



## ***Land Use-Urban Redevelopment Committee – Board of Representatives***

Harry Day, Chair

# **Committee Report**

**Date:** Wednesday, August 2, 2017  
**Time:** 7:00 p.m.  
**Place:** Democratic Caucus Room, 4<sup>th</sup> Floor, Government Center

The Land Use-Urban Redevelopment Committee met as indicated above. In attendance were Chair Day and Committee Member Reps. Heaphy, Hoch, McGarry, Okun and Patterson. Absent or excused were Committee Member Reps. Miller, Ryan and Summerville. Also present were Reps. de la Cruz, di Costanzo, Figueroa, Kolenberg, McMullen, Moore, Nabel and Savage; Kathryn Emmett, Jim Minor and Vikki Cooper, Law Department; Jim Lunney, Zoning Enforcement Officer; Ralph Blessing and David Woods, Land Use Bureau; Michael Pollard, Chief of Staff; Thomas Madden, Director of Economic Development; Jay Klein, Carmody Torrance Sandak & Hennessey; State Representative Dan Fox and approximately 30 members of the public

Chair Day called the meeting to order at 7:07 p.m..

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
<sup>1</sup> 1. <a href="#">LU29.096</a>	ORDINANCE <u>for publication</u> ; Amendment of Code Chapter 88 Regarding Emergency Measures Authorized for Imminently Dangerous or Unsafe Buildings. 07/12/17 – Submitted by Mayor Martin	<b>Approved 5-0-1</b>

Ms. Emmett discussed the proposed ordinance with the Committee as follows:

- The goal of this ordinance is to provide clear procedures where a structure is in imminent danger of causing harm and to include procedures to notify the State Fire Marshal and the owner of the residence prior to demolition of a single family residence where there has been a death due to fire
- Nothing in the ordinance impinges on the authority of the Fire Department to demolish a structure in order to prevent the spread of a fire
- The notice to the owner does not give the owner the opportunity to stop the demolition because the building is not structurally sound and presents an attractive nuisance
- The Building Official has the ability to take actions short of demolition to protect the public safety
- The provisions in Subsections C and D are limited to single family residences because that presents a discreet situation with a known owner; multi-family residences present more complicated situations and call up other statutory provisions, including the need to relocate residents and condemn the property

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<sup>1</sup> Video Time Stamp 00:00:22

A motion to approve this ordinance for publication was made, seconded and approved by a vote of 5-0-1 (Reps. Day, Heaphy, Hoch, Okun and Patterson in favor; Rep. McGarry abstaining).

- <sup>2</sup>2. [LU29.093](#) APPROVAL; Agreement between the City of Stamford and the Collective for Community, Culture and Environment for South End Neighborhood and Historic Preservation Planning Study, Phase I. **Approved 6-0-0**  
07/12/17 – Submitted by Mayor Martin  
07/13/17 – Approved by Board of Finance

Mr. Woods explained this agreement:

- This study focuses on Phase 2 of the Master Plan to provide guidelines for the South End
- 10 firms responded to the RFP and the Collective for Community, Culture and Environment was selected
- The Collective will give the City guidance to protect current residents in the South End and guidance for future zoning regulations given current development

A motion to approve this agreement was made, seconded and approved by a vote of 6-0-0 (Reps. Day, Heaphy, Hoch, McGarry, Okun and Patterson in favor).

- <sup>3</sup>3. [LU29.092](#) REVIEW; URC Employment Agreement. **Report Made**  
06/07/17 – Submitted by Michael Pollard  
07/05/17 – Held in Committee

Mr. Pollard explained that there is no Board action required for this item. This is an update.

Mr. Madden, Ms. Cooper and Mr. Pollard discussed this item with the Committee:

- This is a change in the management of the URC; the Director will be the Director of Economic Development, who will have oversight, and the Assistant Director will be responsible for the daily activities of the URC
- The EDC and the URC will be working together
- The responsibilities of the Economic Development Director are set out in the by-laws; Mr. Madden is accountable to the Mayor
- This structure and agreement, as well as the other legal issues involving the URC were handled by outside counsel, because of the need for expertise; the cost for the preparation of this agreement will be provided to the Board office

- <sup>4</sup>4. [LU29.080](#) REVIEW; Use of Property by Servidio Construction Company at Cove Road and Health and Safety Effects on Surrounding Neighborhood. **Report Made**  
03/07/17 – Submitted by Reps. Figueroa and Savage  
04/24/17 – Held in Committee  
05/31/17 – Held in Committee  
07/05/17 – Held in Committee

Mr. Lunney, Mr. Minor and Ms. Emmett discussed this item with the Committee:

- Mr. Lunney distributed the [attached photos](#), showing the conditions today, which show no violation

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<sup>2</sup> Video Time Stamp 00:14:40

<sup>3</sup> Video Time Stamp 00:25:10

<sup>4</sup> Video Time Stamp 00:40:30

- It is difficult to rein in violators who play the system; the key is to put pressure on them to clean up, but it is frustrating for the Board, the neighbors and the ZEO
- The process of writing letters and following up with cease & desist notices is slow; trying to get voluntary compliance is faster
- This has been going on for 10 years, but there have been long periods of compliance during those 10 years
- The City cannot go to Court if there is no current violation; the judge won't award fines and the City will lose
- The way to improve this situation is to address it at the State level, possibly by creating mandatory minimum fines that the judge cannot waive or creating an escalation of fines
- The property zoning does permit trucks, but this was a yard where CL&P stored vehicles, so the current owner may have expected to be able to store more vehicles there when purchasing the property
- Some of the current zoning regulations are antiquated
- They are trying to reach a stipulated agreement and a text change, per the [attached letter](#) from Mr. Leydon
- Stipulations are frequently entered into as a judgment in court after the City has sued someone
- When the City issues a Cease & Desist, the owner can appeal it to the ZBA and then appeal that decision to court, which takes a very long time.
- The shed on the property may not meet the definition of blight
- The liability if someone got hurt would be the property owner's
- The State statutory authorization currently does not give the City enough teeth to take the violation seriously; other communities probably have similar problems
- The City used to have more areas zoned for truck storage, which creates problems for contractors who need to store their trucks for jobs
- The City is reviewing ways to improve on the tools currently available to it; increased staffing would help, but the primary issues is at the State level
- Dan Fox's help is being enlisted
- The City will consider whether a camera can be focused on the spot
- At the time the State statutes were enacted, zoning was considered an infringement on an individual's property rights
- The City will work with Mr. Leydon to get this situation resolved and will seek to have the authority changed at the State level
- Mr. Lunney will continue to monitor this situation

5. [LU29.089](#)      REVIEW; Prescribing The Engagement Of Consultants And Experts By The Zoning Board.      **Held**  
 06/07/17 – Submitted by Reps. De La Cruz, Mitchell, Caterbone, Franzetti, Hoch, Jacobson, Kolenberg, Nabel, Pratt, Okun, Ryan and Zelinsky  
 07/05/17 – Held in Committee

This item was held at the request of Rep. Watkins.

6. LU29.094      REVIEW; Board Of Representatives Authority And Limitations In Governing Zoning Enforcement.      **Held**  
 07/11/17 – Submitted by Reps. Quinones and Kolenberg

Reps. Kolenberg and Quinones noted that this had been discussed as part of Item 4, and requested that this item be held.

***As a Secondary Committee:***

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| 1. CS29.020    ORDINANCE; Revising Land Use and Zoning fees.<br>7/12/17 – Submitted by Mayor Martin | <b>No Action<br/>Taken</b> |
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Chair Day adjourned the meeting at 9:00 p.m.

Respectfully submitted,  
Harry Day, Chair

This meeting is on [video](#).