

# STATE PROPERTIES REVIEW BOARD

## Minutes of Meeting Held On April 29, 2021 – remotely via telephone conference –

Pursuant to Governor Lamont's Executive Order No. 7B regarding suspension of In-Person Open Meeting requirements, the State Properties Review Board conducted its Regular Meeting at 9:30AM on April 29, 2021 remotely via telephone conference at (866)-692-4541, passcode 85607781.

### Members Present:

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

### Members Absent:

### Staff Present:

Dimple Desai  
Thomas Jerram

### Guests Present

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

## OPEN SESSION

### 1. ACCEPTANCE OF MINUTES

Mr. Valengavich moved and Mr. Berger seconded a motion to approve the minutes of the April 26, 2021 Meeting. The motion passed unanimously.

### 2. COMMUNICATIONS

Mr. Berger provided Board Members with an update on his ongoing conversations and review about certain proposed legislation that affects the State Properties Review Board.

### 3. REAL ESTATE- UNFINISHED BUSINESS

### 4. REAL ESTATE – NEW BUSINESS

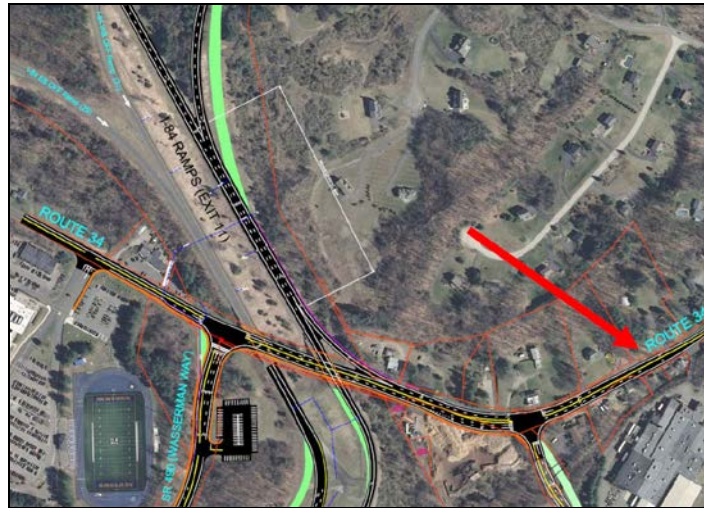
<b>PRB #</b>	<b>21-041</b>
<b>Transaction/Contract Type:</b>	RE – Administrative Settlement
<b>Origin/Client:</b>	DOT/DOT
<b>Project #:</b>	096-204-006
<b>Grantee:</b>	Jennifer Hensel
<b>Property:</b>	Newtown, Berkshire Rd (41)
<b>Project Purpose:</b>	Intersection Improvements Routes 34/490 @ I-84 Interchange
<b>Item Purpose:</b>	Administrative Settlement

**DAMAGES: \$41,350**

**DOT PROJECT:** The DOT is implementing major intersection improvements on Route 34 at SR 490 and Toddy Hill Road, and SR 490 at the I-84 Interchange 11 Ramps.

The purpose of the prospective project is to address capacity and operational problems at a key junction area between the major commuter routes of I-84, Route 34, and Route 25 via State Route 490. The proposed improvements will address extensive congestion by providing auxiliary turning lanes and improved geometry at all project intersections, and by providing a new direct connection between westbound Route 34 and the I-84 ramps. Sightlines will be improved in the vicinity of Toddy Hill Road. Pedestrian and bicycle accommodations will also be included.

There are right-of-way impacts associated with the proposed improvements, primarily along Route 34, including at least two total acquisitions and several partial acquisitions, and/or slope easements to accommodate widening for turning lanes and the new ramp connection.



**SITE & TAKING DESCRIPTION:** This site is in the Sandy Hook section of Newtown, east of the intersection of Toddy Hill Road, near the end of the project limits. The property at 41 Berkshire Road consists of an irregularly-shaped, 2.5112 (109,388 SF) residentially-zoned lot, with 232.13 feet of frontage on the northerly side of the road. The parcel has a depth of about 380 feet. The site is improved with a single-family dwelling constructed in 1878, containing 3,895 square feet of gross living area (9/4/3.5). The overall condition of the property is considered “good” by the Appraiser. There is a second structure located on the site that consists of a 1 story frame office building with one large room and one bathroom and a detached two-car garage with a loft area.

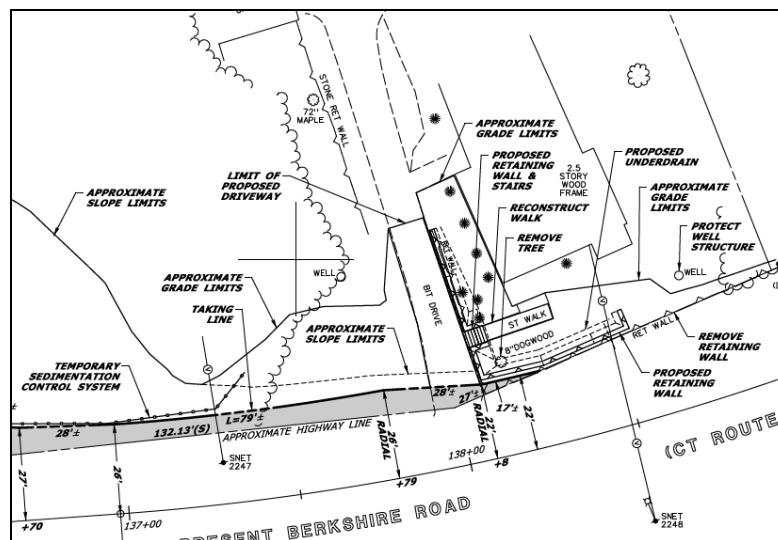


**The Taking:** DOT will acquire the following:

- Partial taking area of 894± SF
- An easement to slope for the safety of the highway and remove, use or retain excavated material acquired over an area of 3,536± SF
- Right to grade, remove tree and retaining wall, construct driveway, retaining wall and stairs, reconstruct walk and install underdrain acquired over an area of 3,359± SF

Effects of the taking include the following:

- Loss of mountainside and mature trees/vegetation that act as a buffer to traffic and provide screening;
- The driveway grade is increasing to 12% over a length of 27', from its current 7.5%;
- Installation of concrete sidewalks along the entire frontage;
- The road elevation is dropping by 1-ft, 7 inches; and
- Route 34 is being expanded and will be 7.5 feet closer to the dwelling, increasing to 12 feet wider in the western portion of the site, reducing buffers to west-bound traffic.



**VALUATION:** The DOT appraisal was completed November 9, 2020 by DOT Staff Appraiser Anthony John DeLucco.

Land Valuation: Based on the sales comparison approach, the Appraiser considered three sales of similarly-zoned land in Newtown (2020) with similar highest and best use, that sold in the range of \$1.35/sf to \$2.25/sf and concluded that the fair market value of the subject land was \$218,800, or \$2.00/sf (109,387 sf x \$2/sf = \$218,774).

The town assessment records indicate the value of the land is \$104,092 (100% value) based on a 2017 town-wide revaluation.

Before - Building Valuation:

Based on the sales comparison approach, the Appraiser considered three sales of similarly dwellings in Newtown (2020) that sold in the range of \$431,000 to \$800,000 and concluded that the fair market value of the subject dwelling was \$650,000.

The property was acquired in 2011 for \$560,000. The town assessment records indicate the value of the property is \$541,842 (100% value) based on a 2017 town-wide revaluation.

**Calculation of Permanent Damages**

<b>Item</b>	<b>Value</b>
Before Valuation	\$650,000
After Valuation	\$615,000
<i>Permanent Damages</i>	\$35,000

**Calculation of Permanent Damages**

<b>Item</b>	<b>Calculation</b>	<b>Value</b>
Fee Simple	894 sf x \$2.00/sf	\$1,788
Slope Easement	3,536 sf x \$2.00/sf x 50%	\$3,535
Cont. Value affect site improvements	Lump Sum	\$3,500
Severance to the Remainder	Lump Sum	\$26,150
	Total	\$34,973
	<b>Rounded</b>	<b>\$35,000</b>

From the Administrative Settlement:

The State’s formal offer of \$35,000.00 was presented to Mrs. Hensel and her attorney, Mr. Evan J. Seeman. They felt that this offer was inadequate based on the overall impacts to the remaining property that will be a result of the construction project. Mr. Seeman consulted with an independent appraiser, Mr. Arnold J. Grant, who provided a letter review of Mr. DeLucco’s appraisal report. Based on this review, Mr. Seeman proposed a counteroffer of \$90,000.00, which was declined. However, the Department recognizes Mr. Grant’s opinion regarding the potential for additional severance damages to the remaining property. He states that Mr. DeLucco utilized a 5% downward adjustment to his “After” comparable sales; however, it is his opinion that an adjustment of 10%-15% may in fact be warranted, which would result in a much higher calculation of damages. As it is an appraiser’s opinion on the diminution of value to the remainder, individual appraisers’ opinions may, and often do, differ. Therefore, it is valid to take Mr. Grant’s opinion into consideration for negotiation purposes.

Negotiations concluded with an agreement in the amount of \$41,350.00 for the proposed acquisition; this is an increase of \$6,350.00 from the State’s initial offer. While no formal appraisal was submitted, it is recognized that the potential for greater severance calculations exists based on the impacts caused by the construction project, an additional \$6,350.00 is deemed fair and reasonable by the Department.

**RECOMMENDATION:** Board **APPROVAL** of damages in the amount of \$41,350 is recommended for the following reasons:

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 acquisition value, as negotiated, is within the range of value of the DOT appraisal report.



**5. ARCHITECT-ENGINEER - UNFINISHED BUSINESS**

**6. ARCHITECT-ENGINEER - NEW BUSINESS**

**7. OTHER BUSINESS**

**8. VOTES ON PRB FILE:**

**PRB FILE #21-041** – Mr. Valengavich moved and Mr. Halpert seconded a motion to approve PRB FILE #21-041. The motion passed unanimously.

**9. NEXT MEETING** – Monday, May 3, 2021.

The meeting adjourned.

**APPROVED:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
John Valengavich, Secretary