

NEW HAVEN CITY PLAN COMMISSION COASTAL SITE PLAN REVIEW
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RE: 86 FITCH STREET, BLAKE STREET (M/B/P 372/1159/00801, 372/1159/00800, AND 372/1159/01101). Site Plan Review and Coastal Site Plan Review for outdoor storage of materials related to landscaping business. (Owner: Fasano Properties, LLC & Boyar Properties, LLC; Applicant: Ruslan Boyarsky; Agent: Joseph Porto of Parrett, Porto, Parese, & Colwell, P.C.)

REPORT: 1514-06

ACTION: DENIAL

Note: Companion CPC Report 1514-05 and 1514-11 for the same site.

Submission: Received December 15, 2015, including SPR Application Packet including DATA, SITE, CSPR, IW and SPECIAL PERMIT forms, NARRATIVE attached; \$540 application fee (including Coastal Site Plan Review and Inland Wetlands Review application fee).

- Stormwater Drainage Report Dated February 12, 2015 and received February 18, 2016. Revised March 29, 2016. Received March 30, 2016.
- Wetland Delineation Report by Pietras Environmental Group LLC. Dated November 7, 2015, received December 15, 2015.
- Revised Narrative for Special Permit Application, Coastal Site Plan and Site Plan Review received January 12, 2016. Revised and Received March 7, 2016. Revised and Received March 30, 2016.
- Material Safety Data Sheets for mulch chip colorants. 5 sheets, Received January 12, 2016.
- Property and Topographic Survey. Dated 09/21/15, received Dec 15, 2015. Received (duplicate) Feb 18, 2016.* Received (duplicate) March 8, 2016.* Received March 9, 2016 (no revision dates included). Received March 30, 2016 (no revision dates included).
- Parking & Material Storage Plan. Dated 10/13/15, received Dec 15, 2015. Updated 2/10/16. Received Feb 18, 2016.* Received (duplicate) March 8, 2016.* Received (duplicate) March 9, 2016 (no revision dates included). Received March 30, 2016 (no revision dates included).
- Lighting Plan. Dated 2/10/16. Received Feb 18, 2016.* Received (duplicate) March 8, 2016.* Received (duplicate) March 9, 2016 (no revision dates included) (two sheets in this set: 3 of 7 and 5 of 7 are both entitled Lighting Plan). Received March 30, 2016 (no revision dates included).
- Storm Water Management Plan. Dated 2/10/16. Received Feb 18, 2016.* Received (duplicate) March 8, 2016.* Received Revised copy dated March 8, 2016 on March 9, 2016. Received (duplicate) March 9, 2016 (no revision dates included). Received March 30, 2016 (no revision dates included).
- Pavement Plan. Dated 2/10/16. Received March 30, 2016.
- Micro Grading Plan. Dated 3/19/16. Received March 30, 2016.
- Detail Sheet. Dated 3/9/16 and received March 9, 2016. Received March 30, 2016 (no revision dates included).
- Erosion Control Specifications. Dated 3/7/16. Received March 8, 2016.* Received (duplicate) March 9, 2016 (no revision dates included). Received March 30, 2016 (no revision dates included).
- HydroCAD Model. Printed 3/7/2016. Received March 8, 2016.*
- Soil Investigation report. Dated March 1, 2016. Received March 7, 2016.
- Exhibit A: Dust Control Narrative. Received March 30, 2016.

(* indicates plans not signed and sealed)

Other RELEVANT DOCUMENTS:

- Cease and Desist Letter from CNH Building Department dated July 8, 2015.
- Emails from Anne Hartjen (February 3, 2016) and Ted Stevens (February 19, 2016) regarding application deficiencies.
- Letter from Nicholas Mastrangelo of Blake Street Holdings LLC dated January 28, 2016. Received February 3, 2016.
- Letter from John Gabel of Connecticut Consulting Engineers LLC. Dated June 22, 2015. Received February 3, 2016.
- Site Photos from 9/10/2015 and 1-22-16.
- Drone Site Photos from Nicholas Mastrangelo (20 sheets) from 3/13/2016 received March 16, 2016.
- Letter from Nicholas Mastrangelo of Blake Street Holdings LLC dated April 15, 2016. Received April 18, 2016. Includes 5 additional color photos dated 04/14/2016.
- Letter from Victoria Jacobs dated 03/15/16. Received March 16, 2016.

PROJECT SUMMARY:

Project: Paradise Landscaping
Address: 86 Fitch Street
Site Size: 97,303 SF over 3 parcels (2.23 acres)
Zone: Light Industrial (IL) (partial) and Residential Low-Middle Density (RM-1) (partial)
Financing: private
Parking: as shown on site plans
Owner: Fasano Properties, LLC & Boyer Properties, LLC **Phone:** 203-804-1888
Applicant: Ruslan Boyarsky **Phone:** 203-640-1176
Agent: Joseph Porto of Parrett, Porto, Parese, & Colwell, P.C. **Phone:** 203-281-0700
Site Engineer: James Dimeo of Juliano Associates **Phone:** 203-265-1489
City Lead: City Plan Department **Phone:** 203-946-637

BACKGROUND

Previous CPC Actions:

- Zoning Ordinance Map Amendment, petition for zone change from Low Middle Density Residential (RM-1) to Light Industrial (IL) (CPC 1291-01, July 19, 2000)
- Special Permit and Costal Site Plan Review for storage of towed vehicles in an IL zone (CPC 1428-07, May 20, 2009).

Zoning:

The Site Plan as submitted **does not** the requirements of the New Haven Zoning Ordinance for the (IL) Light Industrial and RM-1 zones.

Site Description/existing conditions:

The site sits between Wintergreen and Beaver Brooks in the Westville section of the City. The site is bounded by residentially-zoned properties to the north and east, business and cemetery/school zones to the south. The site sits entirely within the 100 year floodplain as defined by FEMA, Zone AE. The applicant is currently operating the site as a landscape business without the required Special Permit, Site and Coastal Site Plan reviews, and IW review. (These permits and reviews are currently under consideration by the CPC.) A Cease and Desist letter was issued by the Building Department in July of 2015 by Jim Turcio.

Facility description and Proposed Activity:

The applicant proposes to operate his landscaping business, Paradise Landscaping, on the premises. The business conducts landscaping services, including, but not limited to: tree removal, cutting and retail sale of fire wood, snowplowing and sale of mulch in bulk quantities. Wood splitting and cutting is, according to the application, a

seasonal activity which runs from June to November. Operations on-site also include the manufacture and coloring of wood chips/mulch.

Circulation/Parking/Traffic:

Vehicles enter and exit the site via a curb cut on Fitch Street. Parking is provided for both employee vehicle and the numerous landscape equipment used and stored on-site.

Trash removal: Not applicable.

Signage: Not applicable.

Sec. 58 Soil Erosion and Sediment Control: SUBMISSION DOES NOT MEET REQUIREMENTS

Class A (minimal impact)

Class B (significant impact)

Class C (significant public effect, hearing required)

Cubic Yards (cy) of soil to be moved, removed or added: not provided (incomplete)

Start Date: not given

Completion Date: not given

The revised application drawings most recently submitted are not clear on the subject of grading and subsequent SESC measures. One drawing shows proposed regrading of the entire site, while other drawings and the narrative indicate otherwise. (The implication from the grading plan is that not only will the area shown as “new pavement” will be paved, but the areas previously paved will be regraded and then repaved as well.) The drawings are inconsistent and technically deficient. Outfall headwall and site armoring at pipe outfalls is not adequately detailed; if approved, this insufficient engineering could cause catastrophic erosion at this outfall. (Lack of outfall detailing, while technically part of Stormwater Management, is noted here as its effect is most related to Soil Erosion and Sediment Control.)

All SESC measures are required to be designed and constructed in accordance with the latest Standards and Specifications of the *Connecticut Guidelines for Soil Erosion and Sediment Control*. Detail per these standards is sorely lacking.

Sec. 60 Stormwater Management Plan: SUBMISSION MEETS REQUIREMENTS but additional information is needed (see above Sec 58 SESC).

STANDARDS

Direct channeling of untreated surface water runoff into adjacent ground and surface waters shall be prohibited;

No net increase in the peak rate or total volume of stormwater runoff from the site, to the maximum extent possible, shall result from the proposed activity;

Design and planning for the site development shall provide for minimal disturbance of pre-development natural hydrologic conditions, and shall reproduce such conditions after completion of the proposed activity, to the maximum extent feasible;

Pollutants shall be controlled at their source to the maximum extent feasible in order to contain and minimize contamination;

Stormwater management systems shall be designed and maintained to manage site runoff in order to reduce surface and groundwater pollution, prevent flooding, and control peak discharges and provide pollution treatment;

Stormwater management systems shall be designed to collect, retain, and treat the first inch of rain on-site, so as to trap floating material, oil and litter;

On-site infiltration and on-site storage of stormwater shall be employed to the maximum extent feasible;

Post-development runoff rates and volumes shall not exceed pre-development rates and volumes for various storm events.

Stormwater runoff rates and volumes shall be controlled by infiltration and on-site detention systems designed by a professional engineer licensed in the state of Connecticut except where detaining such flow will affect upstream flow rates under various storm conditions;

- Stormwater treatment systems shall be employed where necessary to ensure that the average annual loadings of total suspended solids (TSS) following the completion of the proposed activity at the site are no greater than such loadings prior to the proposed activity. Alternately, stormwater treatment systems shall remove 80 percent TSS from the site on an average annual basis; and
- Use of available BMPs to minimize or mitigate the volume, rate, and impact of stormwater to ground or surface waters.

NOTE: Proposed plans do not show the end pipe (headwall) treatment for the new outfalls nor additional detail for slope armoring. Detail needs to be added to the plans with respect to bank treatment and erosion protection at the proposed outfalls. As discussed in the applicant's IWW report and above in Sec 58, additional detail for the SWMP is needed to determine that there is no adverse impacts on adjacent resources. See Report 1514-05 for additional detail.

Sec. 60.1 Exterior Lighting: SUBMISSION DOES NOT MEET REQUIREMENTS.

REQUIRED SUBMISSION

- Lighting Plan with location of all fixtures, type of fixture and elevation of lights;
- Manufacturer specifications or cut-sheet for each fixture;
- Photometrics.

STANDARDS

- Prevent or minimize direct glare and light trespass;
- All parking area lighting shall be full cut-off type fixtures and shall not exceed twenty (20) feet in height from the ground to the highest point of the fixture;
- Up lighting and high pressure sodium light sources are prohibited. Externally lit signs, display building and aesthetic lighting must be lit from the top and shine downward and not sideward or upward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained within the target area;
- All building lighting for security or aesthetics shall be full cut-off or shielded type, not allowing any upward distribution of light. Floodlighting is discouraged, and if used, must be shielded to prevent: (a) disability glare for drivers or pedestrians, (b) light trespass beyond the property line, and (c) light above the horizontal plane;
- Where non-residential development is adjacent to residential property, no direct light source shall be visible at the property line at ground level or above; and
- High pressure sodium and flickering or flashing lights are prohibited.

Sec. 60.2 Reflective Heat Impact: SUBMISSION MEETS REQUIREMENTS

STANDARDS

- 50% of all on-site non-roof hardscape or paved areas will be either:
 - shaded AND/OR
 - constructed of a material with a solar reflectance index of at least 29.

TOTAL SF of non-roof hardscape:	41,813 SF
50% of non-roof hardscape:	20,906 SF
Shaded (based on average values per code):	0 SF
Areas with SRI > or = 29	21,578 SF
TOTAL PROPOSED SHADED/HIGH SRI AREA	21,578 SF
% SHADE/HIGH SRI PROPOSED	52%

Project Timetable: not given

COASTAL SITE PLAN REVIEW

The Commission's Coastal Site Plan Review, in accordance with Section 55.C of the New Haven Zoning Ordinance shall consider the characteristics of the site, including location and condition of any coastal resources; shall consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and

future water-dependent development opportunities; follow the goals and policies of the Connecticut Coastal Management Act, as amended, and identify conflicts between the proposed use and any goal or policy of the Act.

Applications for development on waterfront parcels shall additionally consider protection of the shoreline where there is erosion or the development is likely to cause erosion; degree of water dependency; preservation of significant natural vistas and points or avenues of views of the waterfront; provision of meaningful public access; and insurance of outstanding quality of design and construction to produce an environment that enhances its waterfront location.

The Commission will also consider whether the proposed application is consistent with the City's Municipal Coastal Program.

Characteristics and Condition of Coastal Resources at or Adjacent to the site:

The coastal resources adjacent to the site include Freshwater Wetlands and Watercourses, Coastal Flood Hazard Area (Flood Zone), Scenic and Recreational Features.

Coastal Program Criteria	Comments
1. Potential adverse impacts on coastal resources and mitigation of such impacts	The site has the potential of contributing to pollution of coastal waters due to its lying entirely within the 100 year floodplain; there is likelihood that flooding would carry debris, mulch dyes and petrochemicals into adjacent waters. Mitigation for such factors have not been adequately addressed within the application.
2. Potential beneficial impacts	
3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	<p>The statute lists a number goals and policies that are ripe for discussion under this application:</p> <ul style="list-style-type: none"> • to ensure development, preservation or use of land proceeds...without significantly disrupting either the natural environment or sound economic growth (1); • to minimize damage to and destruction of life and property due to coastal flooding (2); • to disapprove uses that accelerate slope erosion (3); • to minimize the risk of spillage of petroleum products and hazardous substances (4). <p>(1) The applicant has discussed mitigation efforts in regards to dust in its revised application, but in staff opinion the proposed measures do not adequately address the issue as described in neighbor testimony. Privacy fencing and sprinkling the site with water monthly does not directly address the real problem: the creation of dust through cutting, splitting and mulching of wood. According to testimony from meeting 1516, this dust is reaching neighbors who live as high as the third floor of neighboring properties. Noise is also not mitigated through fences or watering. (2) Applicant has not discussed minimizing damage possibilities in flooding conditions, including, but not limited to: petrochemical spills from vehicles and dye and mulch migration due to lack of containerization. (3) Applicant has not detailed sufficient outfall structures and armored banks to ensure minimization of possible erosion at</p>

	these structures. (4) Applicant has not adequately discussed protocol for containment of possible petrochemical/hazardous substances during flooding events. Also, applicant has confirmed that vehicle maintenance on-site is ongoing, an activity not appropriate for a highly vulnerable floodplain. Stating in the application that the use has "no impact" is not adequate to satisfy the requirements of the CSPR.
4. Will the project preclude development of water dependent uses on or adjacent to this site in the future?	It is unlikely that water-dependent uses would be feasible from this site due to its location.
5. Have efforts been made to preserve opportunities for future water-dependent development?	See above.
6. Is public access provided to the adjacent waterbody or watercourse?	No meaningful public access has been provided.
7. Does this project include a shoreline flood and erosion control structure (i.e. breakwater, bulkhead, groin, jetty, revetment, riprap, seawall, placement of barriers to the flow of flood waters or movement of sediment along the shoreline)?	The project does include existing berms at the base of the site. It is not clear when these berms were constructed, though our research shows that they were NOT constructed as part of the Army Corps Flood Protection efforts built in response to the flooding of 1982.
8. Does this project include work below the Coastal Jurisdiction Line (i.e. location of topographical elevation of the highest predictable tide from 1983 to 2001)? New Haven CJL elevation is 4.6'.	No.

Project Timetable:

None given. In over three years of operation the applicant has received three orders for Cease and Desist of operations. Over that time, and from testimony by neighbors, the applicant has also received many complaints; no significant changes to site operations have occurred in response. The applicant stated on the record that they were taking a wait-and-see attitude towards site operations prior to making any changes. No timetable for proposed improvements have been made within the application.

SITE PLAN REVIEW

- Application does not meet the standards of the Inland Wetland and Watercourses ordinance (see Report 1514-05), does not meet the standards for soil erosion and sedimentation control, does not meet the exterior lighting standards, and the CPC requires additional detailing regarding SW outfalls and erosion control. In light of these deficiencies, the application for Site Plan approval must be DENIED.

COASTAL FINDING:

Taking into consideration all of the above information, the City Plan Commission finds the proposed activity inconsistent with all applicable goals and policies in Section 22a-92 of the Connecticut Coastal Management Act; reasonable measures which would mitigate the adverse effects on coastal resources have neither been discussed nor have they been detailed. Of critical concern to the Commission are the following items:

- No detailed evacuation plans has been provided for coastal flooding events; it would be important to both the applicant (economically) and the City (environmentally) to remove all vehicles prior to a flooding event to minimize spillage of petrochemicals and other hazardous substances;
- No chemical spill plans have been provided regarding the number of construction vehicles on-site, petrochemicals and oils, among other possible hazardous substances that may be used by a landscaping service. (Merely possessing chemical spill kits is not adequate to address response.);
- Maintenance of vehicles is occurring on-site; this activity is prohibited in a coastal flood hazard area and is also limited under the General Permit for Discharge of Stormwater associated with Industrial Activity (CTDEPP Permit);

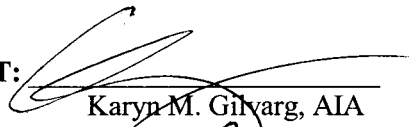
- Stormwater outfalls and bank armoring have not been sufficiently detailed to ensure minimization of erosion;
- Environmental Impacts to neighbors have not been minimized; and
- Meaningful public access has not been provided.

In light of these deficiencies, the application for Coastal Site Plan approval must be DENIED.

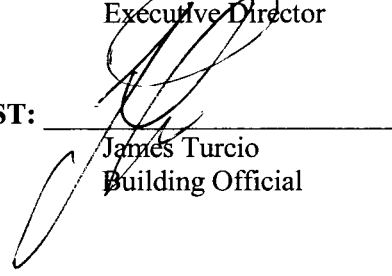
ACTION

The City Plan Commission DENIES the submitted Site Plan and Coastal Site Plan.

ADOPTED: April 20, 2016
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director

ADOPTED: April 20, 2016

ATTEST: 
James Turcio
Building Official