Land Use-Urban Redevelopment Committee – Board of Representatives

Harry Day, Chair Patrick J. White, Vice Chair

Committee Report

Date: Monday, October 26, 2009
Time: 7:00 p.m.
Place: Democratic Caucus Room, 4th Floor, Government Center

The Land Use-Urban Redevelopment Committee met as indicated above. Present were Chair Day and Vice Chair White and Committee Member Reps. Boccuzzi, Gabriele, McGarry, Mitchell and Summerville. Absent/excused were Committee Member Reps. Franzetti and Lombardo. Also present were Reps. DeLuca and Figueroa; John Leydon, Esq.; Rachel Goldberg, Esq., URC; Burt Rosenberg, Esq., Asst. Corporation Counsel; Ben Barnes, Director of Operations and approximately 15 members of the DeBera Lane neighborhood.

Chair Day called the meeting to order at 7:10 p.m. Chair Day opened the public hearing on Item No. 1, LU27.068; there being no members from the public present to speak, the public hearing was closed. Chair Day then opened the public hearing on Item No. 2, LU27.070; there being no members from the public present to speak, the public hearing was closed. Chair Day opened the public hearing on Item No. 4, LU27.071; there being no members from the public present to speak, the public hearing was closed.

A motion to take Item No. 3 out of order was made, seconded and approved by unanimous voice vote.

Item No.	Description	**Committee Action**
3. LU27.069	RESOLUTION; beginning the process of street acceptance for DeBera Lane.	**NO ACTION TAKEN**

Rep. Figueroa explained that she has been working with the neighborhood to have the City make repairs and/or to have the City accept this road. The residents submitted a petition back in 2001, but it never came before the Board of Representatives. It was agreed by the all committee members that the road is in a deplorable condition.

Chair Day allowed two individuals to speak. The first speaker stated that the road is in a dangerous condition, that the City has an obligation to repair and maintain the road, and that the neighbors are frustrated in their attempts to get anything done about the problem. The second speaker stated that the source of

the problem was overdevelopment in the surrounding area and the failure of storm water management.

Chair Day explained that there is a gap in the Code of Ordinances to cover a situation like this. The Code allows for two options: 1) a street acceptance, whereby the residents would be assessed for the costs to bring the street up to current engineering standards; and 2) upon a finding by the Director of Public Safety, Health & Welfare of a dangerous situation and at the City's expense and upon the filing of a proper petition signed by all residents that holds the City harmless, the City could perform road repairs. The latter was the subject of the 2001 petition that was filed with the City. Chair Day explained that there could be a third option, and that is the crafting of a new ordinance that would address situations like DeBera Lane.

Ben Barnes discussed the reasoning behind the existing ordinances; i.e., to prevent developers from installing substandard roads that would later require the City to spend significant sums to maintain and build the roads to current engineering requirements. Mr. Barnes explained that there are about 150 streets in Stamford that are unaccepted, some are in good condition, others in poor condition. Mr. Barnes added that he is already having a preliminary cost estimate drawn up by the Engineering Department. After the estimate is finalized, he will pursue funding sources; this may involve using existing accounts, requesting an additional appropriation or including the project in next year's capital budget.

Chair Day felt that passing the proposed resolution would not be in the residents' best interest in that it commits them to paying for the repairs. Clerk Summerville assured the residents that the item would remain on the next Board's agenda. It was agreed that nothing could be done in the next few months due to the changes in the new Board and the arrival of winter. Chair Day suggested the neighbors prepare another petition that complies with Section 214-39 and that does not mention "street acceptance."

A motion to take Item No. 2 out of order was made, seconded and approved by unanimous voice vote.

2. LU27.070	RESOLUTION & **public hearing**; approving a purchase and sales agreement for the sale of property at High Ridge Road and Bedford Street by City of Stamford to PCKT, LLC.	**COMMITTEE APPROVED 5-0-2**

Mr. Leydon showed a map of the property that is being purchased by PCKT, LLC from the City. He explained that this was originally State property and his title search indicates that the State ceded the property to the City. Mr. Rosenberg explained that several estimates of the value of the land were performed by the Tax Assessor, and the final amount, $72,500, was a split between two values –

the first representing 20% functionality of the parcel, or $95,000, and the second representing the residual value to the adjacent landowner, or $50,000.

Rep. White expressed concerns that by adding this piece of land to the existing parcel that the owners would be able to increase the density. Mr. Leydon stated that it appeared that this would not be possible as the lot size would remain in the same zoning category, and in any event, the owner would not be able to increase density without increasing parking, which is impossible.

A motion to approve the item was made, seconded and approved by a vote of 5-0-2 (Reps. Day, Boccuzzi, McGarry, Mitchell and Summerville in favor; Reps. White and Gabriele abstaining).

1. LU27.068	RESOLUTION & **public hearing**; providing for the City's transfer of the title to property located on Hillcrest Park Road to the Stamford Land Conservation Trust for open space purposes	**COMMITTEE APPROVED 6-0-1**

Chair Day stated that he is the vice president of the Stamford Land Conservation Trust. Mr. Rosenberg explained that this parcel is 1) landlocked, 2) contains deed restrictions that would only allow use as a park or a playground; and 3) is made up of wetlands. The assessed value of the property is $128,000. Because the City has no use for the property, it wishes to transfer it to the Stamford Land Conservation Trust. The Land Trust will arrange for an access easement, will inspect the property twice a year, maintain insurance on it and maintain it.

Clerk Summerville asked for a map showing the 54 properties that the Land Trust owns in Stamford; Chair Day stated he would provide one to the Board Office.

A motion to approve the item was made, seconded and approved by a vote of 6-0-1 (Reps. White, Boccuzzi, Gabriele, McGarry, Mitchell and Summerville in favor; Rep. Day abstaining).

4. LU27.071	RESOLUTION & **public hearing**; final authorization of the acquisition by negotiation or eminent domainof rights of way and easements for the Cold Spring Road bridge rehabilitation project.	**COMMITTEE APPROVED 6-0-1**

Ms. Goldberg explained that the City has acquired all easements for this project, except for one parcel. At one point the two parties were apart on a dollar value by a factor of ten; they are still wide apart, but the difference has narrowed. The City has been unable to reach an agreement so that this necessary bridge repair can go forward. Ms. Goldberg expressed the hope that approval of this resolution would spur the land owner to arrive at a negotiated price for the easement.

A motion to approve the item was made, seconded and approved by a vote of 6-0-1 (Reps. Day, White, Boccuzzi, McGarry, Mitchell and Summerville in favor; Rep. Gabriele abstaining).

Rep. Boccuzzi thanked Rep. Day for his leadership of the Committee. He added that it has been a pleasure to work with Mr. Day, and that Mr. Day has been very knowledgeable about all topics that have come before the Committee. Clerk Summerville stated that Chair Day has done a wonderful job as Chair of the Land Use-Urban Redevelopment Committee. Chair Day thanked Majority Leader Boccuzzi, Clerk Summerville and the other members of the Committee.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Harry Day, Chair