

Legislative History for Connecticut Act

HB 5851 PA 82-282

House - 1813-1821

Senate - 3006-3007, 3377-3378

Planning - 566-567

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1982

VOL. 25
PART 6
1777-2052

kpm

House of Representatives

Wednesday, April 14, 1982

Have all the members voted? Have all the members voted and is your vote properly recorded. If so, the machine will be locked and the Clerk will take a tally.

Would the Clerk please announce the tally.

CLERK:

House Bill No. 5657, as amended by House Amendments Schedules "A" and "B"

Total number voting	144
Necessary for passage	73 _
Those voting yea	144
Those voting nay	0
Those absent and not voting	0

SPEAKER ABATE:

The bill, as amended, passes.

CLERK:

Page 3, Calendar 185, House Bill 5851, AN ACT CONCERNING FEES FOR MUNICIPAL LAND USE APPLICATIONS. Favorable Report of the Committee on Planning and Development.

REP. POWERS: (37th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Mark Powers.

REP. POWERS:

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

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SPEAKER ABATE:

The question is on acceptance of the Joint Committee's favorable report and passage of the bill.

Will you remark, sir?

REP. POWERS: (37th)

Yes, Mr. Speaker. Thank you.

SPEAKER ABATE:

Rep. Powers, excuse me, sir. The House of Representatives please come to order. The House please come to order. Would the House please come to order. Members please engage in extended conversations outside of the Chamber. Rep. Powers, you have the floor.

REP. POWERS: (37th)

Thank you, Mr. Speaker, very much. Ladies and gentlemen of the General Assembly, this bill will enable any municipality to fix by ordinance its own schedule of reasonable fees for the processing of land use applications by a Zoning Commission, a Planning Commission, a combined Planning and Zoning Commission, a Zoning Board of Appeals, or an Inland Wetlands Commission. Such a schedule to be adopted by the municipality would supercede any specific fees authorized by the general statutes or any special act.

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Mr. Speaker, I urge passage of the bill.

SPEAKER ABATE:

Will you remark further on this bill?

REP. VAN NORSTRAND: (141st)

Mr. Speaker.

SPEAKER ABATE:

Rep. Van Norstrand.

REP. VAN NORSTRAND: (141st)

Just a question through you of the proponent?

SPEAKER ABATE:

State your question please sir.

REP. VAN NORSTRAND: (141st)

I notice the word - the limiting language, if any, in here is reasonable. I suspect I personally would feel better if there was some kind of a tap, but could I at least explore what reasonable means - if I live in the city of Hartford and I want to get and make an addition on my house and a porch or something and I got a zoning variance problem - does reasonable or could it include the cost of publication in the Hartford Courant?

SPEAKER ABATE:

Rep. Powers, would you respond, sir?

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REP. POWERS: (37th)

Thank you, Mr. Speaker. Through you, Rep. Van Norstrand, this is enabling legislation which leaves it totally up to the individual towns to set whatever fees that they feel would be reasonable.

REP. VAN NORSTRAND: (141st)

But, through you, for legislative intent, for whatever that's worth, would you concede or do you foresee that it would be reasonable for some appropriate planning or zoning agency to set a fee that included the cost of publication in whatever newspaper is the major servicer in their community?

SPEAKER ABATE:

Rep. Powers.

REP. POWERS: (37th)

Through you, Mr. Speaker, yes, I would, sir. Anything that would cover the cost of the action.

REP. VAN NORSTRAND: (141st)

Thank you. Frankly, Mr. Speaker, I'm still back where I started out. I think we would be a lot better off if there were some kind of a cap in this. I think this could work to be quite a hardship for some people, particularly those who are in urban areas who are served by major city dailys with large circulations, and does nothing really to

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bring some semblance of reasonable conformity among the towns. It just strikes me it shouldn't cost a heck of a lot more in one town than in another.

SPEAKER ABATE:

Will you remark further on this bill?

REP. ZARNOWSKI: (115th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Alexander Zarnowski.

REP. ZARNOWSKI: (115th)

Through you, Mr. Speaker, to the proponent of this bill.

SPEAKER ABATE:

State your question please, sir.

REP. ZARNOWSKI: (115th)

Right now, most of the communities are getting \$35 for an application and then on top of that, if they want to have access to it, they have to have a zoning letter drawn up by an attorney for another \$35 which comes to \$70. Do you think these are reasonable fees?

SPEAKER ABATE:

Rep. Powers.

REP. POWERS: (37th)

Through you, Mr. Speaker. I really don't feel

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comfortable in answering that, mostly because it is up to the individual towns. There are various costs involved depending upon the application and any other costs, and it would change with each individual town. So, it would be very difficult for me to say whether that would be fair or not.

REP. ZARNOWSKI: (115th)

I rise to oppose this here bill, and I think that everybody here should. Right at this point here, West Haven, for one, is \$35 for an application, and then you have to post it on your property. Then, after you get the variance or whatever you are looking for, it costs you about \$35 more, \$35 and up, for drawing up a plot plan of your place with all the dimensions and so forth, and I think that we should set a fee here and if it's going to leave it up to the individual towns, they can jump these fees any time they want to. And I rise to oppose this bill and hope everybody else will, too.

SPEAKER ABATE:

Will you remark further?

REP. MEYER: (135th)

Mr. Speaker

SPEAKER ABATE:

Rep. Alice Meyer.

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REP. MEYER: (135th)

Thank you, Mr. Speaker. After extensive study and discussions with many of the local municipalities, we find that without benefit of state statute many of the local communities have been setting various fees for the processing of all kinds of applications. Very few are already set in statute.

What this bill does is strongly support local ability to do what the town feels is in the best interest of that town. It gives the local community the right by ordinance to set what these fees are. And I think all of the Representatives who are concerned that these fees will be too high should realize that these fees will have to be voted upon by their own people within their own community.

So that this is not something that is going to be imposed upon the people of the towns. They are going to have to pass the ordinances and agree to them before these fees can be collected. And as one who strong supports local autonomy, I say we should go ahead and give the statutory authority to the towns to do what they are doing now, but do it in a way that will force them to pass the ordinance which will give the citizens of these communities an opportunity to decide

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on what the fee schedule should be in their particular town.

I urge support of the bill.

SPEAKER ABATE:

Will you remark further on this bill. If not, would all members please be seated. All staff and guests please come to the well of the House.

Would all staff and guests please come to the well of the House.

The machine will be opened.

The House of Representatives is voting by roll. Would the members please return to the Chamber immediately.

The House is voting by roll at this time. Would the members please return to the Chamber immediately.

Have all the members voted? Would the members please check the roll call machine to determine if their vote is properly recorded.

The machine will be locked. The Clerk will take the tally.

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REP. GIONFRIDDO: (33rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Gionfriddo.

REP. GIONFRIDDO: (33rd)

Thank you, Mr. Speaker. May I be recorded in the affirmative.

SPEAKER ABATE:

The Journal will so note Rep. Gionfriddo has cast his vote in the affirmative. Would the Clerk please announce the tally.

CLERK:

House Bill 5851.

Total Number Voting	146
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Necessary for Passage	74
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Those Voting Yea	135
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Those Voting Nay	11
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Absent and Not Voting	5
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SPEAKER ABATE:

The bill passes.

CLERK:

Page 4, Calendar 191, Substitute for House Bill 5713, AN ACT CONCERNING THE PURCHASE OF POWER PRODUCED BY COGENERATION OR RENEWABLE TECHNOLOGY. Favorable

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APRIL 28, 1982

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and also adds the provisions above concerning interest on mortgage loans made by any lender. If there is no objection, Mr. President, I would move the Bill be placed on the Consent Calendar.

THE CHAIR:

Hearing no objection, so ordered.

THE CLERK:

Calendar 382, File 222, House Bill 5851, AN ACT CONCERNING FEES FOR MUNICIPAL LAND USE APPLICATIONS, with a Favorable Report of the Committee on Planning and Development.

THE CHAIR:

Senator Wilber Smith.

SENATOR WILBER SMITH:

Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

THE CHAIR:

Will you remark?

SENATOR WILBER SMITH:

Yes, Mr. President. This Bill would enable a municipality to fix by ordinance, its own schedule of reasonable

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fees for the processing of land use applications by zoning commissions, planning commissions and the combined planning and zoning commissions, the zoning board of appeals or an inland wetlands commission. Such schedule adopted by the municipality would supercede any specific fees authorized by the general statutes or any special act.

If there is no objection, Mr. President, I would move this Bill to Consent.

THE CHAIR:

Hearing no objection, so ordered.

THE CLERK:

Calendar 402, File 210, Substitute for House Bill 5426, AN ACT CONCERNING TOWN DEPOSIT FUNDS, with a Favorable Report of the Committee on Planning and Development.

THE CHAIR:

Senator Wilber Smith.

SENATOR WILBER SMITH:

Mr. President, I move acceptance of the Joint Committee's Favorable Report and for passage of the Bill in concurrence with the House.

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HB 5056, HB 5127, HB 5131, HB 5406, HB 5457, HB 5459,
HB 5542, HB 5761, HB 5800, HB 5821, HB 5864, 387
HB 5896, HB 5920, SB 644, SB 43, SB 352, LFU
HB 5572, HB 5931, HB 5932, HB 5680, HB 5738,
HB 5035, HB 5124, HB 5136, HB 5641, HB 5401, HB 5672,

567, 568 and 569. On page 19, Calendar 570, 572, 573 and

574. On page 20, Calendar 575, 578. Page 21, Calendar

580, 581, and 582. And that concludes the call of today's

Consent Calendar. HB 5647, HB 5648, HB 5649, HB 5876, HB 5657, HB 5851,
HB 5426, HB 5418, HB 5463, HB 5164, HB 5733, HB 5604,

THE CHAIR:

HB 5722, HB 5780, HB 5782, HB 5815, HB 5957, HB 5578,
HB 5032, HB 5133, HB 5682, HB 5822, HB 5888, HB 5798,

Senator Robertson.

HB 5955, HB 5960, HB 5397, HB 5744, HB 5626,
HB 5902, HB 5615, HB 5736, HB 5125, HB 5452,

SENATOR ROBERTSON:

HB 5488, HB 5767, SB 634, SB 382, HB 5640,
HB 5834, HB 5412, HB 5504, HB 5737, HB 5586.

Mr. President, I would like to request that Calendar
481, File 694, Senate Bill 634, AN ACT DEFERRING FOR ONE
YEAR ADOPTION OF NEW BUDGET REQUIREMENTS FOR PROGRAMS AND
SUBMISSION OF A TASK FORCE REPORT CONCERNING THE EFFECTIVE-
NESS OF PROGRAM. I'd ask that be removed from the Consent
Calendar and PR'd for tomorrow. HB 5087, HB 5091, HB 5727,
HB 5976, HB 5153, HB 5536.

THE CHAIR:

Well, it will be removed from the Consent Calendar for
now. We'll discuss the PR after the Consent Calendar. Are
there any other questions, comments on any item on the
Consent Calendar or requests to remove from the Consent
Calendar? If not, the machine is open for the Consent Cal-
endar. Is Senator Skowronski still here?

The machine will be closed and locked.

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TOTAL VOTING 36

THOSE VOTING YEA 36

The Consent Calendar is adopted. Senator Schnelller.

SENATOR SCHNELLER:

Mr. President, I would move for suspension of the rules for immediate transmittal of the following items to the House. Calendar 438, Bill 5578; Calendar 475, House Bill 5736; Calendar 477, House Bill 5452; Calendar 479, Bill 5767; Calendar 486, Senate Bill 382; Calendar 527, Bill 5542; Calendar 545, Bill 352.

THE CHAIR:

Is there any objection to the motion? Hearing none, the rules are suspended as to those items only. What is your pleasure in reference to Calendar 481 which was removed from the Consent Calendar and has been moved for adoption? Senator Schnelller.

SENATOR SCHNELLER:

I would move that it be passed retained.

THE CHAIR:

Is there any objection to pass retaining Calendar 481? Hearing none, it's passed retained. Senator Schnelller.

JOINT
STANDING
COMMITTEE
HEARING

PLANNING &
DEVELOPMENT
PART 2
292-632

1982

MR. SOROKIN: (continued)

like to suggest a couple of changes. One is just reiterate that the Zoning Boards of Appeals and the Weapons Commission should not be included. Secondly, is I think it ought to be tied into the existing protections given to subdivisions by the statues, Sections 8-26A and 8-28A and 28B, whereby zoning changes can have no effect on approved subdivisions for a period of five years. I think it ought to be clarified that a moratorium would not affect applications for building permits, as only permits on approved subdivisions because there the only reason would be one of delay, since the changes could have no effect on the subdivisions.

In short, for all of these reasons, I feel this is a very dangerous and very -- a bill that it is open to potential abuse and would urge that it not be passed.

I'd just like to speak very briefly on two other bills, House Bill 5706. An Act Concerning Local Land Use Ordinances. Earlier in testimony by Representative McLaughlin, I gathered that the -- the consideration alleged to this Bill had to do with surface and ground water. As I read the Bill it's not limited to that, or even directed to that in any sense. I would suggest that, as drafted, it relates -- it allows towns to enact minimum type regulations, which again runs counter to the spirit of the round table discussions. Whether they -- whether towns have that power or not, I would suggest that the General Assembly should not endorse the idea or minimum type regulations. And secondly, as drafted, it's considerably too broad. If there's a concern as to local ground water, it should be -- it should be drafted properly.

And the lastly is House Bill 5851. An Act Concerning Fees for Municipal Land Use Applications, which as I understand the Bill, allows any municipality to set their own fees with the caveat that they be reasonable for any applications to the various land use commissions, I suggest that it's not appropriate for each town to set their own fees. The danger here is that a town who uses this heater as a revenue method, which I submit is not appropriate, or will use it as another method of discouraging applications. For example, if there was a \$500 fee on each lot in a subdivision, that would either discourage the application, or the eventual homeowner would end up paying the additional \$500. And I again I think that it's not appropriate. If it's appropriate for consideration, I suggest that it be -- that the Bill be

MR. SOROKIN: (continued)

amended to provide that these fees shall be reasonable, and further that -- it already says that it shall be reasonable, but that they shall be tied to the cost of processing the application and should not be used as a revenue method and shall not be used -- shall not be used indiscriminately to encourage development.
Thank you very much.

SEN. SMITH: Any questions? Hearing on the next speaker would be -- thank you, Mr. Sorokin -- Peter Borgemeister? All right, Mr. Edward J. Rybczyk, I think. You might have to pronounce your name, sir.

MR. EDWARD J. RYBCZYK: Rybczyk.

SEN. SMITH: Rybczyk. You mean I was right.

MR. RYBCZYK: My name is Edward J. Rybczyk. R-y-b-c-z-y-k, and I represent the Farrel, F-a-r-r-e-l Connecticut Division, Emhart Machinery Group. Farrel is one of the largest employers in the Lower Naugatuck Valley and services world-wide markets in rubber, plastic, paper and sugar industries.

Committee Bill 5792 would transfer part of the present duties of the Office of Job Training and Skill Development of the Labor Department to the Department of Economic Development. Farrel has had longstanding working relationship with the Office of Job Training and Skill Development of the Labor Department. We have found this Department to be knowledgeable in the needs of industry and skillful as a development in implementation of specialized job training programs, while maintaining a minimum amount of red tape and bureaucracy.

The transfer of these duties could be harmful to the training efforts of Farrel and could cause the already depressed Ansonia labor market to become more so. Farrel respectfully requests the rejection, without prejudice, of Committee Bill 5792. Thank you. I would be happy to answer any questions if there are any.

SEN. SMITH: Are there any questions? I have, excuse me, sir. I have a couple of questions. You say you're urging our rejection without prejudice of this Bill. The Bill establishes within the Department of Economic Development, as you know, and it specifies that the Commission of