14

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING & ZONING DEPARTMENT
(203) 797-4525
(203) 797-4586 (FAX)

December 8, 2005

To: Mayor Mark D. Boughton
Members of Common Council

From: Dennis I. Elpern

Re: Edward Ehrbar, Inc., 40-42 Kenosia Avenue
Application for a Deferral of Assessment Increases

We have received an application for a deferral of assessment increases from Edward Ehrbar, Inc. for the construction of a building at 40-42 Kenosia Avenue to be used for "selling, renting and servicing construction equipment." The stated estimated cost of new construction is $ 2,000,000 and the request is for a 100% deferral for seven years. Under CGS §12-65b, a $ 2,000,000 project is only eligible for a deferral of not greater than two years.

Regardless, as our attached form indicates, we do not believe this use complies with the list of uses eligible for a deferral. As §18-25 of the Code of Ordinances indicates, deferrals are only permitted for permanent residential use on blighted property, or for office, manufacturing, or warehouse, storage or distribution use. Note that deferrals are permitted for selected *uses*, not building type.

The cover letter from Matthew J. Ahern, Executive Vice President of Edward Ehrbar, Inc., states that the construction is for establishing a new office, warehouse and service facility. But, the site plan submitted to our office on November 14, 2005 indicates that the proposed facility is for the storage, sale and repair of construction equipment.

Although the proposed complex includes certain facilities (e.g. office, warehouse) listed under §18-25, the use is, as stated in the application, for selling, renting and servicing construction equipment. It is the overall use of the property for which we determine compliance. For example, a housing development with a swimming pool and community center would not be judged to be a recreational use (ineligible), but rather a residential use (eligible). Conversely, a car dealership would be considered a retail establishment (ineligible) even if it included an office and stored vehicles on the premises as accessory components of its operation. Otherwise, *any* use which had an office or a place for storage (e.g. junk yard) could be considered eligible. Again, deferrals are for selected uses, not building types.

We believe that in evaluating applications for deferrals, the use of the property should be defined as the function for which it is being constructed and not as the type of facility which houses the use. In this case, that function is for the sale, rental and servicing of construction equipment, not as an office or warehouse.

c: Eric Gottschalk
Colleen Burke
Matthew J. Ahern

Attachment

CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

PLANNING & ZONING DEPARTMENT
(203) 797-4525

APPLICATION

DEFERRAL OF ASSESSMENT INCREASES ATTRIBUTABLE TO CONSTRUCTION OR IMPROVEMENTS WITHIN THE CITY OF DANBURY

Pursuant to Section 18-25 of the Code of Ordinances of the City of Danbury, this application must be competed and submitted to the Department of Planning and Zoning by all eligible applicants seeking to secure a deferral of assessment increases for completed construction or improvements on property located within the City of Danbury.

Location of Property: 40-42 Kenosia Avenue

Tax Assessor's Map Number: E17-085 Town Clerk Map and Lot Number: 11829

Name, Address and Telephone Number of Owner:

Edward Ehrbar, Inc. 100 Secor Lane, Pelham Manor, NY 10803

Name, Address and Telephone Number of Applicant/Agent/Lessee (if other than owner):

Description and Use of Construction or Improvement: Approximately 20,000 sq. ft. steel and block construction building for use of selling, renting and servicing construction equipment.

Present Assessed Value of Property: $187,400

Estimated Cost of New Construction or Improvements Subject to Deferment: $2,000,000

Estimated Time Frame for Completion of Construction or Improvements: Approx. 08/2006

RECYCLED PAPER

Length of Time and Percent of Assessment Increase Requested for Deferral, as permitted in Section 18-25(d)(2) for the cost of construction or improvements specified above:

7 years, 100%

Attach a site plan and other specifications drawn to scale indicating all existing and proposed construction and other improvements sufficient for the Tax Assessor to determine the assessment of the property after completion of all proposed construction or improvements for which this deferral if being requested.

The applicant is advised that approval by Common Council and receipt of all benefits available through this deferral requires the applicant to enter into a written agreement with the City fixing the assessment of the real property, air space and all construction and improvements which are the subject of the agreement. All such construction and improvements to be undertaken are subject to the eligibility criteria specified in Section 18-25 of the Code of Ordinances and must comply with all municipal land use regulations and building and health codes.

Applicant/Agent Signature: _____ Date: 11/18/05

Matthew J. Ahern, Exec. Vice President

Applicant/Agent Name and Title: _____

FOR DEPARTMENT USE ONLY

The Common Council of the City of Danbury:

The Department of Planning and Zoning has reviewed this application for a deferral of assessment increases attributable to construction or improvements within the City of Danbury and has established that:

YES the real property or property subject to air rights is located within the City of Danbury;

NO* the applicant proposes to use the construction or improvements to real property or property subject to air rights for uses eligible under Section 18-25;

NOT the property or property subject to air rights is not delinquent in the payment of taxes owed to the City or taxes owed to the Downtown Special Services District at the time of application; and

YES the applicant proposes to enter into a written agreement with the City fixing the assessment of the real property, air space and all improvements thereon or therein and to be constructed thereon or therein, upon such terms and conditions as are provided herein and therein.

Accordingly, the Department of Planning and Zoning recommends that the application (does) (does not) meet the eligibility criteria in Section 18-25 of the Code of Ordinances for the following reasons:

*See cover memo. In addition, a $ 2,000,000 project is only eligible for up to two years deferral.

Signed: _____ Date: December 8, 2005

TELEPHONE
(914) 738-5100

FAX
(914) 738-6847

ex 133

EDWARD EHRBAR INC.

100 SECOR LANE
PELHAM MANOR, N.Y. 10803

RECEIVED
NOV 21 2005
PLANNING & ZONING
CITY OF DANBURY

November 18, 2005

City of Danbury
Planning & Zoning Department
155 Deer Hill Avenue
Danbury, CT 06810

Subject: **Application for Deferral of Assessment Re: 40-42 Kenosia Avenue**

Gentlemen:

Enclosed please find our application for deferral of assessment increases attributable to construction related to the referenced property that we are interested in purchasing.

A site plan was previously submitted to your department on November 14, 2005. We are actively pursuing the possibility of establishing a new office, warehouse and service facility within Danbury at the above referenced location.

We have also enclosed our most recent corporate brochure commemorating the Edward Ehrbar, Inc. centennial of serving the construction industry.

Please do not hesitate to contact me if you have any questions about the application or Edward Ehrbar, Inc. We look forward to working closely with you as we hope to build our new business location in Danbury.

Very truly yours,

Matthew J. Ahern
Executive Vice President

Cc: Wayne Shepperd – Economic Development Director,
City of Danbury