

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

**RE:** ORDER OF THE BOARD OF ALDERS, Concerning the acceptance of an unaccepted street for the property located at 85 Carroll Street (James Nazario).  
**REPORT:** 1543-10  
**ADVICE:** Grant Waiver, subject to conditions

### BACKGROUND

Carroll Street runs north-south, generally parallel to the Amtrak rail line in the Fair Haven Heights neighborhood. Robertson Street is the only city street which intersects with Carroll Street. The subject property is located to the north of the intersection with Robertson Street and the street is paved for approximately 150' north of the intersection but with no curbing. There is one single family house at the end of the paved section, at 95 Carroll Street. The applicant, James Nazario, has acquired a 50' x 114' building lot on the east side of Carroll Street between 95 Carroll Street and another single-family home located at 44 Robertson Street. Mr. Nazario has developed plans to build and then live in a new single-family home at 85 Carroll Street.

### PLANNING CONSIDERATIONS

Pursuant to the New Haven Code of Ordinances, the applicant cannot obtain a building permit until either a waiver is granted or the Board of Alders accepts the street. Carroll Street, given its location and limited connectivity to the rest of the neighborhood street grid, is a low-traffic street generally used for residents of Carroll and Robertson Streets. Both the accepted and unaccepted portions of Carroll dead end. The southerly end abuts the Amtrak rail line, which also rounds along the rear yards for homes on the east side of Carroll. Because it is likely to be cost-prohibitive for the applicant to bring Carroll Street up to city standard, the Commission has reviewed the Board's standard criteria for a waiver. The standards are as follows:

Sec. 27-157. - Waiver.

- (a) An applicant requesting a waiver of the prohibition against building on an unaccepted street shall file such request with the city's board of aldermen on such forms and shall follow such procedures as are prescribed by the board.
- (b) The applicant shall indicate whether access over an unaccepted street is not more than two hundred fifty (250) feet in length, and a right-of-way fifty (50) feet in width, or that access can only be gained by passing over a right-of-way which is not within the ownership or control of the applicant or the present owners.
- (c) In determining whether to waive the prohibition against the issuance of a building permit on an unaccepted street the following conditions shall apply:
  1. The lot(s) in the designated area shall comply with zoning regulations;
  2. The travel way to the property is maintainable and safe, i.e. can be plowed adequately, and provide for emergency services;
  3. There are no practical alternatives available to the applicant and the present owners to enable them to meet the requirements of this section;
  4. The denial of a waiver would effectively prohibit the use of the property for any purpose;
  5. There are adequate provisions for utilities, sewers and fire equipment access;
  6. The granting of such waiver would not significantly affect public safety;
  7. A petition for acceptance of the unaccepted street was denied by the city plan commission or board of aldermen.

In granting a waiver, the board may attach such additional conditions as are deemed necessary to protect the neighborhood. Failure to comply with such conditions shall constitute a violation of this section.

City staff conducted a site visit, consulted with the City Engineer and discussed the proposal with the applicant.

Following that review, the Commission finds:

- (1) zoning sign-off will be required;
- (2) the travel way to the property is maintainable;
- (3) there are no practical alternatives;
- (4) the denial would effectively prohibit use of the property for any purpose;
- (5) there are adequate provisions for utilities;
- (6) granting of the waiver would not significantly affect public safety; and
- (7) the applicant's letter suffices as a petition for this purpose.

**ADVICE**

The Commission finds no concerns with the construction of a single-family home at 85 Carroll Street and encourages the Board to grant a waiver pursuant to the following conditions:

1. Provide information letter to abutting property owners at 30 Robertson Street, 44 Robertson Street and 95 Carroll Street.
2. Applicant to gain any required zoning relief prior to effective date for waiver.
3. Applicant shall comply with City regulations concerning repair of utility cuts in the roadway and shall comply with soil erosion and sediment control standards during construction.

**ADOPTED:** April 18, 2018  
Leslie Radcliffe  
Vice Chair

**ATTEST:** MPL  
Michael Piscitelli, AICP  
Deputy Economic Development Administrator

**85 Carroll Street:**



