

STATE PROPERTIES REVIEW BOARD

Minutes of Meeting Held On March 4, 2024

– solely by means of electronic equipment - via telephone conference –

Pursuant to CGS §1-225a, the State Properties Review Board conducted a Regular Meeting at 9:30AM on March 4, 2024. Pursuant to the statute, this Meeting was held solely by means of electronic equipment, with Participants connecting via telephone conference at (860)-840-2075 and used Conference ID 917724280#.

The Notice provided designated this Regular Meeting as open to the public. Call in instruction were provided as: Dial toll free (860)-840-2075 and use Conference ID 917724280#. If you have any questions or need assistance to attend these Meetings, or for some reason the Call-In Numbers do not work, please contact SPRB Director Thomas Jerram, immediately, at thomas.jerram@ct.gov to make appropriate arrangements.

Members Present – solely by means of electronic equipment:

Bruce R. Josephy, Chairman
Jeffrey Berger, Vice Chairman
John P. Valengavich, Secretary
Edwin S. Greenberg
Jack Halpert
William Cianci

Members Absent:

Staff Present – solely by means of electronic equipment:

Thomas Jerram

Guests Present – solely by means of electronic equipment:

Mr. Halpert and Mr. Berger seconded a motion to enter into Open Session. The motion passed unanimously.

OPEN SESSION

1. ACCEPTANCE OF MINUTES

Mr. Halpert moved and Mr. Berger seconded a motion to approve the minutes of the February 29, 2024 Meeting. The motion passed unanimously.

2. COMMUNICATIONS

The Board received an inquiry from Mr. Nicholas Barone regarding a property located at 760 Derby Avenue in Seymour. He expressed his interest in a potential purchase of this property, a former DOT highway garage. Staff forwarded to DOT and it was then identified as under custody and control of DESPP. OPM also responded that the property has not been declared surplus property at this time and also provided a brief explanation to Mr. Barone regarding the disposition process.

DAS-RECS' provided the Board further clarification regarding the initiation of project budgets and modifications as the project evolves.

Staff is meeting with DAS' Michael Barrera regarding records retention for Board files that have been digitized and electronically stored.

Mr. Berger informed Board Members that legislation proposed by the Department of Agriculture - HB5228 - will have a public hearing on Friday.

3. REAL ESTATE- UNFINISHED BUSINESS

4. REAL ESTATE – NEW BUSINESS

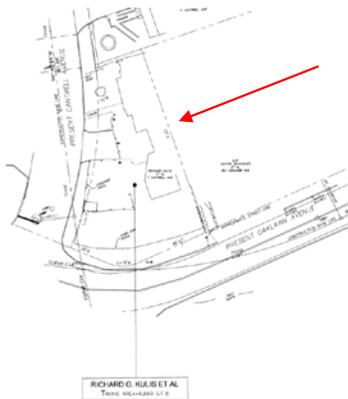
PRB File #: 24-023
Transaction/Contract Type: RE – Release
Origin/Client: DOT/DOT
DOT Project #: 135-321-010A
Grantee: 13 Brookside, LLC
Property: Stamford, Cantwell Ave (7)
Project Purpose: Oaklawn Avenue Roadway Improvements –
Sale by Public Bid
Item Purpose: Quit Claim Deed

CONVEYANCE FEE: \$74,000 plus \$1,000 Administrative Fee

At its meeting held on December 12, 2016, under PRB #16-286, the State Properties Review Board voted to approve the acquisition of the property located at 7 Cantwell Avenue in Stamford. The property consisted of a 6,660 square foot (0.153 acre) site is at the intersection of Oaklawn Avenue and Cantwell Avenue, improved with a 2,223 square foot colonial style dwelling. At that time the City of Stamford Zoning Board of Appeals denied a DOT request for a lot size variance that would have resulted in a partial take of the 1,793 SF of land needed for the Project. This ruling required DOT to complete a total take of the property for \$445,000 on February 2, 2017 (WD - 11670/314). The dwelling was razed in September 2021.



Courtesy: Google Earth



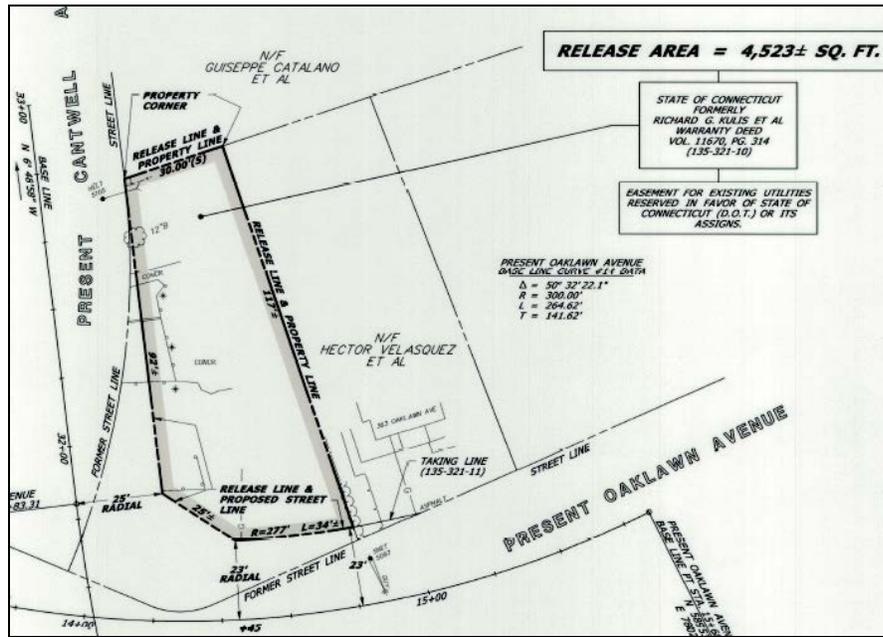
Under this Proposal (PRB #24-023), DOT is seeking SPRB approval to approve of a Quit Claim Deed, after DOT held a Sale by Public Bid for the release of this 4,523 square foot unimproved lot.

The property consists of 4,523+/- square feet with 59+/- feet of frontage on the northern side of Oaklawn Avenue and 92+/- feet of frontage on the eastern side of Cantwell Avenue. The site is not within a flood zone and there do not appear to be any wetlands present. There is one curb cut onto Cantwell Avenue. The parcel is subject to an easement for existing utilities reserved in favor of the DOT. The property is located in the R-71/2 District and is non-conforming regarding site regarding

minimum site requirements. A request was presented to the local Zoning Board of Appeals requesting a variance to 5,612 square feet in lieu of the required 7,500 square feet minimum was denied on May 26, 2016.

R-7½ Districts

- (a) Minimum Lot Area: 7500 sq. ft.
- (b) Minimum Frontage: 60 ft.
- (c) Maximum Building Coverage, all Buildings: 25%
- (d) Maximum Building Height: 2 1/2 Stories, not to exceed 30'
- (e) Minimum Yards: Front: 30 ft., Rear: 30 ft., Side: at least 6 ft. each side



View of release parcel from Oaklawn Ave facing northerly



View of release parcel from corner of Oaklawn Ave & Cantwell Ave facing northerly

The appraiser is of the opinion that, because the release parcel does not appear to be a stand-alone buildable lot, the Highest & Best Use of the release parcel is assemblage with the logical abutter.

The logical abutter, located at 363 Oaklawn Avenue, consists of a legal, non-conforming, 5,663+-

SF parcel in an R-7 1/2 zone, with 50+/- feet of frontage and one curb-cut access on the northern side of Oaklawn Avenue. The logical abutter is an interior lot with typical suburban residential views. The site is improved with a single-family dwelling, built in 1930, with 2,562 square feet over an unfinished basement. Additional improvements include an attached garage, enclosed porch and concrete patio.

For the purposes of this appraisal the improvements will be given an “X” value. It is noted that this “X” component represents the single-family residence, any outbuildings, and miscellaneous site improvements on both the release property and the sole abutter. If the “X” component were valued, the value of the release parcel would result in the same conclusion.

After the assemblage, the sole abutting property will now consist of approximately 10,186+/-SF that is improved with a single-family residence in an R-7 1/2 zone. It is a corner lot with 109+/- feet of frontage on Oaklawn Avenue and 92+/- feet of frontage on Cantwell Avenue. The After-Assemblage property is a legal, conforming lot as it exceeds the minimum lot size requirement of 7,500 square feet and minimum street frontage requirement of 60 feet for the R-7 1/2 zone.

Before Valuation – With the release of this parcel via a Sale by Sole Abutter Bid, DOT Appraiser James Mansfield appraised the property, as of June 30, 2022, in both the Before and After assemblage. Based on the sales comparison approach, the Appraiser utilized three sales of land in Stamford that sold in 2020-2021 with a similar highest and best use.

After adjusting for transactional, locational and physical characteristics the appraiser concluded the fair market value of the subject land was \$25.00/sf, as follows:

Item	Calculation	Value
Land Valuation (Fee Simple)	5,663 sf x \$25.00/sf =	\$141,575
	Rounded	\$141,500

After Valuation – Based on the sales comparison approach, the Appraiser utilized the same three sales of land as in the Before Valuation.

After adjusting for transactional, locational and physical characteristics the appraiser concluded the fair market value of the subject land was \$23.00/sf, as follows:

Item	Calculation	Value
Land Valuation (Fee Simple)	10,186 sf x \$23.00/sf =	\$234,273
	Rounded	\$234,500

Value of Release

Item	Value
After Valuation	\$234,500
Before Valuation	\$141,500
Release Value	\$93,000

DOT provided the following narrative in support of this request:

The property was appraised on June 30, 2022 by staff appraiser Mr. James Mansfield who determined the value to be \$93,000.00, which was accepted and registered by the Department on August 18, 2022. The appraisal was completed in advance of the Department receiving the final close out paperwork (CON-501) for project 135-321. Since project 135-321 was a town administered project, the paperwork was issued later

than anticipated and the release was put on hold until the project was officially closed. Finally, in March of 2023 this office received the CON-501 ensuring the public bid could proceed.

On May 24, 2023, a Public Bid as held for the parcel with an asking price of \$100,000.00. One Bid was received from 13 Brookside LLC in the amount of \$28,000.00. This bid was not accepted as it was not within a reasonable range of the asking price. On June 1, 2023, Mr. David Herz, Manager of 13 Brookside, LLC submitted an offer in the amount of \$58,000.00. On June 6, 2023 the Department countered Mr.Herz's offer with an asking price of \$75,000.00. Mr. Herz accepted the asking price if the Department would include the \$1,000.00 administrative fee as part of the \$75,000.00. The Department accepted \$75,000.00 inclusive of the \$1,000.00 administrative fee.

Public Bid Advertisement: [135 321 010A Stamford Item No 861 \(ct.gov\)](https://www.ct.gov/135321010AStamfordItemNo861)



And from the Administrative Acceptance:

The Premises has been maintained by the Department since February 2017 and was improved with a single-family home until its demolition in September 2021. Beginning in June 2019, the Department received periodic complaints from neighbors regarding the condition of the structure and an increase in the presence of rodents reportedly coming from the Premises. To date, the Department has spent nearly \$10,000.00 for maintenance including landscaping, snow removal and general clean-up. These expenses continue to accrue.

The agreed upon purchase price of \$75,000 is approximately eighty-one (81%) of the appraised value. The Highest and Best Use established in the Department's appraisal is as an assemblage to a logical abutter, as the appraiser opined the release parcel does not appear to be a standalone buildable lot. Mr. Herz is not an abutter and, with no guarantee a variance will be granted, is assuming all the risk in acquiring this parcel. The Department, on the other hand, will be releasing a property that has caused issues since its acquisition and will end its liability and obligation to maintain land that is not being utilized for highway purposes. Lastly, by releasing this property the City of Stamford will benefit by having the property returned to the tax rolls.

Recommendation – Staff recommend approval of the proposed Sale by Public Bid in the amount of \$74,000 (plus \$1,000 Admin Fee) for the following reasons:

- The proposed sale complies with Sections §3-14b(b), §13a-80(c) of the CGS in that the prior owner’s were offered the opportunity to repurchase the property, and §13a-80 in that the City of Stamford declined the purchase and the legislative delegation received the required notification on March 27, 2023;
- The release value of \$74,000 is reasonable in that it represents 80% of the appraised value and it will return the property to the City of Stamford tax rolls and relieve the State of all future expenses; and
- The description in the Quit Claim Deed is consistent with the compilation map to be filed in the City of Stamford Land Records.

From PRB #16-286

SUBJECT: PRB #16-286 – DOT Total take of land at residence at 7 Cantwell Avenue, Stamford. Grantor: Richard and Joanne Kulis. Damages: \$445,000

PROJECT: Oaklawn Avenue is to be improved from Halpin Avenue easterly to Camore Street. The purpose is to increase the efficiency of traffic operations by constructing intersection improvements and minor widening in the project corridor, as well as to extend the service life of the roadway and increase bicycle and pedestrian mobility in the project area. The proposed improvements will also include the installation of 5-foot wide concrete sidewalks.

SUBJECT PROPERTY & TAKING DESCRIPTION: The 0.17 acre site is at the intersection of Oaklawn Avenue and Cantwell Avenue. The colonial style house is 2,223 SF and has been occupied by the Grantor since 1984. The City of Stamford, Zoning Board of Appeals denied the DOT request for a lot size variance that would have resulted from a partial take of the 1,793 SF needed for the project. This ruling required DOT to complete a total take of the property.

In March 2016 an appraisal was completed by Ronald McInerney, Jr., an independent fee appraiser engaged by DOT to appraise properties for this project. His analysis before the partial taking established the value of the premises at \$340,000. This was rejected by the owners, in part due to the fact that they are currently carrying mortgages amounting to \$410,000 on the property. The Grantor provided an appraisal completed by Stamford residential appraiser, James Tooher, SRA. He estimated value at \$495,000 based on the following sales:

	SUBJECT	SALE #1	SALE #2	SALE #3
Address	7 Cantwell	41 Stanwick	25 Benstone	39 Halpin
Proximity		.14 miles	.16 miles	.09 miles
Sale Date	8/31/2016	Mar-16	Aug-16	Jun-16
Land Area (Acres)	0.17	0.31	0.17	0.23
Land Area (SF)	7,405	13,504	7,405	10,019
Style	Colonial	Colonial	Cape	Colonial
GLA (SF)	2,223	2,210	1,456	1,344
Total Rooms	7	7	7	6
Room Count	7/3/2.5	7/4/3	7/3/2	6/3/1.5
Finished Basement	887 SF	1 finished room	Unfinished	Unfinished
Garage	None	1 Car	None	1 Car
Porch/Patio/Deck	None	Deck	Deck	Deck
Age	61 Years	51 Years	64 Years	69 Years
Condition	Average	Superior	Average	Superior
Sale Price		\$547,000	\$455,000	\$420,000
Net Adjustments \$		(\$55,000)	\$51,000	\$68,500
Adjustments %		-10.05%	11.21%	16.31%
Adjusted Sale Price		\$492,000	\$506,000	\$488,500
Indicated Value	\$495,000			
Sale Price/SF GLA	\$222.67	\$222.62	\$347.53	\$363.47
Sale Price/Room	\$70,714.29	\$70,285.71	\$72,285.71	\$81,416.67

RECOMMENDATION: Board approval of damages in the amount of \$445,000 is recommended.

1. The acquisition complies with Section 13a-73(c) of the CGS which governs the acquisition of property by the commissioner of transportation required for highway purposes.
2. The City of Stamford, Zoning Board of Appeals denied the DOT request for a lot size variance resulting from a partial take of the 1,793 SF needed for the project. This ruling required DOT to complete a total take of the property.
3. The negotiated award for damages in the amount of \$445,000 is \$50,000 less than the amount of \$495,000 recommended by the appraisal report prepared as of August 31, 2016 by James J. Tooher, SRA, Tooher Appraisal Services, Stamford.
4. In its Administrative Settlement Statement, the DOT clearly enunciates the reasons why a judge or referee would award damages equal to the amount of \$495,000 recommended by the Grantor's appraiser, James Tooher. These include the following:

All sales are within 0.16 miles of the subject.

All sales occurred within 2 months of the appraisal date.

The sites were all of a comparable size, ranging from 0.17 to 0.31 acres.

The residences were constructed within 10 years of the subject.

Only minor adjustments were made to the sales when comparing them to the subject.

PRB File #:	24-024
Transaction/Contract Type:	RE – TRR
Origin/Client:	DOT/DOT
DOT Project #:	016-000-027A
Grantee:	Martin W. McMahon
Property:	Bridgewater, Second Hill Rd (Lot 43) – adjacent to #110
Project Purpose:	Sale by Public Bid
Item Purpose:	Quit Claim Deed

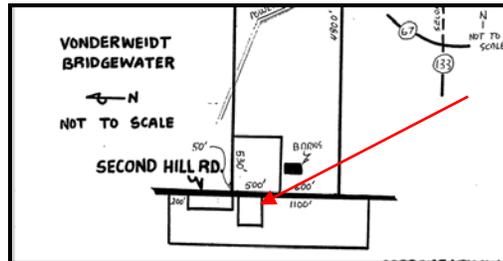
CONVEYANCE FEE: \$37,100 plus \$1,000 Administrative Fee

The release parcel consists of a rectangular shaped 9,961± square foot lot with 100± feet of frontage on the western side of Second Hill Rd. The topography is slopes gently downward from grade and consists of seeded lawn. There are no indications of inland wetland soils nor flood zone encumbrances impacting the site. Well and septic systems are required in this location.



The subject is located in the Residential R3 zone and the lot is legal nonconforming due to minimum site requirements. The Rural Residential zone requires a minimum lot size of three acres with 200 feet of frontage and a 75-foot front yard setback and 50-foot rear yard setback.

It is noted that the property is bounded on two sides by land preserved by the State of Connecticut Department of Agriculture (Vonderweidt Farm, PRB# A-88-17). 100 % of the subject land contains prime farmland soils.



The site is improved with a 125'± tall radio antennae tower and utility shed. The appraiser would estimate the tower structure and foundation is 60+ years old. The appraiser's inspection yielded rust forming at the baseplate, and general/typical signs of weathering with a degree of physical depreciation. The metal-sided utility building appears older and sits on a poured concrete foundation and has an electric connection. No interior inspection of the shed was conducted. Information regarding the existing improvements that was provided to the appraiser from State departments is minimal; however, as per an inspection report conducted by the CTDOT Office of Bridge Safety and Evaluation that is dated June 2021, the 125' radio tower is rated in fair condition with poor exterior coating.

The Appraiser estimated the cost of demolition of the tower and structures at \$50,000.

The Highest and Best Use of the Release Land "As-Vacant," is for assemblage purposes to an abutter, further identified later within this report to be the Logical Abutter.

Conclusion – Highest and Best Use of the Release

After careful consideration, it is the opinion of the appraiser that the "Highest and Best Use" of the subject property is "As-Improved" and for the continued use of the tower structure and improvements for radio transmission purposes as an interim use, and with potential future unification of the Release Land with the Logical Abutter.

Valuation – With the release of this parcel via a Sale by Public Bid, DOT Appraiser Steven C. Miller appraised the property, as of December 14, 2022. Based on the sales comparison approach, the Appraiser utilized three similar residential properties in Bridgewater and New Milford that sold in 2020-2022 and concluded the fair market value of the subject property was \$2.00/square foot, or \$19,992, plus \$1,500 for the contributory value of the site improvements, or a total of \$21,500 (rounded).

DOT provided the following narrative in support of this request:

This parcel of land and the radio tower structure improvement were acquired by the Department of Transportation in 1963 as part of an effort to improve communication capabilities for the Office of Maintenance. The radio tower and its equipment are effectively obsolete with respect to the Department's current communication needs and as such, the Department sought to dispose of this property via a public bid.

On December 14, 2022, staff appraiser Steven Miller established a release value of \$21,500.00 for the subject property. On May 24, 2023, the Department held a public bid with an asking price of \$25,000.00. A high bid of \$37,100.00 was submitted by Martin W. McMahan. As the bid submitted by Mr. McMahan was greater than both the appraised value and the Department's asking price, this office accepted Mr. McMahan's bid. In this regard, the subject parcel will be sold for \$37,100.00 plus a \$1,000.00 administrative fee, for a total release price of \$38,100.00.

7. OTHER BUSINESS:

Mr. Valengavich moved and Mr. Berger seconded a motion to go out of Open Session into Executive Session. The motion passed unanimously.

The Board commenced meeting in Executive Session at 10:14 a.m. to discuss Personnel Matters before the Board.

EXECUTIVE SESSION

Personnel Matters

Statutory Disclosure Exemptions: 1-210(b)(2)(6)

At 11:07 a.m., Mr. Valengavich moved and Mr. Halpert seconded a motion to go out of Executive Session and into Open Session. The motion passed unanimously.

OPEN SESSION

8. VOTES ON PRB FILE:

PRB FILE #24-023 – Mr. Halpert moved and Mr. Valengavich seconded a motion to approve PRB FILE #24-023. The motion passed unanimously.

PRB FILE #24-024 – Mr. Valengavich moved and Mr. Halpert seconded a motion to approve PRB FILE #24-024. The motion passed unanimously.

9. NEXT MEETING – Thursday, March 7, 2024 – will be held solely by means of electronic equipment.

The meeting adjourned.

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