



24-march

CITY OF DANBURY

29

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT
(203) 797-4641
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WILLIAM J. BUCKLEY, JR., P.E.
DIRECTOR OF PUBLIC WORKS / CITY ENGINEER

March 13, 2006

Honorable Mark D. Boughton
Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06896

Dear Mayor Boughton and Common Council Members:

Proposed Lot Line Revision Between
GRC Property Investment and Development, LLC
And the City of Danbury
Southern Boulevard and Brushy Hill Road

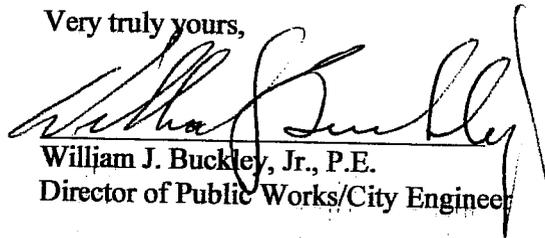
The February 21, 2006 letter sent to the Common Council by Attorney Paul N. Jaber requesting that the City approve a proposed lot line revision and property swap at the above noted location was sent to our office for a report within thirty days (reference item 24 of the March 2006 Common Council meeting minutes).

The Public Works Department has no comments to offer with respect to this proposed swap of land. The merits of the "swap" would best be addressed by the Tarrywile Park Authority. The determination as to how the land can be developed by GRC Property Investment and Development, LLC, if the land swap is approved by the Common Council, would be made by the Planning Commission.

If the Common Council decides to approve the proposed land swap, we will work with the Corporation Counsel's office relative to mapping and legal description reviews.

If you have any questions, please feel free to contact me.

Very truly yours,



William J. Buckley, Jr., P.E.
Director of Public Works/City Engineer

C: Eric L. Gottschalk, Esq.
Dennis Elpern
Sandy Moy



CITY OF DANBURY
OFFICE OF THE CORPORATION COUNSEL
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

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PLEASE REPLY TO:

March 23, 2006

Honorable Mark D. Boughton, Mayor
Honorable Members of the Common Council
City of Danbury, Connecticut

Re: March agenda item #24
GRC Property Investment and Development, LLC
Request for lot line revision

Dear Mayor and Council Members:

Please accept this letter in response to your request for a report concerning the matter referenced above. At the March Common Council meeting this request was referred to this office and to the Tarrywile Park Authority, the Director of Public Works and the Planning Commission for review. Assuming that other reports are favorable, and assuming further that you are interested in authorizing this lot line revision, which results in effect, in an exchange of property, the Danbury Municipal Charter and state law provide clear for you to accomplish this result.

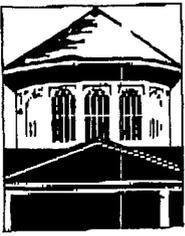
Please bear in mind that a lot line revision will entail a conveyance of city property and that in order to accomplish that, it must first be declared surplus. In addition, any proposal to convey an interest in municipally owned property requires a two-thirds vote of all of the members of the Common Council (See §3-17 of the Danbury Municipal Charter).

If you have any questions, please feel free to contact me.

Sincerely,

Eric L. Gottschalk
Deputy Corporation Counsel

cc: William J. Buckley, Jr. P.E., Dir. Of Public Works
Dennis I. Elpern, Director of Planning



TARRYWILE
PARK &
MANSION

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March 28, 2006

BY FAX ONLY
796-1529

Common Council
City of Danbury
158 Deer Hill Avenue
Danbury, CT 06810

**Re: Property Line Revision – Between Property Managed By Tarrywile
Park Authority owned by City of Danbury and GRC Southern Boulevard Property**

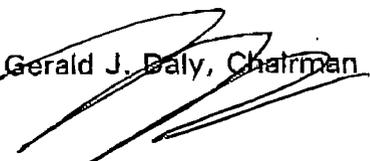
Dear Council Members:

You had requested an opinion of the Tarrywile Park Authority concerning the above proposed property line exchange. We have previously been in contact with the parties concerning proposed development of their parcel. First of all, the Tarrywile Park Authority expresses no opinion with respect to whether or not the proposed development of this property as disclosed to us would be appropriate.

The proposed property being transferred to the City and ultimately to the Park, currently extends into the Park close to the Hearthstone Castle, well beyond other adjoining properties. The property of the Park that would be transferred to the developer would be utilized to enable them to complete a proposed development within the same zone. We have been advised that if the development is approved, that a certain portion of it would be classed as open space and they would request that this open space be turned over to the City under the control of the Park. The net result would be not only straightening out the property lines but a net increase in land available to the Park.

The only concern we have would be to insure that ultimately the second phase, i.e., the ultimate transfer of the property back to the Park could be secured. What would occur if the development is either not approved or does not proceed as originally disclosed? This should be somehow covered in whatever agreement would be made between the City and the developer.

Very truly yours,


Gerald J. Baly, Chairman

GJD/pas



24. march

CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
(203) 797-4525
(203) 797-4586 (FAX)

April 24, 2006

To: Mayor Mark Boughton
Members of Common Council

From: Planning Commission

Re: 8-24 Referral/March 7th CC Agenda Item #24 – Lot Line Revision/Southern Boulevard and Brushy Hill Rd.

The Planning Commission has received a request from the Common Council for a report pursuant to CT General Statutes/Sec 8-24, regarding the above referenced item.

At the April 5, 2006 meeting, the Planning Commission made a motion to give this a positive recommendation only if the following conditions are met:

- 1) The land swap would be contingent upon application by GRC and approval by the Planning Commission for a cluster development under §4.A.6. of the Zoning Regulations. The resulting 5.195 acres of RA-20 land would accommodate no more than nine lots. Given the steep slopes on part of the land, a cluster development is preferred to a straight subdivision.
- 2) As a condition of the land swap and approval of the cluster application, GRC would (1) improve the intersection of Brushy Hill Road and Southern Boulevard, (2) provide a utility easement through their property to Tarrywile Park, and (3) construct a sidewalk from Cannondale Drive to Deer Hill Avenue (assuming sufficient right-of-way is available), all subject to subsequent approval by the City.
- 3) GRC would seek a variance from the ZBA to deed about 2.5 acres of land back to the City for expansion of Tarrywile Park, to include the 1.455 acres initially given by the City to GRC as part of the swap plus about one additional acre. If the variance was not approved, GRC would create a conservation easement on the land.

Arnold E. Finaldi Jr.
Chairman

AEF/jr

Attachment

c: Engineering Dept.
Corporation Counsel



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING & ZONING DEPARTMENT

(203) 797-4525
(203) 797-4586 (FAX)

April 4, 2006

To: City of Danbury Planning Commission

From: Dennis I. Elpern

Re: Southern Boulevard and Brushy Hill Road, Land Exchange with the City of Danbury
8-24 Referral for March 2006

We received the following 8-24 Referral from Common Council regarding a proposed land exchange with GRC Property Investment and Development, LLC.

The applicant owns two adjoining parcels at the intersection of Southern Boulevard and Brushy Hill Road, a total of 5.195 acres. The larger lot consists of 4.564 acres (3.109 acres zoned RA-20 and 1.455 acres zoned RA-80) while the smaller parcel consists of 0.631 acres zoned RA-20. These parcels adjoin lands of Tarrywile Park. If the two parcels were combined and subdivided, the maximum number of lots under RA-20 would be about six or seven, depending on how much land would be devoted to an access road. However, development of these lands would be problematic as they are laced with steep slopes and have poor access at the intersection of Southern Boulevard and Brushy Hill Road, an extremely sharp angle of intersection.

The proposal is to swap the 1.455 acres of GRC land zoned RA-80 for an adjacent 1.455 acres of Tarrywile Park land zoned RA-20. This would result in 5.195 acres of land zoned RA-20 (one unit per 20,000 sq. ft.), compared with only 3.74 acres zoned RA-20 now. Given that the RA-80 land would be exchanged for the higher density RA-20 land (and that the 1.455 acres of GRC land now zoned RA-80 is too small to accommodate a dwelling unit), the number of possible lots would increase from 6 or 7 under the current configuration to about 9 lots.

The former GRC land would then become part of Tarrywile Park. This much is in keeping with the Plan of Conservation and Development recommendation to acquire this portion of GRC lands to expand the Park. However, the Plan did not recommend giving up any other lands of the Park.

Discussions with the applicant reveals that they would then apply for a cluster development under §4.A.6. of the Zoning Regulations. If the cluster were approved, approximately 2.5± acres (including the 1.455 acres of land just received from the City and about one additional acre) would then be deeded back to the City as open space. The latter option would depend on the applicant receiving a variance from the ZBA to deed only 2.5± acres back to the City, since §4.A.6. of the Zoning Regulations stipulates that a minimum of five acres of open space is required to be dedicated to the City as part of a cluster development.

The applicant would retain approximately 2.6 acres and the right to development nine lots on this land. If the cluster were not approved, the applicant would agree to a City restriction of only one dwelling on the 1.455 acres of former City land.

A summary of the options break down as follows.

- a. **Current Zoning:** Under current zoning, six or seven lots could be subdivided (assuming about 15% for a road) for land zoned RA-20 (3.74 acres) and no units for land zoned RA-80 (1.455 acres) since it doesn't meet the lot minimum of 80,000 square feet.

» Maximum of seven lots on 5.195 acres (i.e. one lot per 32,328± gross square feet) in a conventional subdivision. There would be no offer to improve the intersection or provide a utility easement.

- b. **GRC Option 1:** Cluster Approved – Assumes land swap of 1.455 acres of RA-80 land for RA-20 land. The resulting 5.195 acres of RA-20 land would accommodate nine lots, an increase of up to three additional lots beyond current zoning because GRC would gain 1.455 acres of RA-20 land for 1.455 acres of RA-80 land.

GRC would then seek to deed about 2.5 acres of land back to the City for expansion of Tarrywile Park. This would include the 1.455 acres initially given by the City to GRC as part of the swap. To that would be added about one additional acre. GRC would seek a variance from the ZBA to reduce the five acre requirement to about 2.5 acres.

As a condition of the land swap, GRC would improve the intersection of Brushy Hill Road and Southern Boulevard and provide a utility easement through their property to Tarrywile Park, allowing for future extensions to the Castle should the Castle ever be improved.

» Assuming the variance was granted and land was deeded back to the City, the result would be a maximum of nine lots on 2.6± remaining acres for GRC development (i.e. one lot per 12,584± gross square feet), exclusive of the land deeded back to the City.

- c. **GRC Option 2:** Cluster Not Approved – Assumes land swap of 1.455 acres of RA-80 land for RA-20 land. No land would be deeded back to the City. As with Option 1, the resulting 5.195 acres of RA-20 land would accommodate nine lots. It has been proposed by GRC that the land to be conveyed from the City (1.455 acres) would be restricted to one dwelling unit as part of the land swap. This would result in a conventional subdivision with a total of 10 lots. There would be no offer to improve the intersection or provide a utility easement.

» Maximum of ten lots on 6.65 acres (i.e. one lot per 28,967 square feet).

The preferred option from GRC is Option 1. To that end, the developer would gain up to three additional lots while the City would receive about 2.5± acres of open space contiguous to Tarrywile Park (assuming a variance was granted by the ZBA) plus intersection improvements and a utility easement.

Attachment



CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING & ZONING DEPARTMENT

(203) 797-4525
(203) 797-4586 (FAX)

April 7, 2006

To: Mayor Mark D. Boughton
Members of Common Council

From: Dennis I. Elpern, Planning Director

Re: Southern Boulevard and Brushy Hill Road, Land Exchange with the City of Danbury
8-24 Referral for March 2006

At their April 5, 2006 meeting, the Planning Commission met with Gary Michael and other representatives of GRC Property Investment and Development, LLC. The applicant owns two adjoining parcels at the intersection of Southern Boulevard and Brushy Hill Road, a total of 5.195 acres. The larger lot consists of 4.564 acres (3.109 acres zoned RA-20 and 1.455 acres zoned RA-80) while the smaller parcel consists of 0.631 acres zoned RA-20. These parcels adjoin lands of Tarrywile Park.

The proposal is to swap the 1.455 acres of GRC land zoned RA-80 (allowing one lot per 80,000 sq. ft.) for an adjacent 1.455 acres of Tarrywile Park land zoned RA-20 (allowing one lot per 20,000 sq. ft.). For GRC, this would result in 5.195 acres of land zoned RA-20, compared with only 3.74 acres zoned RA-20 now. Given that the RA-80 land would be exchanged for the higher density RA-20 land, the number of possible lots would increase from six or seven under the current configuration to nine lots. The former GRC land zoned RA-80 would then become part of Tarrywile Park and GRC would then apply to the Planning Commission for a cluster development on the rest of their land. GRC offered a variety of public improvements to the City as part of the land swap.

After discussion, the Planning Commission made a positive referral to Common Council to accept the proposed land swap of 1.455 acres of GRC land for 1.455 acres of City land, but only under the following conditions.

1. The land swap would be contingent upon application by GRC and approval by the Planning Commission for a cluster development under §4.A.6. of the Zoning Regulations. The resulting 5.195 acres of RA-20 land would accommodate no more than nine lots. Given the steep slopes on part of the land, a cluster development is preferred to a straight subdivision.
2. As a condition of the land swap and approval of the cluster application, GRC would (1) improve the intersection of Brushy Hill Road and Southern Boulevard, (2) provide a utility easement through their property to Tarrywile Park, and (3) construct a sidewalk from Cannondale Drive to Deer Hill Avenue (assuming sufficient right-of-way is available), all subject to subsequent approval by the City.
3. GRC would seek a variance from the ZBA to deed about 2.5 acres of land back to the City for expansion of Tarrywile Park, to include the 1.455 acres initially given by the City to GRC as part of the swap plus about one additional acre. If the variance was not approved, GRC would create a conservation easement on the land.

If all conditions were agreed to, GRC would gain up to three additional lots while the City would gain the various public improvements specified above and about 2.5 acres of land to be added to Tarrywile Park.

Agreement by the City to the proposed land swap should be contingent upon subsequent approval by all parties involved.

This is a rather complex proposal and I refer you to the attached report I prepared for the Planning Commission outlining the details and all the various options (note that this agreement pertains to GRC Option 1 in the report). Please let me know if you have any further questions.

c: Eric Gottschalk
Jimetta Samaha

Attachment