

**NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT
NEW HAVEN CITY PLAN COMMISSION COASTAL SITE PLAN REVIEW**

RE: **19 WHEELER STREET aka 'FAIRMONT AV'**
 MBLU: 082 0974 02001
 Owner: Airline Avenue Realty LLC; **Applicant:** Murphy Road Recycling LLC; **Agent:**
 Meaghan Miles, Carmody Torrance Sandak & Hennessey LLP
 Special Permit
 Renewal for an existing solid waste facility in the Coastal Management area in the IH Zone.

REPORT: 1602-06
ACTION: Approval with Conditions

Note: Companion CPC Report 1602-05 for Coastal Site Plan Review per NHZO Section 55 for the same site.

Previous CPC Actions:

1/20/2016 1511-03 19 Wheeler Street. Coastal Site Plan Review for industrial municipal solid waste facility. Jonathan Murray of Murphy Road Recycling. Approval with Conditions.

1/20/2016 1511-05 19 Wheeler Street. Special Permit to allow for acceptance of commercial and industrial municipal solid waste and the recovery of designated and non-designated recyclable material. Jonathan Murray of Murphy Road Recycling. Approval with Conditions.

Additional previous CPC Actions: C SPR and SESC to construct new bulky waste transfer facility (CPC 1249-04, 07/1/98); Special Permit and C SPR to operate a solid waste transfer and volume reduction facility in an IH zone (1395-03, 10/18/06); Transfer of Special Permit to Murphy Road Recycling (1409-02, 10/17/07); SPR and C SPR for remediation project under DEP consent order in an IH zone (1429-06, 6/17/09); Renewal of Special Permit and C SPR to operate a solid waste transfer and volume reduction facility in IH zone (1457-09, 10/19/11); SPR and C SPR for compressed natural gas fueling station (1488-02, 4/16/14); CAL for compressed natural gas fueling station for vehicles (1488-05, 1/15/14).

Submission: SPR Application Packet including DATA, WORKSHEET, SITE, SESC, and C SPR forms. NARRATIVE attached. Application fees: \$200 (C SPR), \$410 (SPR), \$350 (Special Permit). Dated and received January 20, 2022.

Application Materials included with January 20, 2022 submission:

0. Cover letter from Meaghan Miles, Carmody Torrance Sandak & Hennessey LLP.
1. Letter of Authority from the applicant, Murphy Road Recycling LLC;
2. Letter of Authority from the property owner, Airline Avenue Realty LLC;
3. Record of mailing check in an amount of \$550, as the total application fee for a Special Permit (\$350) and Coastal Site Plan Review (\$200), with a copy of the check;
4. Application Forms for Special Permit, and Development Permit including Worksheet, Site Plan Review, SESC Review, Coastal Site Plan Review, and Waterfront Supplement;
5. Plan Set titled "Application for Renewal of Special Permit of 19 Wheeler Street, New Haven, CT," prepared by Anchor Engineering Services, Inc., dated January 18, 2022 consisting of the following:
 - Existing Conditions Survey (Sheet 1 of 1);
 - Existing Solid Waste Facility Use/Activity Area (Sheet 1 of 1);
 - Site Plan (Sheet 1 of 7);

- Floor Plan (Sheet 2 of 7);
 - Existing Building Elevation Views (Sheet 3 of 7);
 - Parking Plan (Sheet 4 of 7);
 - Lighting Plan (Sheet 5 of 7);
 - Existing Site Traffic Patterns (Sheet 6 of 7); and,
 - Details (Sheet 7 of 7), revised January 31, 2022.
6. Photometric Plan prepared by e-conolight, dated October 16, 2019;
7. Application Schedules as follows:
- Schedule A: Project Narrative;
 - Schedule B: Statement of Compliance with § 46(h) of the Zoning Regulations;
 - Schedule C: Coastal Site Plan Review application form supplement;
 - Schedule D: Statement of Findings (Special Permit Review);
 - Schedule E: Floor Area and Reflective Heat Impact Area Calculations;
 - Schedule F: Summary of Property's Industrial and Recent Permitting History;
 - Schedule G: Maps of Approved/Current Designated Routes;
 - Schedule H: Supplemental Operation and Management Plan for Solid Waste Facility, prepared by Murphy Road Recycling LLC, rev. July 11, 2014;
 - Schedule I: Stormwater Management Plan, prepared by Anchor Engineering Services, Inc., dated January 18, 2022 (included therein is the Stormwater Pollution Prevention Plan, in addition to other information);
 - Schedule J: Report titled "Wheeler Street Traffic Report," prepared by Anchor Engineering Services, Inc., dated May 13, 2021;
 - Schedule K: Copy of current DEEP permit;
 - Schedule L: Copy of long-term Lease Agreement between the MRR and the property owner, Airline Avenue Realty LLC; and,
 - Schedule N: Resume of Jonathan Murray, Director of Operations.

Application materials dated and received February 2, 2022:

- Cover letter re additional check and \$410 Site Plan Review application fee.

Application materials received April 11, 2022

- Response Memo to Blackledge, 63 sheets, dated April 8, 2022
- Materials Concerning Legal Non-Conforming Use & Area Property Values, 44 sheets, dated April 8, 2022

Application materials received April 21, 2022

- Final Full Submission packet, 557 sheets

Application materials received April 25, 2022

- Health Department Inspection Report, 3 sheets, dated February 7, 2022

Application materials received May 3, 2022

- Letter re Reply to Outstanding Public Comments and Blackledge Responses of April 19, 2022, including Schedules A through D, 154 sheets, dated May 3, 2022

Application materials received May 5, 2022

- Letter re Operations and Management Plan Response to CPC, 1 sheet, dated May 5, 2022

Proof of Abutters Notices:

- Mailed February 7, 2022
- Mailed March 7, 2022
- Mailed March 22, 2022
- Mailed April 13, 2022

BACKGROUND

Per the City of New Haven zoning regulations Sections 46 and 64, Frank Antonacci of Murphy Road Recycling, LLC has applied for a Special Permit and Coastal Site Plan Review (CPC Report 1602-05) to allow for the acceptance of Commercial and Industrial municipal solid waste (aka “dry MSW”) and the recovery of designated and non-designated recyclable material from the dry MSW. No changes are proposed to the Property’s existing structures or the existing materials and amounts approved for the facility in 2016. Minor modifications are proposed to the existing site plan to provide for the installation of bicycle racks, the striping of handicapped-accessible parking spaces, and the retrofitting of existing chain link fencing with opaque slats. Upgrades are also proposed to the existing stormwater management system through the installation of two additional catch basins, piping, and concrete curbing along the Property’s northwestern boundary along the Quinnipiac River (subject to DEEP approval), which will collect and treat all runoff that may flow in the direction of the River, and the installation of new basin inserts throughout the Property.

Nineteen (19) Wheeler Street is located within the New Haven Port District, in a flat area adjacent to the Quinnipiac River. The site is located in a Heavy Industrial (IH) District and is surrounded by other industrial uses.

As the site is on the waterfront of the Quinnipiac River it is subject to coastal site plan review under Section 55 of the Zoning Ordinance. A CSPR was approved with the original facility in 1998, and again on multiple occasions including granting of the Special Permit in 2006, a remediation project in 2009, Special Permit renewal in 2011 and 2016, and site plan review for a compressed natural gas fueling station in 2014.

Current site conditions: The 15.02 acre site is located on the east shore of the Quinnipiac River as it meets the Mill River and New Haven Harbor, north of the I-95 Pearl Harbor Memorial Bridge. Across the river from the site are properties fronting on River Street in Fair Haven. Vehicular access to the site is via an easement drive from the corner of Wheeler Street and Goodwin Street.

Facility description: The site includes the solid waste transfer/volume reduction building, a vehicle maintenance and container repair building, an office building, a scale house, two scales for weighing collection and transfer vehicles (one inbound and one outbound), empty waste container staging areas, and associated asphalt-paved roadways, and parking areas. The site is entirely paved with either asphalt or crushed stone. A short waterfront area on the north side of the parcel is not used presently for any site activities.

The solid waste transfer/volume reduction building contains a 17,400 net SF tipping floor with a transfer trailer loadout tunnel on either side. There are 7 doors along the west side of the building, five for truck access to the tipping floor with sufficient vertical clearance for the dumping trucks, and two for trailer access to the tunnels.

Proposed Activity/Operation: The proposed activity consists of the operation of the same features as previously permitted in 2011 and 2016: a processing building with loading bays, a tipping floor, a crushing area with a pushwall, various indoor and outdoor storage areas, outdoor staging areas for empty/loaded containers, offices; and two truck scales. Trucks enter the site over the incoming scale, approach the processing building and back up to the tipping floor, leave behind the waste, and exit over the outgoing scale. Areas of the tipping floor have different uses depending upon the types of wastes being handled, including bulky waste crushing (eastern portion of tipping floor), metals recovery and storage (northern side of the tipping floor), loadout (central and western portion of tipping floor), maneuvering areas along the tunnels for trailer unloading, and collection vehicle unloading.

Current DEEP Permit to Operate:

The applicant has received a PERMIT TO CONSTRUCT AND OPERATE (No. 09301310-PCO) by the Commissioner of Energy and Environmental Protection (DEEP) issued on April 8, 2019, expiring on April 8, 2024. The permit contains the following authorization:

1. Hours of operation: Monday through Friday 6 AM to 7 PM; Saturdays 6 AM to 5 PM.
2. No more than 967 tons/day (TPD) of (a) construction and demolition (C&D) waste; (b) non-putrescible municipal solid waste; (c) oversized municipal solid waste (OMSW); (d) scrap metal including appliances containing chlorofluorocarbon (CFC) liquid; (e) propane tanks without valves; (f) cardboard; (g) paper; (h) commingled recyclables; (i) gypsum wallboard; (j) scrap tires; (k) clean wood; (l) creosoted wood; (m) asphalt roofing shingle waste (ARSW); and (n) street sweeps and catch basin cleanings.
3. The applicant is authorized to receive materials as noted:
 - Maximum 400 TPD of C&D waste, OMSW, Gypsum Wallboard, Scrap Metal, Scrap Metal Appliances, Scrap Tires, Clean Wood, Creosoted Wood, ARSW, Decanted Street Sweeps and Catch Basin Cleanings;
 - Maximum 500 TBD of Non-putrescible MSW;
 - Maximum 67 TBD Paper, Cardboard and Commingled Food and Beverage Containers.
4. The applicant shall store materials only in designated areas and in accordance with the table below. Fully loaded containers of solid waste shall be transferred from the facility within two (2) business days:

Maximum storage capacity

Material	Volume (cy)
C&D waste, unprocessed	600
C&D waste, processed	700
OMSW	200
Gypsum wallboard	40
Scrap metals	390
Scrap metal appliances	25 (64 units/267 lbs.)
Scrap tires	60
Clean wood, unprocessed land clearing and brush (185 cy bunker and 100 cy trailer and/or containers)	285
Clean wood, unprocessed and processed (woodchips)	4,000
Creosoted wood	400
ARSW	285
Street sweeps, decanted, and catch basin cleanings	100
Non-putrescible MSW, unprocessed	600
Non-putrescible MSW, compacted	700
Paper, unprocessed	285
Cardboard, processed	100
Commingled food and beverage containers, unprocessed	285
Total	9,055

The DEEP permit expires on April 8, 2024, but may be revoked, suspended, modified, renewed, or transferred in accordance with applicable laws. However, according to Connecticut General Statutes (CGS) Section 4-182 (b), “when a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.”

The facility also operates pursuant to the following permit: Registration Permit No. GSI 001986 under the DEEP General Permit of Stormwater Associated with Industrial Activity for all activities on the parcel. This General Permit Registration expires on September 30, 2024 unless extended by DEEP.

SPECIAL PERMIT

Section 64 of the New Haven Zoning Ordinance states:

Statement of purpose. The development and execution of a comprehensive zoning ordinance is based upon the division of the city into districts, within which the *use* of land and *structures* and the bulk and location of *structures* in relation to the land are substantially uniform. It is recognized, however, that there are certain *uses* and features which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts, without consideration, in each case, of the impact of such *uses* and features upon neighboring *uses* and the surrounding area, compared with the public need for them at particular locations. Such *uses* and features are therefore treated as special permits.

Special Permit Criteria	Comments
a. <i>Burden of proof.</i> A special permit shall not be considered an entitlement, and shall be granted by the Commission only after the applicant has demonstrated to the satisfaction of the Commission that all ordinance requirements are met.	Applicant has submitted plans and other information indicating that the proposed use will continue to be conducted in a manner consistent with Section 46(h) of the City of New Haven Zoning Ordinance
b. <i>Ordinance compliance.</i> The proposed use shall comply with all applicable regulations, including any specific standards for the proposed use as set forth in this ordinance. Any accessory use to a special permit must receive express authorization from the commission.	The proposed use is consistent with the uses in the IH zone. Correspondence from City Staff in the Health Department, Livable Cities Initiative, and the Office of Building Inspection and Enforcement indicated no recent violations cited for the site when monitoring occurred.
c. <i>Comprehensive Plan of Conservation and Development.</i> The Commission shall determine if the proposed special permit's use and improvements comply with the City's development plans.	The facility does not have a water-dependent or port use. It is located in the port area is designated specifically in the Comprehensive Plan for port-related activities, however non-water-dependent use is not precluded.
d. <i>Natural features.</i> Special permits must preserve trees and other natural site features to the greatest extent possible so as to minimize their impact upon surrounding properties and the district, and must not have an adverse impact on significant scenic vistas or on significant wildlife or vegetation habitat.	Minimal construction and demolition are planned for the site. The applicant provides no evidence that natural features will be disturbed. The vegetation growth that has built up along the 330 feet of the property's frontage with the Quinnipiac River will not be disturbed.

Special Permit Criteria	Comments
<p>e. <i>Hazard protection.</i> The proposed use shall not have a detrimental impact upon the use or peaceable enjoyment of abutting or nearby properties as a result of vibrations, fumes, odor, dust, erosion, sedimentation, flooding, fire, noise, glare, hazardous material use, storage, transportation or disposal, or similar conditions.</p>	<p>The existing site use generates a significant amount of truck traffic. The exhaust from the truck traffic (such as the particulate matter emissions) is a health hazard and should be minimized as much as possible. In particular, idling shall be discouraged as much as possible through appropriate signage and enforcement by Murphy Road Recycling. Idling is prohibited per RCSA §22a-174-18, and adherence to the idling prohibitions stipulated therein is necessary to satisfy the hazard protection requirement of the Special Permit. The site is paved and swept regularly to prevent dust from emanating from the roadways. Provision for dust and odor control is provided within the facility. A fire protection plan is in place. The applicant provides no evidence of a change in operations that will generate additional noise since the 2016 Special Permit.</p>
<p>f. <i>Historic preservation.</i> Features of historic significance shall not be significantly adversely affected by the granting of any special permit. If the subject property is within or abuts a historic district, the Commission may request a report from the Historic District Commission regarding those features essential to preserve the historical integrity of a building, district, or site or historical significance.</p>	<p>There are no historic resources on site nor is it located in a historic district.</p>
<p>g. <i>Design and architectural compatibility.</i> The operational and physical characteristics of the special permit shall be compatible with the surrounding area and the neighborhood in which it is proposed. Site design and architectural features which contribute to compatibility include, but are not limited to, landscaping, drainage, access, and circulation, building style and height, bulk scale, setbacks, open areas, roof slopes, building orientation, overhangs, porches, ornamental features, exterior materials and colors.</p>	<p>The site appears to be well operated and managed and based on inspections by City staff was clean and well-kept at the time of inspection. Drainage is functioning according to plan.</p>
<p>h. <i>Property values.</i> The use and site design shall not have a detrimental effect on the property values in the surrounding area.</p>	<p>The site is in an established commercial/industrial area, and renewal of the permit is not anticipated to have a detrimental effect on surrounding property values.</p>

Special Permit Criteria	Comments
<p>i. <i>Traffic impact.</i> The applicant shall demonstrate how the proposed use will not adversely affect the safety and convenience of vehicular and pedestrian circulation on, adjacent or nearby the site. The Commission may require a traffic impact study be submitted to it by the applicant for any special permit use of land. The study shall consider traffic patterns and adequacy of proposed off-street parking and loading resulting from the proposed development.</p>	<p>The site generates significant truck traffic in the port area. The proposed permit renewal would not include activities that generate more traffic.</p> <p>A Traffic Study, dated May 13, 2021 was provided with the application. The Traffic Study states: <i>"The site and the truck traffic access routes to and from I-95 are located entirely within a zoning district designated as Heavy Industrial, and development along the route is primarily industrial and commercial in nature. Based on the access routes to the facility, potential impacts to adjacent residential neighborhoods of the facility is minimized. In addition, Murphy Road Recycling affiliates own and operate approximately 90% of vehicles using the site, and the company will require its customers to use these designated access routes. The total permitted tonnage will not increase and the typical payload of trucks is not expected to change under the renewal, total permitted traffic will remain the same under the renewal."</i></p>

Section 46 of the New Haven Zoning Ordinance states:

- d. In evaluating an application made under this section for a Special Permit to continue the operation of an existing, nonconforming facility, the Commission shall take into consideration the health, safety and welfare of the public, in general, and the neighborhood, in particular. The Commission may grant a special permit with conditions attached thereto for the purpose of assuring compatibility with the neighborhood and protection of the health, safety, and welfare of the public in general. In so determining, the Commission shall consider the following operational criteria:

New Haven Zoning Ordinance §46 Criteria	Comments
<p>1. Traffic and access to the site;</p>	<p>The site has adequate access and the truck traffic around the site is not anticipated to increase appreciably under the Special Permit renewal. There is ample truck stacking room on site. However, despite the paved conditions of the site, there are concerns about vehicles tracking debris onto Wheeler Street. The Operation & Maintenance Plan includes provision for sweeping regularly and whenever the need arises.</p>
<p>2. Potential air and water quality impact;</p>	<p>See Comments for <i>e. Hazard Protection</i> with regards to air quality impact from idling vehicles at the site. With regard to water quality, the site has a stormwater management system regulated under a General Permit from the CTDEEP. Upgrades are also proposed to the existing stormwater management system through the installation of two additional catch basins, piping, and concrete curbing along the Property's northwestern boundary along the Quinnipiac River (subject to DEEP approval), which will collect and treat all runoff that may flow in the direction of the River, and the installation of new basin inserts throughout the Property.</p>

New Haven Zoning Ordinance §46 Criteria	Comments
3. Potential for creating a nuisance;	Noise and dust may affect upland residences. The site is subject to noise ordinance restrictions and there is a plan in place for dealing with fugitive dust and litter control detailed in the Operations and Management Plan
4. Facility size and existing capacity of other solid waste facilities in the region;	The facility size on an ample lot of 15.02 acres is consistent with the other uses in the area.
5. Proximity to sensitive receptors including but not limited to schools, community gardens, parks, playgrounds, day care facilities, health care facilities, nursing homes, and residences;	While the site is not far from sensitive receptors such as residences and parks, there are no residences within 250' or parks within 500' the measures detailed in the Operations and Management Plan to protect air and water quality will mitigate some of the most pressing concerns about these sensitive receptors. Screening along the fence bordering the adjacent residential properties is proposed in the companion Site Plan Review application.
8. Presence of other potential nuisance sources and evaluation of the cumulative impacts on public health and safety;	Public testimony indicates concerns with early morning noise, the presence of pests on the Site and spreading to adjacent residential properties, and foul odors. The Operation and Management Plans should be strictly adhered to and the City Plan Commission recommends frequent inspection of the site by City Officials.
9. Criteria set forth in section 64(e), as appropriate;	See previous table.

PUBLIC HEARING:

A Public Hearing was held on April 25, 2022 and continued on May 5, 2022. Nine members of the public spoke in opposition to the application on April 25 and thirteen members of the public spoke in opposition on May 5.

Written testimony: The Commission had received 14 pieces of written Public Testimony. Two letters in support of the application, six letters in opposition, four informational documents, a Petition for Intervention, and two technical memos from the Peer Reviewer contracted by City Plan, Blackledge Consulting. A video testimony was also received.

April 25, 2022 Public Hearing:

Nine members of the public gave testimony. Considerations raised in public testimony included:

- Environmental concerns including water quality, urban heat island effect, stormwater management, riverbank restoration, and impact on habitat.
- Public Health concerns including noise early in the morning, odor, air pollution, and pest concerns.
- The availability of alternate sites for the use.
- Frequency of inspections of the site.
- Traffic concerns.
- Nuisances created by the use to adjacent residential sites.
- Whether the site had a history of violations or complaints.
- Difficulty in contacting the applicant, city, and state agencies to comment on the site.

- Whether there are more suitable, water-dependent uses for the site and/or possibility for waterfront access.
- Impact of the use on neighboring property values.
- Lack of screening between the facility and neighboring residential properties.
- Opportunities to improve public notification of the application and public engagement.
- Environmental justice concerns.
- Enforcement of conditions of past approvals.

May 5, 2022 Public Hearing:

Thirteen members of the public gave testimony. Considerations raised in public testimony included:

- Whether there is a more appropriate location for the facility
- Proximity to the Quinnipiac River
- Proximity to residences in an Environmental Justice community
- Noise early in the morning (3am) and difficulties with reporting this
- High Asthma rates in the neighborhood
- Foul odors
- Rodents on residential properties
- Wet waste vehicles coming and going from the site
- Complaints made about the facility to the Health Department
- Seagull scavenging
- Disparate impact on tenants in the neighborhood
- Operation outside of allowable hours
- Challenges in reporting and filing complaints for residents
- Enforcement challenges
- The possibility to grant the Special Permit for a shorter term than 5-years
- Whether the different uses on the site should be regulated together
- History of disproportionate impact of heavy industry and environmental racism on the Annex neighborhood
- Lack of monitoring of the site by City and State agencies
- Lack of public engagement stipulated in the applicant's state mandated Environmental Justice plan
- Volume of trucks coming and going, in a quantity beyond Applicant's estimate
- Issues with the single stream recycling process
- Questions about the Blackledge Consulting memo
- Mis-categorization of the area as "industrial use" as opposed to "mixed-use"
- History of non-compliant activity on the site
- Concentration of waste facilities in disinvested communities in the City of New Haven
- Issues with stormwater management on the site
- Concerns with excavation in contaminated soils on the site related to stormwater management improvements
- Inconsistencies with municipal and state plans for coastal areas and hazard mitigation
- Trucks stored on site that previously contained wet waste and may have residues
- Difficulty with enforcement when you cannot separate the different uses on the site
- Concerns related to climate change and resulting increased flooding
- Pollution of the river leading to public health and environmental concerns
- Additional conditions of approval to consider

CONSIDERATIONS:

A number of concerns applicable to criteria in NHZO Section 64 and Section 46 were raised in public testimony and in the Technical Memos provided by Blackledge Consulting. Blackledge Consulting was contracted by the City Plan Department to conduct a peer review of the application. Blackledge Consulting provided an initial review which was reviewed by City staff. The applicant was then asked to respond and provide clarification or additional documentation. Blackledge Consulting provided another round of review based on the Applicant's responses which were reviewed by City staff. Staff additionally reviewed the extensive history of this site including previous approvals as well as taking the constraints of the Special Permit and CSPR under consideration.

The public has expressed an interest in maintaining public access to the waterfront at this site. The Applicant states "The Applicant is amenable to working with the City to form an agreement permitting public access to and along the waterfront in a manner that would facilitate safe access, preserve the future water dependent use of the facility, and be subject to DEEP approval due to an ELUR governing this property." City staff have approached the applicant and is suggesting both parties work in good faith in co-operation to establish a coastal access plan for this site.

Upon consideration of these concerns the Commission requires the below Conditions of Approval to ensure compliance with all relevant City Ordinances as well as the applicant's Operations and Management Plan.

Outstanding issues detailed in the April 19, 2022 Technical Memo from Blackledge Consulting have been addressed in the below conditions of approval and through revisions and additional materials submitted by the Applicant.

Outstanding issues	Comments on additional information and staff review
There appear to be intertidal flats or tidal flats on or adjacent to the site.	The applicant has submitted DEEP mapping displaying no Intertidal Flats or Tidal Wetlands on or adjacent to the site.
Containers and commercial vehicles owned by accessory users do not appear to comply with the City's ordinances related to the flood zone and 200' residential buffer.	Container storage in the flood zone and residential property buffer has been addressed in Condition of Approval #8 in the Special Permit Report (this report) and Condition #11 in the CSPR Report.
An outdated and inaccurate version of the Site Plan was included in the Stormwater Management plan.	The Stormwater Management Report has been revised to include the correct, 2022 Site Plan.
The application incorrectly stated that no natural vegetation was present on the site.	The CSPR forms have been revised to state that natural vegetation is present on the site.
Proposed signs prohibiting truck idling do not extend along the right-of-way (driveway) to include the entrance.	"No-Idling" signage further up the site driveway has been addressed as Condition of Approval #15.
Concerns have been raised by the public about before hours operations as well as idling.	Compliance with the city's Noise Ordinance has been restated as a Condition of Approval #18.
Concerns have been raised by the public about public health issues and potential storage of wet waste.	Concerns raised by the Public around storage of wet waste have been addressed by Condition of Approval #19.

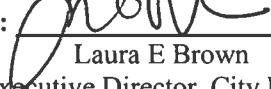
CONDITIONS OF APPROVAL:

The conditions of approval of the renewal of the Special Permit under §64 and §46 of the New Haven Zoning Ordinance and the Coastal Finding are as follows.

1. Operations shall be conducted in a manner consistent with the plans and application submitted on January 20, 2022, unless modified herein. The Special Permit shall expire on May 25, 2024.
2. The Special Permit is granted to Murphy Road Recycling, LLC for its sole use and is not transferable or assignable without the express approval of the Commission.
3. The applicant shall record on the City land records an original copy of this Special Permit report (to be provided by the City Plan Department) and shall furnish written evidence that the document has been so recorded (showing volume and page number) to the City Plan Department within 30 days of the date of publication of approval.
4. Hours of Operation are limited to 6 AM to 7 PM Monday through Friday and 6 AM to 5 PM on Saturdays. Hours of Operation shall include the arrival and departure of trucks and delivery and removal of materials and equipment (Sec 46 (5) Operating Conditions (i)). No facility maintenance, loading or unloading shall occur outside of these hours. No operations will be allowed on Sundays.
5. A copy of the new CT DEEP Stormwater Permit shall be provided to City Plan once the existing permit expires in April 2024.
6. A copy of the renewal of the CT DEEP Permit to Construct and Operate a Solid Waste Volume Reduction Plant shall be provided to City Plan when it is received by the applicant.
7. The site shall comply with all state and local regulations. In cases where City and State regulations differ, the more stringent standard will apply.
8. Container storage on the parcel shall be limited to the area surveyed and shown on the plan entitled "Site Plan, Sheet 1 of 7" created by Barton & Loguidice and with a revision date of 1/18/22. No container storage will be allowed in the flats/terraces below Fairmont Avenue or above contour 22 as shown on this site plan. (Section 46 (h) (4)b.)
9. "Roll off" containers parked or stored on the site shall not be stacked.
10. The site shall be maintained free of litter, trash, and debris.
11. There shall be no truck access or queuing to the site from Goodwin Street.
12. Non- "roll off" containers may not be stacked more than 2 high, or 15 feet, whichever is less.
13. No municipal solid waste as defined by the Connecticut General Statutes may be accepted/handled/stored at the site, except as permitted under the DEEP's Permit to Operate.
14. No other materials otherwise regulated under §46d may be accepted at the site.
15. Murphy Road Recycling LLC will prohibit idling of vehicles on-site and inform truck operators of this prohibition through signage on the premises and enforcement by facility operators and/or the Building Official. Existing signage shall be supplemented with signage at the beginning of the driveway at the corner of Wheeler Street and Goodwin Street.
16. No hazardous wastes as defined by the Connecticut General Statutes shall be accepted, disposed, stored, or otherwise handled at the facility. Storage shall be done in conformance with proper fire control measures.

17. No open pile storage of any waste materials, including but not limited to tires or wood, and listed in this permit application are allowed. All waste must be received and stored indoors or in a proper closed container for outdoor storage as allowed by the Permit to Operate.
18. The Site shall adhere to City Ordinances Title III, Chapter 18, Article II, Noise Control. Any violations will be strictly penalized according to Article II Sec. 18-82. - Violations and penalties.
19. As is required by law, there will be no storage or temporary location of wet, putrescible waste, or any materials on the site other than those delineated by this permit.
20. The applicant shall post a permanent sign visible from the Public Way with a staffed phone number for the three businesses on the site, as well as phone numbers for the appropriate city enforcement agencies (Office of Building Inspection and Enforcement, Liveable Cities Initiative, and the Health Department) as well as CT DEEP. The sign shall be in English and Spanish and comply with NHZO Section 60.3.
21. The applicant shall create and maintain a green buffer zone of arborvitae or similar evergreen plantings to reduce noise between the site and abutting residences.
22. The applicant shall conduct a pest control survey provided by a licensed operator of the applicant's choosing, covering the site and the adjacent properties where property owners opt in, free of charge, and implement control measures recommended by the pest control firm.
23. The applicant shall generate a vehicle idling mitigation plan and a putrescible waste and odor mitigation plan. These plans shall be provided to City Plan Staff within 6 months of this approval (November 25, 2022). Plans shall include steps to be taken, goals, and measures of success. Regular progress reports shall be provided to City Plan Staff following submission of the plans, on at least a quarterly basis.

ADOPTED: May 25, 2022
Leslie Radcliffe
Chair

ATTEST: 

Laura E Brown
Executive Director, City Plan