

**NEW HAVEN CITY PLAN COMMISSION COASTAL SITE PLAN REVIEW**  
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**RE:** 517 & 539 GRAND AVENUE, 59 NEW STREET, RAILROAD AVENUE. Site Plan Review and Coastal Site Plan Review for the processing and repurposing of waste bituminous concrete an IH zone. (Owner/Applicant: East Street Development, LLC; Agent: Caleb Hamel Esq. of Susman, Duffy & Segaloff PC)

**REPORT:** 1568-04

**COASTAL SITE PLAN ACTION:** Approval with Conditions

**SITE PLAN ACTION:** Approval with Conditions

**STANDARD CONDITIONS OF APPROVAL**

1. Pursuant to State Statute, this site plan and soil erosion and sediment control plan approval is valid for a period of five (5) years following the date of decision, until May 20, 2025. Upon petition of the applicant, the Commission may, at its discretion, grant extensions totaling no more than an additional five (5) years to complete all work connected to the original approval.
2. The applicant shall record on the City land records an original copy of this Site Plan Review report (to be provided by the City Plan Department) and shall furnish written evidence to the City Plan Department that the document has been so recorded (showing volume and page number), prior to City Plan signoff for building permits. A digital copy of the recorded report shall be provided to staff (.pdf).
3. Upon approval by the City Plan Commission, provide compiled digital copies of all application materials, including drawing sets and reports, to staff for filing (.pdf files) prior to City Plan signoff for building permits.
4. Comments under **ADDITIONAL CONDITIONS OF APPROVAL** shall be reviewed with the City Plan Department and resolution reflected on final plans, prior to their circulation for signoff.
5. Signoff on final plans by the Greater New Haven Water Pollution Control Authority; City Engineer; Department of Transportation, Traffic, and Parking; City Plan Department; and Fire Marshal in that order shall be obtained prior to initiation of site work.
6. Construction Operations Plan/Site Logistics Plan, including any traffic lane/sidewalk closures, temporary walkways, detours, signage, haul routes to & from site, and construction worker parking plan shall be submitted to the Department of Transportation, Traffic and Parking for review and approval to prior to City Plan signoff on final plans.
7. A site bond will be required in conformity with Connecticut General Statutes Section 8-3(g). Bond, or other such financial instrument, shall be provided to the City Plan Department, in an amount equal to the estimated cost of implementation of erosion and sediment controls, plus 10 percent, prior to City Plan final sign-off on plans.
8. As authorized by CGS Sec. 22a-107 an additional bond is required to secure compliance with all conditions of approval relating to the coastal site plan. The bond amount is to be determined based on consultation with City Plan and Engineering staff.
9. Flood elevation certificate [Flood Development Permit certifying finished floor elevation shall] accompany application for building permits.
10. Any proposed work within City right-of-way will require separate permits.
11. Any sidewalks or curbs on the perimeter of the project deemed to be in damaged condition shall be replaced or repaired in accord with City of New Haven standard details.
12. Filing (with City Plan) and implementation of a Storm Drainage Maintenance Plan and Inspection Schedule is required.
13. Following completion of construction, any catch basins in the public right-of-way impacted by the project shall be cleaned prior to release of site bond.
14. As-built site plan shall be filed with City Plan Department, with a copy to the City Engineer, prior to release of site bond. Site Plan shall be submitted in mylar and digital form (.pdf).

**ADDITIONAL CONDITIONS OF APPROVAL**

15. The applicant shall grant to the City of New Haven, an easement that runs the length of the site from the railroad tracks to the north and to Grand Avenue at the south. The applicant will negotiate in good faith with the City of New Haven as to the improvements in this access area to provide meaningful public access to the site. An informational report will be sent back to the City Plan Commission regarding the terms reached. The access easement must be recorded on the land records. The City of New Haven will receive a bond or letter of credit, as authorized by CGS Section 22a-107, for coastal public access improvements to ensure their completion.

**Submission: SPR Application Packet including DATA, WORKSHEET, SITE, SESC, and CSPR forms. NARRATIVE attached. Application fee: \$270. Received March 19, 2020.**

- Site Stormwater Management Plan dated January 20, 2020 (last revised March 13, 2020). Received March 19, 2020.
- Operations & Maintenance Plan dated January 24, 2020 (last revised March 12, 2020). Received March 19, 2020.
- *Proposed ELUS Prohibits Residential Use Memo* dated April 7, 2020. Received April 7, 2020.
- *Additional Information Regarding Coastal Resources On or Adjacent to Site*. Not dated. Received April 7, 2020.
- Installation Instructions for Free-Standing Building dated May 8, 2018. Received April 7, 2020.
- Application drawings. 18 sheets received March 19, 2020. Revisions received April 14, 2020.

**PROJECT SUMMARY:**

**Project:** Laydon Industries  
**Address:** 59 New Street, 539 & 517 Grand Avenue, and 0 Railroad Avenue  
**Site Size:** 243,081 SF (5.6 acres)  
**Zone:** IH (Heavy Industry)  
**Parking:** 5 parking spaces  
**Owner:** East Street Development, LLC **Phone:** (203) 562-7283  
**Applicant:** Same as above  
**Agent:** Caleb Hamel of Susman, Duffy & Segaloff, P.C. **Phone:** (203) 624-9830  
**Site Engineer:** Laydon Industries

**BACKGROUND**

**Previous CPC Actions:**

- **CPC 1436-06:** Site Plan Review including Coastal Site Plan Review for Warehouse and Accessory Retail Facility in an IH Zone. Approved January 20, 2010.
- **CPC 1530-05:** Site Plan Review and Coastal Site Plan Review for soil remedial activities including soil removal to prepare for future development at former Saint-Gobain Performance Plastics site in an IL zone. Approved May 17, 2017.
- **CPC 1556-05:** Site Plan and Coastal Site Plan Review for the installation of an asphalt cap and a retaining wall on an industrial site in an IH zone. Approved April 17, 2019.

**Zoning:** The Site Plan as submitted meets the requirements of the New Haven Zoning Ordinance for the IH zone, with the zoning relief granted. On March 10, 2020, the Board of Zoning Appeals granted a Special Exception to permit processing and storage not analogous to other specifically mentioned industrial uses and Coastal Site Plan Review in an IH District.

**Site description/existing conditions:** The project site encompasses an area of approximately 243,081 SF (5.6 acres) and consists of one (1) two-story masonry building, one (1) one-story masonry building, a building canopy,

bituminous pavement, and a fence around surrounding the perimeter. The site is bounded by Walnut Street and railroad tracks in the north, the Mill River in the east, Grand Avenue in the south, and East Street and New Street in the west.

Until 2003, the site was occupied by St. Gobain Performance Plastics as a rubber and plastic tape manufacturing facility. It has been vacant since. The applicant purchased the property in 2017 and has engaged in soil remediation activities on the heavily contaminated site (along with St. Gobain). City approvals for the soil remediation activities, including installation of an asphalt cap and required retaining wall, were issued by the City Plan Commission in 2017 (CPC 1530-05) and 2019 (CPC 1556-05), respectively. As part of the soil remediation process, and in accordance with Connecticut Department of Energy and Environmental Protection Regulations, an Environmental Land Use Restriction ("ELUR") will be placed on the site forbidding residential and recreational activity.

**Proposed activity:** The existing former St. Gobain warehouse, fronting on Grand Ave, will be repurposed to contain necessary processing equipment. A loading silo, together with a necessary control trailer, will be located on the north side of the building, and vehicular access for both material trucks and employee vehicles will be from New Street. No aggregate crushing, sorting, or screening is proposed on-site. Employee parking will be located to the rear of the existing building. While heavy equipment (loaders, etc) are used on-site for transporting aggregate, such heavy equipment is proposed to be stored inside the existing building, and maintenance of such heavy equipment takes place off-site.

An existing retaining wall in the northwesterly portion of the site will be repurposed to form the rear wall of material storage bins holding aggregate to be used as part of the processing in the existing building. Three bins (approximately 2,340 SF will be covered by Clearspan poly shelters to provide weather protection. The remaining bins (totaling approximately 19,500 SF of area) will be remain open. Additional proposed site work includes stormwater and exterior lighting improvements.

**Motor vehicle circulation/parking/traffic:** Primary vehicle access to the site will be via the existing curb cut on New Street, with the curb cut onto Grand Avenue reserved for secondary vehicle access in the case rail traffic temporarily blocks the New Street entrance, minimizing the number of trucks that would need to queue on Grand Avenue in order to enter the site.

**Signage:** No new signage proposed at this time. All signage must meet zoning ordinance requirements.

**Sec. 58 Soil Erosion and Sediment Control:**

- 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: 0 CY

Responsible Party for Site Monitoring: John Paul Garcia of John Paul Garcia and Associates, P.C.

This individual is responsible for monitoring the site to assure there is no soil or runoff entering City catch basins or the storm sewer system. Other responsibilities include:

- monitoring soil erosion and sediment control measures on a daily basis;
- assuring there is no dust gravitation off site by controlling dust generated by vehicles and equipment and by soil stockpiles during the construction phases;
- determining the appropriate response, should unforeseen erosion or sedimentation problems arise; and
- ensuring that SESC measures are properly installed, maintained and inspected according to the SESC Plan.

Should soil erosion problems develop (either by wind or water) following issuance of permits for site work, the named party is responsible for notifying the City Engineer within twenty-four hours of any such situation with a plan for immediate corrective action.

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*.

**Note: Because the project is larger than 5 acres, the applicant is required to obtain a General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction from CT DEEP in addition to adhering to the erosion and sediment control regulations of the City of New Haven.**

**Sec. 60 Stormwater Management Plan: SUBMISSION MEETS REQUIREMENTS**  
**REQUIRED DOCUMENTATION**

- Soil characteristics of site;
- Location of closest surface water bodies and depth to groundwater;
- DEEP ground and surface water classification of water bodies;
- Identification of water bodies that do not meet DEEP water quality standards;
- Proposed operations and maintenance manual and schedule;
- Location and description of all proposed BMPs;
- Calculations for stormwater runoff rates, suspended solids removal rates, and soil infiltration rates;
- Hydrologic study of pre-development conditions commensurate with conditions.

**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;

Applicant response: Due to the existing E.L.U.R. for the site, which prohibits excavation below the existing cap, it is not possible to install sediment traps, hydro-dynamic separators, new piping or catch basins to treat the first inch of rain on-site.

- 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.

**Sec. 60.1 Exterior Lighting: SUBMISSION MEETS REQUIREMENTS**  
**REQUIRED SUBMISSION**

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

Photometrics.

## STANDARDS

In general, all exterior light sources must be directed downward. The lighting must also be, as much as physically possible, contained within the target area;

*Parking Lot and Security Lighting.* All outdoor light fixtures within a parking lot, vehicular circulation area, or pedestrian area must be of a Full Cutoff or Fully-Shielded type;

*Architectural Lighting.* Lighting for building facades and Indirectly Illuminated Signs is permitted subject to the following: (a) Uplighting does not exceed 900 lumens & (b) Upward aimed light is Fully-Shielded and fully-confined from projecting into the sky, eaves, roofs, or overhangs. The light must be fully confined within the vertical surface of the wall being illuminated;

*Unshielded Lighting.* Floodlighting is discouraged, and if used, must be shown that the type of fixture proposed is not objectionable because it (a) prevents Glare for drivers and pedestrians and light above a horizontal plane, and (b) mitigates light trespass beyond the property line. Unshielded, motion activated lighting will not be triggered off the property on which the fixture is located and must go off within five minutes of activation. Unshielded lighting creating Glare or Light Trespass is required to be re-aimed and/or fitted with a shield device to block the Glare;

*Lighting Curfew.* On all parking fields, including surface lots, parking decks and top levels of parking garages which contain a minimum of four light poles, the lighting must be reduced by at least 50 percent of full operational levels within 30 minutes after the close of business. Because certain minimum lighting levels are recommended for safety and security, parking field lighting does not need to be reduced to less than an average .2 footcandles as measured horizontally at the surface on which the light pole is mounted in accordance with Illuminating Engineer Society (IES) Standards; and

*Height.* Exterior Lighting must not exceed 20 feet in height from the point on the ground directly below the fixture to the highest point on the fixture. Lighting mounted higher than 20 feet may be permitted through the site plan review process, either by Staff or the Commission, as applicable, depending on the site conditions;

*Maximum Light Levels at the Property Line.*

- a. *The maximum light level at any point on the property line cannot exceed: .1 footcandles within or adjacent to a property with a residential use or .2 footcandles when adjacent to properties with other uses. Where the adjacent property is a residential use or mixed-use and the first floor is not residential, the maximum light levels at the property line cannot exceed .2 footcandles;*
- b. *Color. Because blue light brightens the night sky more than any other color of light, lighting must have a color temperature of no more than 3000 Kelvins. Exterior Lighting that has warmer light spectrums are preferred;*
- c. *The Staff or the Commission, as applicable, may determine that certain light fixtures are exempt from these requirements of this Section because they do not adversely affect an adjacent property owner or the night sky or because they are necessary for the functioning of the use.*

**Sec. 60.2 Reflective Heat Impact:** Pursuant to Section 60.2 of the Ordinance, approval of this application will constitute a waiver of reflective heat impact requirements because the applicant cannot achieve the 50 percent level using reasonable methods.

## 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:**

**Coastal Flood Hazard Area (Flood Zone):** The project site is located within Special Flood Hazard Area (the area subject to inundation by the 1% annual chance flood (100-year flood)) Zone AE, as defined by FEMA Flood Insurance Rate Maps (FIRM) panels 09009C0441J effective July 8, 2013.

**Developed Shorefront, Navigable Waters; Nearshore Waters; Tidal Wetlands:** The project site and proposed activities are located immediately adjacent to the Mill River.

**Shorelands:** The project site is located within the coastal boundary on a developed waterfront adjacent site.

Coastal Program Criteria	Comments
1. Potential adverse impacts on coastal resources and mitigation of such impacts	<i>No adverse impacts on coastal resources are expected as a result of the proposed use.</i>
2. Potential beneficial impacts	<i>While the contaminated soils and the E.L.U.R. limit the ability to install conventional treatment measures such as infiltration practices and subsurface treatment, other improvements and best practices are being installed to improve the site' drainage. The applicant proposes to upgrade all existing catch basins with permanent filtration inserts, removing sediments, floatables, and hydrocarbons from the site's runoff. Additionally, a curb will be installed along the edge of the paved cap, preventing sheet flow from untreated runoff into the Mill River and instead directing all runoff into the upgraded catch basins.</i>
3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	<i>Without public access across this site, the proposed development potentially conflicts with the policy goals. However, with the addition of a public access easement (required by condition of approval), the proposed activity would meet the goal of not unreasonably restricting public access to coastal waters and to otherwise minimize the impact of shoreland uses on coastal resources.</i>
4. Will the project preclude development of water dependent uses on or adjacent to this site in the future?	<i>No, partially because of the coastal access easement. DEEP is supportive of a coastal access easement across this site.</i>
5. Have efforts been made to preserve opportunities for future water-dependent development?	<i>No, because the site is subject to an Environmental Land Use Restriction (ELUR) which restricts the site to industrial or commercial activities.  However, by providing a coastal access easement, this protects the potential for future water-dependent uses at the site. DEEP is supportive of a coastal access easement across this site.</i>
6. Is public access provided to the adjacent waterbody or watercourse?	<i>By providing coastal access easement, public access is provided so that views of East Rock and the Mill River are preserved for the public benefit. The other side of the Mill River has a successful trail along it despite its industrial uses, and this side of the river could benefit from the same type of trail system.</i>

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)?	<i>The site consists of both a constructed bulkhead and riprap reinforced shoreline. The existing bulkhead is deteriorating and in generally poor condition. The existing riprap reinforced shoreline is in fair condition. This project/application does not include work on the control structures.</i>
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'.	<i>No, the last application for the asphalt cap included some paving below the CJL as required by the Remedial Action Plan. This application does not.</i>

**Project Timetable:** Not provided.

#### **SITE PLAN REVIEW**

Plans have been reviewed by the Site Plan Review team with representatives from the Departments of City Plan, City Engineer, Building, Disabilities Services and Transportation, Traffic and Parking and have been found to meet the requirements of City ordinances, regulations, and standard details.

#### **COASTAL FINDING:**

Taking into consideration all of the above information, the City Plan Commission finds the proposed activity consistent with all applicable goals and policies in Section 22a-92 of the Connecticut Coastal Management Act and incorporates as conditions or modifications all reasonable measures which would mitigate the adverse effects on coastal resources. The Commission therefore makes a finding of no impact on coastal resources and approval for a coastal permit to be issued.

- **The proposed activity's consistency is dependent on the granting of a coastal access easement that runs from the train trestle to the north to Grand Avenue at the south.**

#### **ACTION**

The City Plan Commission approves the submitted Site Plans subject to conditions on Pages 1 and 2.

**ADOPTED:** May 20, 2020  
Edward Mattison  
Chair

**ATTEST:** *Aicha Woods*  
Aicha Woods  
Executive Director, City Plan Department

Coastal Site Plan Review, based upon the application and materials submitted by the applicant, was conducted in accordance with the Connecticut Coastal Management Act (CGS, Sections 22a-90 to 22a-112). The Building Official hereby receives the above written findings and any conditions thereof are made conditions of the Building Permit.

**ADOPTED:** May 20, 2020

**ATTEST:** *[Signature]*  
James Turcio  
Building Official