

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On May 31, 2016 State Office Building, Hartford, Connecticut

The State Properties Review Board held its regular meeting on May 31, 2016 in the State Office Building.

Members Present: Edwin S. Greenberg, Chairman
Bruce Josephy, Vice Chairman
John P. Valengavich, Secretary
Pasquale A. Pepe

Staff Present: Brian A. Dillon, Director
Mary Goodhouse, Real Estate Examiner

Chairman Greenberg called the meeting to order.

Mr. Valengavich moved and Mr. Josephy seconded a motion to enter into Open Session. The motion passed unanimously.

OPEN SESSION

ACCEPTANCE OF MINUTES OF May 23, 2016. Mr. Josephy moved and Mr. Pepe seconded a motion to accept the minutes of May 23, 2016. The motion passed unanimously, with Mr. Valengavich abstaining from voting.

REAL ESTATE- UNFINISHED BUSINESS

REAL ESTATE – NEW BUSINESS

PRB #	16-122	Transaction/Contract Type:	RE / Sale
Origin/Client:	DOT / DOT		
Project Number:	034-058-015B		
Grantee:	Prindle Lane LLC		
Property:	South side of Prindle Lane, Danbury		
Project Purpose:	Sale of Excess Property via Abutter Bid		
Item Purpose:	Release of 1,222 SF ± of vacant commercial land located on the south side of Prindle Lane, Danbury.		

The release parcel of 1,222 SF is triangular in shape, measuring 62 feet X 60 feet X 42 feet. It is located on the southerly side of Prindle Lane, about 180 feet distant from Mill Plain Road, U.S. Route 6, in Danbury. The parcel has 62 feet of frontage on Prindle Lane. The two abutters are (1) 1.08 acre parcel improved with a commercial office building at 108 Mill Plain Road owned by Crescent Road Partners, LLC; and (2) 18.162 acres improved with an industrial building of 158,344 GSF, owned by Prindle Lane LLC, Gregory L. Steiner, Manager.

The parcel was requested by the abutter, Victor Chaves, Crescent Road Partners, LLC, owner of 108 Mill Plain Road, which is 1.08 acres with a 22,065 SF 3-story commercial building tenanted in part by Wells

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Fargo Bank. The DOT Appraiser reasoned that the parcel's highest and best use was for assembly with the petitioner's property at 108 Mill Plain Road. Based on 3 sales of commercial land in Danbury, he valued the site only at \$15.00/SF; and extended that value to the release parcel. DOT notified the two abutters by letter (October 26, 2015) that the property was available with an asking price of \$25,000. The petitioner Crescent Road Partners, LLC offered \$1.00; the other abutter Prindle Lane LLC offered to purchase for \$28,000, which DOT accepted.

Staff recommended Board approval for the sale to the abutter Prindle Lane LLC. The purchase price of \$28,000 (\$22.91/SF) exceeds the recommendation of the DOT appraiser, whose report included data on 3 Danbury sales that occurred in 2014 and 2015. The sales were of 2.916 acres at \$19.09/SF; 0.70 acres at \$22.19/SF; and 0.42 acres at \$25.42/SF. The release value of \$22.91 is within this data range. Releasing the property will end the State's liability for it and need to maintain it, while returning it to the municipal grand list of the City of Danbury. The City of Danbury pursuant to CGS §3-14b was offered the right to purchase same for \$28,000, but declined. The legislative delegation was notified of the sale in accordance with CGS §13a-80(a).

PRB #	16-123	Transaction/Contract Type:	RE / Sale
Origin/Client:	DOT / DOT		
Project Number:	096-039-107C		
Grantee:	Salvator Delregno et al		
Property:	Southeasterly side of River Road No. 1, Southbury		
Project Purpose:	Sale of Excess Property to Sole Abutter		
Item Purpose:	Release of 24,794 SF ± of vacant commercial land located adjacent to 115 River Road No. 1, Southbury, originally acquired for Interstate 84.		

DOT obtained the release parcel in 1951 through condemnations for the construction of Interstate 84. The DOT also relocated River Road, and transferred its interest in the "former" River Road to the Town of Southbury. Since 1983, the Grantee has owned 64,081 SF (1.47 acres) of land at 115 River Road, improved with a 2-family residence. This is considered a waterfront property because it is located on a "lagoon" near where the Pomperaug River empties into Lake Zoar (CL&P damned portion of the Housatonic River for hydro-power). The DOT appraiser points out that the lagoon suffers from eutrophication (algae blooms) in the summer. Recently the Town discontinued the former River Road, increasing the Grantee's lot size, and making the Grantee the DOT sole abutter.

The Grantee petitioned DOT for the release parcel, 24,794 SF lying between the "former" and "present" River Roads. The release parcel is parabolic/crescent in shape, with 428.25 feet of frontage along the present River Road. At its widest point, the parcel is approximately 90 feet in width. It does not conform to zoning requirements and can be released by DOT through the sole abutter bid process. The DOT is also releasing any rights it has to the discontinued portion of the former River Road.

DOT's staff appraiser believed that assembling the release parcel with the abutter's parcels would enhance the potential for commercial development. He considered the current residential use an interim use. The release parcel improves access to the sole abutting parcel.

Using its appraisal as a starting point, DOT offered to release for \$100,000 (3/2015). The buyer, represented by Attorney Gail McTaggart countered with \$20,000, after which DOT lowered the price to \$85,000 (6/2015). The negotiations concerned whether or not the release parcel could be used for parking

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for a commercial project. The release parcel will be subject to the following deed restriction: “The premises are conveyed subject to the restriction....that without the express written consent of the Connecticut State Historic Preservation Office (“SHPO”), Salvatore Delregno and Peter M. Gayowski, or their heirs, successors and assigns, shall not cause, permit or suffer any grading, excavation, plowing, subsoiling, drainage improvement, or other undertaking that would disturb the subsurface in excess of 12 inches of the ground surface of the above-described premises. In the event of any such request for consent, and as a condition to the consideration of same, the SHPO may require that the Grantees, their heirs, successors or assigns, conduct, at their expense, a survey, acceptable to the SHPO, to determine the presence and significance of archeological resources with the area to be disturbed.”

The Grantee argued that this restriction effectively prevents use of the parcel for parking, or that lifting the restriction would entail additional expense for the archeological studies and legal costs. DOT discussed the feasibility of parking lot use with a SHPO representative who indicated that installation and use of paving would not be permitted because it would damage any archeological resources that may be present. Based on this discussion, the DOT agreed to release the property for \$35,000.

Staff recommended approval of the item. The commissioner of transportation has the authority to sell the parcel under CGS §13a-80. The sale will return the property to the municipal grand list to generate local tax revenue. The municipality was notified and declined to purchase as required by CGS §3-14b and §13a-80(a). The legislative delegation was notified as required by §13a-80(a). the release value of \$35,000 appears reasonable in that the release parcel has the following constraints to development: SHPO deed restriction against grading, excavating, etc. without a SHPO consent; a drainage right of way; an easement to drain (there are two pipes draining onto the property) and an easement to maintain metal beam rail and end anchor, all in favor of the Town of Southbury; the drainage from River Road has created a wetland on the southern end of the parcel; a portion of the frontage slopes sharply from River Road, making 36% of the parcel too steep to develop, per John J. Mack, PE of Stuart Somers Company LLC.

PRB #	16-124	Transaction/Contract Type:	RE / Assignment
Origin/Client:	DOT / DOT		
Project Number:	082-296-002A		
Grantee:	Town of Middletown		
Property:	Land and Easements located along Westlake Drive, Middletown		
Project Purpose:	Assignment to the Town of Middletown		
Item Purpose:	Assignment of 2,988± SF of land, 5,151± Sf of easement area and 62± LF and other rights to the Town of Middletown for highway purposes which were originally acquired for the Replacement of Bridge No. 05954, per Agreement No. 04.030-01(10).		

Staff recommended Board approval for the release of this real estate. The conveyance complies with Section 13a-80 of the CGS governing the release of excess property by the commissioner of transportation. The descriptions in the Quit-Claim to release the real property are consistent with the description in the DOT acquisition deeds.

DOT acquired and is now releasing real property which was originally acquired for the Replacement of Bridge No.05954 on Westlake Drive over Miner Brook Project. The project is complete and it is now

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necessary for the State to assign the land to the City per Section 7 of Agreement No. 04.03.01(09). This is a release along a town street for highway purposes only and there is not any monetary consideration. The project release areas comprise four original property takings which totaled approximately 2,988-SF of land, 62-LF of easement area and 5,151-SF of easement area.

ARCHITECT-ENGINEER - UNFINISHED BUSINESS

ARCHITECT-ENGINEER – NEW BUSINESS

OTHER BUSINESS

The Board took the following votes in Open Session:

PRB FILE #16-122 – Mr. Pepe moved and Mr. Valengavich seconded a motion to approve PRB File #16-122. The motion passed unanimously.

PRB FILE #16-123 – Mr. Valengavich moved and Mr. Pepe seconded a motion to approve PRB File #16-123. The motion passed unanimously.

PRB FILE #16-124 – Mr. Valengavich moved and Mr. Pepe seconded a motion to approve PRB File #16-124. The motion passed unanimously.

The meeting adjourned.

APPROVED: _____ **Date:** _____
John P. Valengavich, Secretary