

# STATE PROPERTIES REVIEW BOARD

## Minutes of Meeting Held On April 15, 2013 State Office Building, Hartford, Connecticut

The State Properties Review Board held its regularly scheduled meeting on April 15, 2013 in the State Office Building.

**Members Present:** Edwin S. Greenberg, Chairman  
Bennett Millstein, Vice Chairman  
Bruce Josephy, Secretary  
Mark A. Norman  
Pasquale A. Pepe

**Members Absent:** John P. Valengavich

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

Chairman Greenberg called the meeting to order.

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

### OPEN SESSION

**ACCEPTANCE OF MINUTES OF APRIL 8, 2013.** Mr. Norman moved and Mr. Millstein seconded a motion to approve the minutes of April 8, 2013. The motion passed unanimously.

### REAL ESTATE- UNFINISHED BUSINESS

### REAL ESTATE- NEW BUSINESS

<b>PRB #</b>	<b>13-061</b>	<b>Transaction/Contract Type:</b>	RE / Voucher
<b>Origin/Client:</b>	DOT / DOT		
<b>Project Number:</b>	301-072-005		
<b>Grantor:</b>	Kahuna Realty Group, LLC		
<b>Property:</b>	262 Depot Road, Milford		
<b>Project Purpose:</b>	Replacement of Five Wayside Sub-Stations for the New Haven Line		
<b>Item Purpose:</b>	Administrative Settlement for the acquisition a 15,172 ± SF defined easement for ingress and egress, a temporary construction easement of 10,627 ± SF, a 6,715 ± SF slope easement all for highway purposes as well as additional compensation to hold harmless for any claims from grantor for past damages, trespass or unauthorized use of the Grantor's property.		

The Bureau of Public Transportation, DOT, has undertaken a Project for the Replacement of five Wayside Substations for the New Haven Rail Line, operated by Metro-North. The subject property at 262 Depot Road, Milford is 5.94 acres in a Light Industrial zone, improved with 3 industrial buildings.

The DOT taking as indicated on the right of way survey (revised 01/09/2013) consists of 15,172 sq. ft. that is a permanent easement to be used for construction future construction and maintenance of the

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wayside substation. The access runs from the terminus of Rock Lane for a distance of 346 feet along the railroad right of way. This same area is also to be used as a temporary work area; consequently DOT will compensate the Grantor for the use of this area for an eighteen month period. Additionally, DOT will acquire a slope easement affecting 2,170 SF. The slope easement is also located along the railroad right of way.

As explained in the DOT Administrative Settlement Statement (3/20/13) the parties agreed to \$79,866.00 in compensation, of which \$44,100 is payment for use of the property since 1995, and \$7,966 is an increase in damages for the rights to be acquired. The undefined access easement is now defined to be within an area of 15,172 SF and the permanent slope easement was modified to 2,170 SF.

Ms. Goodhouse recommended Board approval of the item. 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.

<b>PRB #</b>	<b>13-063</b>	<b>Transaction/Contract Type:</b>	RE / Voucher
<b>Origin/Client:</b>	DOT / DOT		
<b>Project Number:</b>	107-167-043		
<b>Grantor:</b>	Dominic M. Basile		
<b>Property:</b>	1432 Christian Road, Middlebury, CT		
<b>Project Purpose:</b>	Oxford Airport Federal Aviation Regulation, Part 150 Noise Study		
<b>Item Purpose:</b>	Acquisition of 0.54+/- acres of land, in fee, together with all improvements situated thereon, a "total take".		

In January 2009 the Federal Aviation Administration (FAA) approved the Noise Compatibility Program (NCP) which recommended the voluntary acquisition of 72 single-family homes impacted by incompatible noise levels generated by the Waterbury-Oxford Airport. The 72 homes lie within the Runway Projection Zone, are adjacent to it, or are within certain decibel day night level (DNL) noise contours.

The subject property is the 37<sup>th</sup> acquisition in this project to come before the Board. It is located in the project's Phase 5 (of 7) area, which has 10 properties. SPRB Staff recommended Board approval for the following reasons:

1. DOT has authority under Section 13b-44 to establish and maintain state airports, and acquire any lands determined to be necessary to improve the adequacy of existing state airports.
2. DOT has authority under Section 8-273a to provide relocation assistance and undertake the acquisition of real property on a federally funded project provided the acquisitions and relocation payments and assistance procedures comply with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act.
3. The appraisal report prepared by Anthony John DeLucco as of 11/23/12 supports the purchase price of \$235,000, which is consistent with compensation paid to other project owners with similar properties.

This is a voluntary total taking of 0.54 acres (23,500 SF). The property is improved with a 1966 Ranch style home, with a two-car garage, under, all in good condition. These properties are appraised under the hypothetical condition requiring the appraiser to ignore any stigma associated with proximity to the

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airport. Mr. DeLucco employed the Sales Comparison Approach and relied on three sales in Middlebury occurring between 7/18/2012 and 9/27/2012. Prior to adjustment, the sale prices ranged from \$225,000 to \$283,000. After adjusting for site, age, condition, gross living area, air conditioning and other features, the sales indicated a value range from \$228,000 to \$235,800. Appraiser DeLucco assigned a value of \$235,000.

**ARCHITECT-ENGINEER - UNFINISHED BUSINESS**

**ARCHITECT-ENGINEER – NEW BUSINESS**

**OTHER BUSINESS**

The Board took the following votes in Open Session:

**PRB FILE #13-061** - Mr. Norman moved and Mr. Millstein seconded a motion to approve PRB File #13-061. The motion passed unanimously.

**PRB FILE #13-063** – Mr. Norman moved and Mr. Josephy seconded a motion to approve PRB File #13-063. The motion passed unanimously.

The meeting adjourned.

**APPROVED:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
Bruce Josephy, Secretary