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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

June 6, 2006

Mayor Mark D. Boughton
Members of the Common Council

Re: **Request to Review Kennedy Place**

The Common Council Committee appointed to review Kennedy Place met on May 22, 2006 at 6:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Cavo and Saracino. Also in attendance were Assistant Corporation Counsel Les Pinter, Director of Public Works William Buckley, Director of Planning Dennis Elpern, Assistant City Engineer Patricia Ellsworth, Attorney Paul Jaber, Dan Bertram and Rich Howard representing BRT and Council Members Rotello, Riley, Stanley, Chianese and Cutsumpas, ex-officio.

Mr. Jaber stated that BRT purchased the Amphenol site, which was a redevelopment site in the sixties. Some restrictions were imposed such as setbacks, etc. Certain concessions and easements are needed. Mr. Elpern prepared a detailed report summarizing these issues. Mr. Elpern said he had no problem as long as proper reviews are required. He stated that item 1 seeks the elimination of a 10-foot wide setback as set forth in the redevelopment deed and as shown on the original redevelopment maps. Mr. Elpern stated that it appears the deed restriction predates the current C-CBD zoning designation of the site. He stated that since the existing zoning designation is less restrictive than the deed, the Planning Department has no objection to the Council releasing the encumbrance. The Public Works Department also had no objection.

Item 11 speaks to a possible foundation encroachment onto City property. Mr. Elpern's report stated that the site plans approved by the Planning Commission did not include detailed building plans for the proposed structures. Such detailed plans, including foundation drawings, are commonly provided as part of the building permit review process. Since building plans for structures and foundations have not been submitted, it is not possible at this time to determine if there is an encroachment onto public property. The Planning Department recommends that the Common Council

advise the applicant to proceed to design such building plans absent the need for approvals of an encroachment onto City property. If, after the buildings are designed, there is no alternative for such design that would relieve the encroachment, the applicant can reapply to the Common Council for such consideration. The report stated that, at this time, this request appears premature.

Mr. Bertram discussed the encroachment onto City property. The things they are asking for just make the job a little better. Mr. Elpern stated that the City does not yet know what kind of encroachment BRT is talking about. Mr. Bertram said the encroachment would be about five feet. Mr. Elpern said BRT should come back to the Common Council when they have the necessary plans or the Council could delegate oversight to the Engineering Department. Mr. Buckley said that when the Common Council acts on an easement they would want to see an A2 survey map showing the encroachment prior to beginning any work. Mr. Buckley said he would prefer not to have oversight and that it should come back to the Common Council. Mr. Buckley asked Mr. Bertram why he couldn't stay on his own property? Mr. Bertram said he could, it just isn't as clean.

Ms. Saracino made a motion to recommend approval of items one through ten as outlined in the Planning Department report; and to require that the developer submit a site plan regarding item 11 before final approval. Seconded by Mr. Cavo. Motion carried unanimously.

Respectfully submitted,

JOSEPH CAVO, Chairman

MARY SARACINO

DUANE PERKINS