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CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

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

September 7, 2004

To: Mayor Mark D. Boughton
Members of Common Council

From: Dennis I. Elpern

Re: Request for Assessment Deferral
Jay Earl Associates, 62-69 Kenosia Avenue

We have received an application for a deferral of assessment increases from David Kaplan, agent for Jay Earl Associates at 62-69 Kenosia Avenue. The applicant received a variance from the Zoning Board of Appeals on May 13, 2004 to allow a baseball academy with an indoor batting range in the existing building.

The estimated cost of new construction as stated on the application is \$ 1,400,000 for 'office/gym/baseball-softball training.'

§18-25 restricts the granting of assessment deferrals in this location to office, manufacture, or for warehouse, storage or distribution use. Recent changes added deferrals for permanent residential uses that have been designated as blighted.

Consequently, we cannot recommend the granting of an assessment deferral at this time because the proposed use is not included among the list of uses permitted for consideration by Common Council. We suspect that the applicant will contend that the office portion of the baseball academy should be eligible. However, many commercial, industrial and condominium developments have an office or storage area as an accessory to the principal use. In our opinion, the eligibility list is restricted to principal uses, not incidental accessory portions that may fall within the list of eligible uses included in §18-25.

Please note that §12-65b. of the C.G.S. allows municipalities to provide for assessment deferrals for 'recreational facilities' that, presumably, would include this proposal. That, however, would require an amendment to our §18-25 by Common Council before further consideration of this application could be entertained.

c: Laszlo L. Pinter, Corporation Counsel
Richard Seman, Assessor's Office
David Kaplan



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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: 62-69 KENOSIA AVENUE

Tax Assessor's Map Number: F 18 002 Town Clerk Map and Lot Number: _____

Name, Address and Telephone Number of Owner:

JAY EARL ASSOCIATES c/o KAPLAN REALTY GROUP

1350 AVENUE OF THE AMERICAS SUITE 3100 NY, NY 10019

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

Description and Use of Construction or Improvement: Conversion / ~~Renovation~~

Office / Gym / Baseball - Softball Training

Present Assessed Value of Property: \$ 966,000

Estimated Cost of New Construction or Improvements Subject to Deferment: \$ 1,400,000

Estimated Time Frame for Completion of Construction or Improvements: DECEMBER 2004

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:

100% of \$1,400,000 for a period of 2 years

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 is 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:

[Signature]

Date:

8/27/04

Applicant/Agent Name and Title:

DAVID J KAPLAN MANAGING MEMBER

JAY EARL ASSOCIATE

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;

Paid 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:

Proposed use is not included among those eligible for a deferral of assessment increases. See cover memorandum.

Signed:

[Signature]

Date:

9-7-04