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# CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

## REPORT

September 7, 2005

Mayor Mark D. Boughton  
Members of the Common Council

Re: **Request to Purchase Property at 56-59 Bear Mountain Road**

The Common Council Committee appointed to review the request to purchase land at 56-59 Bear Mountain Road met on August 18, 2005 at 7:30 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Steinerd, Basso and Esposito. Also in attendance were Director of Public Works William Buckley, Deputy Corporation Counsel Eric Gottschalk, Director of Planning Dennis Elpern, Attorney Camille DeGalan, Neuzat Murtishi and Council Members Nolan, Saadi, Seabury and Visconti, ex-officio.

By way of background, Mr. Steinerd stated that the petitioner purchased two parcels of land. In order for him to access and develop these parcels he would have to purchase the land from the City. There is one other landowner who uses the paper road. There are no records that show whether she has purchased this land. Mr. Murtishi is looking to develop two parcels with one house on each. Mr. Steinerd said the land is not park property.

Mr. Esposito stated that this land was not conveyed in 1974 so it is a part of the Bear Mountain Reservation. Attorney Gottschalk stated that he believes the property was meant to be a road in the subdivision. He does not view it as part of the park. Mr. Buckley said it was part of a subdivision and a proposed road. It should be developed as a proposed road and should have a cul-de-sac at the end. The City does not have to sell this land for these lots to be developed consistent with zoning regulations. His recommendation is to let Mr. Murtishi develop it as a proposed road. Mr. Steinerd asked about the cost and Mr. Buckley said he did not know.

Attorney DeGalan said Mr. Murtishi has landlocked land and he is trying to correct it. She said this is a hardship for her client. She said that Mr. Murtishi should not have to bear all the cost as there is another neighbor using the road. Mr. Murtishi is willing to pay \$4,500 as recommended by the Tax Assessor. He needs fee simple ownership. Mr. Saadi said the hardship

is not one that was created by the City but was in existence at the time of purchase. He stated that Mr. Buckley presented the best scenario. This is meant to be a municipal road. If this is developed as a 705-foot driveway, Mr. Saadi is concerned about safety vehicles. He asked if there is any idea of what it would cost to bring the road up to City standards? Mr. Murtishi said he has looked into the cost of a City road and it would be between \$140,000 and \$185,000. It is \$200 per square foot, multiplied by 700 x the width so it is quite expensive for one single-family house.

Attorney DeGalan said there are flag lots throughout the City. It will be on the land records in Mr. Murtishi's name. Mr. Saadi asked if the dollar amount for the cost is for access to one lot or to build two houses? Mr. Murtishi said he is not building these houses on a developer's scale. He builds one house at a time and moves into them for tax benefits. He stated that he knows that errors were made. Attorney DeGalan stated that if you look at the map, it puts Mr. Murtishi right at the line of the original lot, not the combined lot.

There was further discussion pertaining to building lots, road access, flag lots and zoning regulations, as well as other uses if an access road were to be built.

Mr. Visconti asked if it were correct, under the zoning regulations, that flag lot owners depending on an access way for access to a street must own the access way in fee simple. Attorney Gottschalk said that was correct.

Mrs. Basso made a motion to recommend approval of the conveyance of a strip of property 20 feet by 705 feet on Bear Mountain Road for a price of \$4,500 and the City will reserve the right to use the property for municipal purposes and also preserve the rights of the second homeowner. Seconded by Mr. Steinerd. Motion carried with Mrs. Basso and Mr. Steinerd voting yes and Mr. Esposito voting no.

Respectfully submitted,

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MICHAEL STEINERD, Chairman

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PAULINE BASSO

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JOHN ESPOSITO