Mayor Martin 04/25/17 - Approved by Planning Board 05/11/17 - Approved by Board of Finance	Approved 6-0-1

Chair Day opened the public hearing. There being no members of the public wishing to speak, the public hearing was closed.

Ms. Bromley explained that this donation, and the subsequent item discontinuing a portion of Stanley Court are part of the project the Committee has considered before to develop 53 units of deeply affordable housing. The City assessed the property to be discontinued and determined that there will be no cost to the City. The utilities will be relocated at the developer's expense

The land being donated by the City in conjunction with this discontinuance is vacant land currently used by the City for parking. The property will be donated to 72 Franklin LLC and will be used for the 53 units of affordable housing with a preschool on the premises. The goal is to move people from homelessness into homes. The project will be very generously financed and the rents will be extremely low.

A motion to approve this item was made, seconded and approved by a vote of 6-0-1 (Reps. Day, Miller, Okun, Patterson, Ryan and Summerville in favor; Rep. Hoch abstaining).

2. [LU29.083](#) RESOLUTION and approval of public hearing; **Approved 7-0-0**
Approval of Director of Administration's Final Report
Dated April 6, 2017 Concerning the Discontinuance
of a Portion of Stanley Court and Directing that Such
Discontinuance be Carried Out to Facilitate a Deeply
Affordable Housing Project.
04/06/17 – Submitted by Mayor Martin
04/25/17 - Approved by [Planning Board](#)
05/11/17 - Approved by Board of Finance

A motion to approve this item was made, seconded and approved by a vote of 6-0-1 (Reps. Day, Miller, Okun, Patterson, Ryan and Summerville in favor; Rep. Hoch abstaining).

3. [LU29.085](#) ORDINANCE for publication; Amendment of the **Held**
Demolition Ordinance, [Chapter 88](#).
04/26/17 – Submitted by Rep. Day

This item was held at the request of HPAC and the Carmody Torrance law firm.

4. LU29.080 REVIEW; Use of Property by Servidio Construction **Held**
Company at Cove Road and Health and Safety
Effects on Surrounding Neighborhood.
03/07/17 – Submitted by Reps. Figueroa and
Savage

This item was held due to the unavailability of the Zoning Enforcement Officer, who was appearing before the Zoning Board of Appeals.

5. [LU29.086](#) REVIEW; Possible Moratorium on the Issuance of **Report Made**
New Building Permits for Multifamily/Mixed Use
Residences.
05/08/17 – Submitted by Rep. Franzetti

Ms. Emmett reviewed the legal opinion provided on this issue at the request of President Skigen as to whether the Board of Representatives has the authority to adopt a moratorium on residential mixed use development. Ms. Emmet discussed this item with the Committee as follows:

- The Board of Representatives has no authority other than what is specifically set forth in the Charter as to zoning
- The zoning authority is given to the Zoning Commission under State statute
- The Board of Representatives has authority to weigh in on specific decisions made by the Zoning Board, but has no authority beyond this. The authority to review Zoning Board decisions comes from State statute
- There is an appeal process for specific decisions of the Zoning Board; Land Use decisions are made based upon competing interests and often parties are dissatisfied
- A resident may appeal a Zoning Board decision to the Board of Representatives if 20% of the abutting land owners within 500 ft of the affected property approve. The decision of the Board of Representatives is appealable through the court system. This process is detailed under State statute and the Charter.
- Under relevant case law, the Zoning Board or Planning Board would have the authority to issue a moratorium with reasonable constraints as a stop-gap measure while a long-term plan is being developed.
- Even if a moratorium were put in place now, applications already filed would not be

subject to the moratorium

- It is not within the Board of Representatives' jurisdiction to limit building permits or development; this would intrude on the authority of the Zoning Board
- If the Board of Representatives were to establish prohibitively high fees for large developments, it might be seen as preventative or discriminatory and would probably be overturned in court
- It has long been recognized by the Connecticut Supreme Court and the legislative framework that the authority of towns and of zoning boards is derived from State statute. (There is a 1956 decision to this effect). The authority of the Board of Representatives to review specific items also comes from State statute
- The Board of Representatives does not have authority to review the Master Plan, although the Land Use Committee does give input and individual representatives can participate (and indeed have participated) in the Master Plan process
- While the Board of Representatives as a body has no authority to influence land use board decisions, individual members of the Board of Representatives can appear before the board to represent their constituents' interests (provided a member who appears before the Zoning Board on a particular issue would not be able to participate in an appeal of that issue)
- The Board of Representatives has no authority to amend the Zoning Regulations

Many members of the Committee expressed concerns that the Land Use boards are not sensitive to the needs of the community

Mr. Handler noted that:

- Multifamily development does have a significant impact on the City's revenue, particularly in the areas of building permit fees and conveyance taxes. The top 10 conveyances in this fiscal year contributed half of the total conveyance tax revenue, one contributing \$2 million
- It is more difficult to quantify the expense impact of multifamily development. There are increased law enforcement needs, but the City has not increased the size of the force recently. It is hard to calculate the educational result. Most of the current developments do not have a lot of children. There are other impacts, such as construction jobs and neighborhood services which are impacted.
- He requested that the Board of Finance not increase the expected permit revenue this year, even though revenues are up, in order to give the Planning Board and the Zoning Board flexibility in approving development
- The rating boards view economic development as positive; closing down development might negatively affect the City's bond rating
- Infrastructure problems are a nationwide problem
- Problems being cited are caused by making Stamford more attractive to people
- The additional revenue from development does affect the mill rate, and the rate would probably be higher without development

There being no further business, Chair Day adjourned the meeting at 8:28 p.m.

Respectfully submitted,
Harry Day, Chair

This meeting is on [video](#)