

## NEW HAVEN CITY PLAN COMMISSION ACTION

**RE:** 477 FERRY STREET. Certificate of Approval of Location (CAL) for Used Car Dealer and Limited Repairer Licenses. (Owner: Pasquale Cestaro, Jr.; Applicant/Agent: Paul Martinez)

**REPORT:** 1513-08

**ACTION:** Approval with Conditions

### Submission:

CAL application (received December 4, 2015); \$180 application fee; Site plan based on property survey dated July 8, 2011; K-7 form.

### Previous City Actions:

**Application for sale of used cars, file #179.** Granted August 13, 1945.

**Application for gasoline service station (re-opening), file #180.** Granted August 13, 1945.

**Application for used car dealer, file #743.** Granted June 28, 1955.

**80-15-CAL.** Certificate of Approval of Location for used car dealer. Denied September 9, 1980.

**81-79-V.** Use Variance to establish a gasoline station and used car dealership in an RM2 zone. Denied September 9, 1980.

**81-13-R.** Review of CAL and Variance denial. Zoning Enforcement Officer's Order upheld February 11, 1981.

**84-6-CAL.** Certificate of Approval of Location for Used Car Dealer. Granted with conditions December 4, 1984.

## BACKGROUND

The applicant is requesting a Certificate of Approval of Location for a Used Car Dealer and Limited Repairer Licenses for an existing business on this property. There is history of automotive use on this property, dating back at least 60 years. Although the site is located in an RM-2 Zone, which would generally not allow such uses, because of the established and continuing use of the property for automotive services, it is a legal non-conformity that runs with the site, regardless of ownership. Certificates of Approval of Location, on the other hand, run with the operator and with the exception of close family members, require reapplication at each change of ownership.

## PLANNING CONSIDERATIONS

The submitted site plan shows an 18,177 SF property (0.42 acres) located in a High-Middle Density Residential (RM-2) District with a 1,720 SF building and nearly fully paved asphalt surface. The plan proposes to devote 10 shared parking spaces for customers and employees and 6 spaces for display of vehicles for sale with additional parking behind the building for employee parking and vehicle storage. Hours of operation are proposed to be 9:00 AM-5:00 PM Monday through Saturday, closed Sunday.

Nature of the Proposed Site: The applicant will use the western portion of the site along Ferry Street to display up to 6 vehicles for sale. Customer and employee parking spaces will be in the rear of the site behind the existing building, with the exception of a handicapped space that will be located alongside it.

Resulting Traffic Patterns: Since an auto repairer has been operating here previously without any apparent disruption of traffic, it seems unlikely that this applicant's business would suddenly present a traffic problem.

Nature of the Surrounding Area: The subject parcel sits in a RM-2 (High-Middle Density Residential) zone. The RM-2 zone does not permit the use by right.

Proximity to Public Buildings: No public buildings are in proximity to the site.

The Comprehensive Plan: The proposed use does not conform to the 2015 Plan of Development, which calls for medium-density residential use in the area.

**FINDING AND RECOMMENDATION**

Although the property does not conform with existing zoning or the 2015 Comprehensive Plan of Development, the based on the established history of automotive use on the site, the Commission finds the location appropriate for the continuation of the existing use with the new tenant and approves the application with the following conditions:

1. The days and hours of operation shall not exceed Monday – Friday 9:00 AM to 6:00 PM, and Saturday 9:00 AM to 3:00 PM.

**ADOPTED:** December 16, 2015  
Edward Mattison  
Chair

**ATTEST:**   
Karyn M. Gilvarg, AIA  
Executive Director