

June 26, 2006

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To: The Honorable Mayor Mark Boughton
The Honorable members of the Danbury Common Counsel

From: Michael A. Kallas, 53 South Street, LLC

RE: Danbury Code of Ordinance Sec. 11-2 (b) and (c), Land use application processing fees; subdivisions, engineering and fire marshal review.

We are requesting a determination by the Common Council for the amount of the fee when an application is rejected and subsequently resubmitted.

Attached are the Danbury Codes and the Planning Departments Application form describing the fee structure when reapplying for a site plan approval to the Planning and Zoning Commission.

Specifically, our scenario is as follows:

We submitted a site plan for 53 South Street, LLC to the Planning Commission on January 25, 2005. For your reference this was Site Plan SE 630, Sycamore Court, 53 South St., Danbury, CT, Assessor's Lot #J15271 & J15274.

This was a special exception plan under the affordable housing incentive for nine condominium units. The plan was rejected by the planning commission on September 7, 2005.

We submitted a new plan on May 5, 2006 for the same property. The new plan is for six units and does not require a special exception but requires a Planning Department approval. The plan does not require a Planning Commission hearing.

The Planning and Zoning Department's letter regarding a review fee indicates in line 8 & 9 that a withdrawn or rejected application is assessed a fee of \$300.00.

We believe our circumstances are that since we originally paid a \$1,500 fee for our first plan and we have submitted a new plan for the same site that our fee should be \$300.00.

Attached is a notice from the Planning & Zoning Department requesting a second review fee of \$1,500 on the same property.

We request from the Common Council, a clarification of the fee due on this resubmission.

Sincerely,


Michael A. Kallas
203-797-1727

LICENSES AND PERMITS*

Sec. 11-1. Policies, rules and regulations for use of municipal facilities.

The City of Danbury is authorized to establish policies and procedures for the use and rental of various municipal facilities by the public. The common council may adopt, and may amend [this section] from time to time, and shall establish an annual schedule of use fees for said facilities. This policy shall apply to all city facilities as set forth, except the Danbury Public Library and those under the jurisdiction and control of the Stanley Lasker Richter Memorial Park Authority, the Tarrywile Park Authority and the Department of Parks and Recreation. The superintendent of public buildings shall be responsible for the implementation of this section with respect to all municipal facilities and shall oversee the use of said facilities.

(Ord. No. 618, 6-2-04)

Sec. 11-2. Land use application processing fees; subdivisions; engineering and fire marshal review.

(a) *Purpose.* Pursuant to the provisions of section 8-1c of the Connecticut General Statutes, the City of Danbury is authorized to adopt a schedule of reasonable fees for the processing of applications by the zoning commission, planning commission, zoning board of appeals and environmental impact commission. The intention of this ordinance is to allow the aforementioned land use agencies to retain, to the extent possible, the right to establish general processing fees while establishing consistent engineering and fire marshal review fees pertaining to all land use applications.

(b) *Engineering fees.* In addition to the general processing fees established connection with the issuance of permits, licenses or other approvals by the land use agencies identified in subsection

*Cross references—Building moving permits, § 6-5; permits to connect to public sewers, § 16-4; permit to excavate streets and sidewalks, § 1747 et seq.

(a) hereof, and in addition to the general subdivision processing fee established pursuant to subsection (d) hereof, whenever a review by the engineering division of the Danbury Department of Public Works is required in connection with the issuance of said permits, licenses and approvals, the applicant shall pay an additional processing fee to defray the costs of said review. Said additional processing fee shall be in the amount of three (3) percent of the estimated cost of construction, but shall not exceed one thousand dollars (\$1,000.00) nor be less than fifty dollars (\$50.00). In addition to the foregoing, the applicant shall pay a fee of three hundred dollars (\$300.00) for each and every review of revised or modified plans submitted by the applicant to the city and reviewed by engineering division of the department of public works.

(c) *Fire marshal fees.* In addition to the general processing fees established connection with the issuance of permits, licenses or other approvals by the land use agencies identified in subsection (a) hereof, and in addition to the general subdivision processing fee established pursuant to subsection (d) hereof, whenever a review by the fire marshal of the City of Danbury is required in connection with the issuance of said permits, licenses and approvals, the applicant shall pay an additional processing fee to defray the costs of said review. Said additional processing fee shall be in the amount of three (3) per cent of the estimated cost of construction, but shall not exceed five hundred dollars (\$500.00) nor be less than fifty dollars (\$50.00).

(d) *General subdivision processing fee.* Due to the superceding effect of the provisions of this section created by section 8-1c of the Connecticut General Statutes upon the general subdivision processing fee previously provided for by the planning commission in the Subdivision Regulations of the City of Danbury, as amended, said fee is hereby established. The general subdivision processing fee for subdivision applications shall be twenty-five dollars (\$25.00) per lot within the subdivision, but in no case less than fifty dollars (\$50.00).

(Ord. No. 619, 6-2-04; Ord. No. 632, 3-1-05)

Sec. 11-3. Reserved.

Editor's note—Section 11-3, requiring a permit to carry a concealed weapon, and derived from Code 1925, § 244, was repealed by Ord. No. 481, adopted Dec. 7, 1993.



CITY OF DANBURY
 155 DEER HILL AVENUE
 DANBURY, CONNECTICUT 06810

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

January 20, 2005

To:

As of July 23, 2004, a review fee for the Engineering and Fire Marshal's review is required for any land use application that requires a plan review by these two offices. Our records indicate that an outstanding balance currently exists for the following project on which you are listed as the agent/owner:

The Engineering Department received your plans for review on _____, _____.

The Fire Marshal's Office received your plans for review on _____, _____.

Please complete this form and send payment to the Department of Planning and Zoning, 155 Deer Hill Avenue, Danbury, CT 06810. Payment is to be received thirty (30) days from receipt of this notice.

Application # _____ Project Name: Symone Court Project Agent: _____

To be filled out by applicant:

Estimated Cost of Construction: _____ Outstanding Balance (please see referenced ordinance): _____

I, _____, owner/owners agent of the above-described property hereby swear and attest that the actual construction cost is accurate.

 (Signed)

 (Date)

This review fee is being charged in accordance of The Code of Ordinances of Danbury, Connecticut, per Section 11-2 (b) & (c) Land use application processing fees; subdivisions; engineering and fire marshal review provides that: (b) *Engineering fees.* In addition to the general processing fees established connection with the issuance of permits, licenses or other approvals by the land use agencies identified in subsection (a) hereof, and in addition to the general subdivision processing fee established pursuant to subsection (d) hereof, whenever a review by the Engineering Division of the Danbury Department of Public Works is required in connection with the issuance of said permits, licenses and approvals, the applicant shall pay an additional processing fee to defray the costs of said review. Said additional processing fee shall be in the amount of three percent (3%) of the estimated cost of construction, but shall not exceed one thousand dollars (\$1000.00) nor be less than fifty dollars (\$50.00) and in the amount of three hundred dollars (\$300.00) for any application that is withdrawn or rejected and subsequently resubmitted.

c) *Fire marshal fees.* In addition to the general processing fees established connection with the issuance of permits, licenses or other approvals by the land use agencies identified in subsection (a) hereof, and in addition to the general subdivision processing fee established pursuant to subsection (d) hereof, whenever a review by the fire marshal of the City of Danbury is required in connection with the issuance of said permits, licenses and approvals, the applicant shall pay an additional processing fee to defray the costs of said review. Said additional processing fee shall be in the amount of three percent (3%) of the estimated cost of construction, but shall not exceed five hundred dollars (\$500.00) nor be less than fifty dollars (\$50.00).

Please contact Sean Hearty, Director of Permit Coordination at (203) 797-4587 with any questions.



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

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

NOTICE OF PAYMENT DUE

June 16, 2006

Michael Kallas
99 Chambers Road
Danbury, Connecticut 06811

RE: NAME OF APPLICATION: Sycamore Court
APPLICATION NO.: SP 06-08
DATE APPLICATION SUBMITTED: May 8, 2006

Dear Mr. Kallas:

You are hereby given official notice that the following Land Use Processing Fees are due immediately for the above referenced application.

Engineering Department Review Initial Fee	\$ 1,000
Engineering Fees for Revised Plan Reviews	<hr/>
Fire Marshal Review Fee	500
Total Due	\$ 1,500

A check for the total amount due shall be made payable to the "*City of Danbury.*"

Note: If this amount is not paid in total within 10 business days of the date of this letter, the application will be denied for failure to pay required application fees.

These fees are based on requirements specified in Section 11-2 of the City of Danbury Code of Ordinances, as amended. In accordance with the provisions of the Code, applicants, agents or owners seeking land use approvals requiring reviews by the Engineering Division of the Department of Public Works and Office of the Fire Marshal are subject to additional review fees.

These fees are based on an estimated cost of construction at the time of application, and are calculated as follows in accordance with §11-2 of the City of Danbury Code of Ordinances.

1. Initial Review of Application Plan

- For projects in which 3% of the estimated cost of construction is \$ 1,000 or greater:

Initial Engineering Review	\$ 1,000
Initial Fire Marshal Review	<u>500</u>
Total	\$ 1,500

- For projects in which 3% of the estimated cost of construction is less than \$ 1,000:

Initial Engineering Review	3% of the estimated cost of construction, minimum of \$ 50
Initial Fire Marshal Review	3% of the estimated cost of construction, minimum of \$ 50

2. Revised or Modified Plans Submitted to the Engineering Department for Additional Review:

Revised Plan Review	\$ 300 for each subsequent review
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Any subsequent review and distribution of additional revised or modified plans will not commence until payment of all outstanding fees are received by the Department of Planning and Zoning.

Please contact Joanne Read immediately at (203) 797-4525 if you have any questions regarding this letter.

c: Ben Doto



COMPLETE AND RETURN THIS PORTION WITH PAYMENT TO:

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

APPLICATION NAME _____ NO. _____

Total amount enclosed: \$ _____.

Print Name

Applicant Owner Agent

Signature _____

Date _____