

MINUTES OF PUBLIC HEARING ON AN ORDINANCE AMENDING WEST
HARTFORD CODE OF ORDINANCES SECTION 177-42 CONCERNING
PROCEDURES FOR SPECIAL USE PERMITS

September 27, 1994 Council Chambers 999

President Sandy F. Klebanoff called the hearing to order at 7:15 p.m.

Present were Councilors Robert Bouvier, Owen Eagan, Sandy F. Klebanoff, Charles R. Matties, Patrick McCabe, Madeline S. McKernan, Larry Price, Andy Schatz and Alfred Turco.

President Klebanoff: Mr. Feldman, does the administration have a presentation this evening?

Barry M. Feldman, Town Manager: Madam Mayor, we do. Between Don Foster and Pat Alair, Pat I guess is going to go first.

Patrick Alair, Assistant Corporation Counsel: Good evening Madam Mayor, members of the Council. I'm here to speak regarding Section 177-42 of the Code of Ordinances, an amendment concerning procedures for special use permits. This amendment has been in the works actually for I think a number of years would be a fair statement at this point. It has a very limited purpose. It simply modifies the procedure used by the Plan and Zoning Commission to review pre-existing permits, permits already issued, at some point into the future, in essence to take a second look. This amendment is a result of a court decision in a case brought regarding a property down on Park Road. The judge in that case was reviewing an appeal from the renewal of the special use permit and he held that the renewal was not appealable and dismissed the appeal because there could be no requirement that people have to renew their special use permits, that once granted they were granted forever. Therefore, he got rid of the whole case.

Our Plan and Zoning Commission has traditionally put a time limit on special use permits and renewed them on a regular basis. What we seek to do by this amendment is not allow the TPZ to put a time limit on but to allow them a time period in which to take a second look and to add additional conditions to an already existing permit.

President Klebanoff: Thank you. Does anybody have any questions, discussion? While you are there, is there a sign up sheet, Mr. Alair?

Mr. Alair: There is nothing.

President Klebanoff: Is there anyone here who wishes to address us on this topic?

Mr. Alair: I do believe Mr. Foster has a recommendation of the Plan and Zoning Commission on this ordinance.

President Klebanoff: Thank you, Mr. Foster.

Donald Foster, Town Planner: Madam Mayor, just for record purposes, in your packet is the recommendation of the Town Plan and Zoning Commission and it is a unanimous recommendation in favor of the change. There was a lot of study on the part of the Commission on this. Originally, Pat Alair brought this to the Commission as a result of the litigation that he has been involved with and the Commission went through several variations of the regulation with Pat assisting us and drafting the proposal. There is still some concern that this is a fairly substantial change when you no longer are able to conditionally approve a special permit and then have it come back in a year and be able to put a whole new set of conditions on it. It is clear Pat's counsel and Marge agrees that we can no longer do that so the Commission is going to be charged with making a much more careful review and approval in the future and I think they are prepared to do that with the ability to have the applicant come back for a review as is suggested by the regulation and after substantial study the Commission has recommended in favor of that proposal as it is now before you.

President Klebanoff: Thank you very much. Are there any questions? If not, thank you both gentlemen and I will close the public hearing.

The hearing adjourned at 7:18 p.m.

Norma W. Cronin
Recording Secretary