



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

Harry Day, Chair

# **Committee Report**

**Date:** Monday, April 24, 2017

**Time:** 7:30 p.m.

**Place:** Republican 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, McGarry, Miller, Okun, Patterson, Ryan and Summerville. Absent or excused was Committee Member Rep. Hoch. Also present were President Skigen; Reps. Di Costanzo, Figueroa, Nabel and Savage; Kathryn Emmett, Corporation Counsel; Ralph Blessing, Land Use Bureau Chief; Lou Casolo, City Engineer and approximately 15 members of the public.

Chair Day called the meeting to order at 7:30 p.m.

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
1. LU29.080	REVIEW; Use of Property by Servidio Construction Company at Cove Road and Health and Safety Effects on Surrounding Neighborhood. 03/07/17 – Submitted by Reps. Figueroa and Savage	<b>Held 8-0-0</b>

Chair Day stated that Jim Lunney was unable to attend the meeting because of a conflict. Chair Day read the [attached email](#) he received from John Leydon into the record. Committee members expressed great frustration that Mr. Lunney did not attend. Representative Savage noted that the issue is an ongoing zoning violation and not the absence of a fence or screen. It was noted that the Zoning Board of Appeals rejected a variance application for this property on December 27, 2007. A motion to hold this item was made, seconded and approved by a vote of 8-0-0 (Reps. Day and Committee Member Reps. Heaphy, McGarry, Miller, Okun, Patterson, Ryan and Summerville in favor).

2. <a href="#">LU29.081</a>	REJECTION; Naming the carousel pavilion in the Mill River Park the "Selkowitz-Brownstein Pavilion." 03/23/17 – Submitted by the Mill River Collaborative	<b>No Action Taken</b>
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### **Secondary Committee: Parks & Recreation**

Chair Day noted that under the Code of Ordinances, the Mill River Collaborative may submit names to the Board of Representatives which may reject a proposed name within 60 days for good cause. A motion to hold this item was made by Rep. Patterson and seconded by Rep. Okun. It was pointed out that holding this item would result in the name being approved. The motion was withdrawn. No further action was taken by the Committee.

3. LU29.084      REVIEW; City Of Stamford Zoning Regulations and Connecticut State Statutes, regarding Group Housing In Residential Neighborhoods.      **Report Made**  
03/07/17 – Submitted by Reps. Nabel, Okun and Zelinsky

Representative Nabel explained that a facility has been operating in the 20<sup>th</sup> District for more than 2 months which could be described as a residential facility, a senior citizen facility, an assisted living facility or a family home rented to 4 unrelated adults. She stated further that it is advertised as a facility, and questioned what in the State, Federal or City law permits an ongoing commercial operation in an area zoned as non-commercial. She added that there are similar facilities in other districts.

Ms. Emmett and Mr. Blessing responded to the matters raised as follows:

- This is a single family home in a residential area rented by a business to 4 unrelated seniors with needs of care/help.
  - The City did inspect the building for zoning and fire compliance
  - The zoning regulations define a family to include up to 4 unrelated people
  - An owner in the business of renting does not make it a commercial use; commercial use is determined by what goes on inside the house, not just the rental
  - It is not a senior facility under 92.1 of the Zoning Regulations, which addresses a much larger operation, such as a licensed healthcare or senior living facility
  - Federal and state laws provide that the City cannot discriminate in access to housing by people with disabilities; the individuals renting in these houses may have mobility or other disabilities; there are numerous court cases addressing this; municipalities have not been able to prevent this type of housing and have been subject to penalties for trying to do so
  - The State made a determination that one of these properties is not a managed residential community, which would give the State oversight
  - There are due process and equal protection concerns regarding treating this group of residents differently than another group
  - The anti-discrimination statutes would supersede any zoning regulations
  - This is not a commercial business being operated on the site; it is no different than a rental by a homeowner (either an individual or a business), renting out a home
  - A homeowner or resident can hire someone to provide services on the premises, e.g. housekeeping, cooking, home healthcare
  - The State determined that no licensing is required
  - Health regulations may be the better approach to determine if the individuals are receiving the right level of care, but there are also privacy concerns about care people are receiving in their own homes and there have been no assertions that the individuals are not properly cared for
  - One-family homes may be owned by multiple types of entities, including LLCs and trusts
  - If it were a state licensed facility, there would also be non-discrimination requirements
4. LU29.075      REVIEW; Hoyt-Barnum House relocation – Current status/plans for final restoration at new site and financial analysis of the costs incurred, or to be incurred.      **Report Made**  
11/10/16 – Submitted by Rep. Ryan

Mr. Casolo noted that HPAC receives regular updates on this matter. Work was begun in 2016, moving the house and doing concurrent work on the new site. The objective is to preserve the

house so that it remains on the historic register. CHPO has been pleased so far. The work will be completed by June. The overall cost to dismantle, move, reconstruct, etc. has been \$1,579,488.58. In addition, the architect's fee is \$163,987 and there are other costs, such as legal fees and surveying. The total cost is \$1,991,697. Mr. Casolo stated that he will provide the Board office with a breakdown of the costs. These costs are coming out of the allocation for the Police Department, for which the construction costs are under budget.

There being no further business, Chair Day adjourned the meeting at 9:37 p.m.

Respectfully submitted,  
Harry Day, Chair