

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 517 & 539 GRAND AVENUE, 59 NEW STREET, RAILROAD AVENUE. Special Permit for outdoor storage of more than 500 SF of material in an IH zone. (Owner/Applicant: East Street Development, LLC; Agent: Caleb Hamel Esq. of Susman, Duffy & Segaloff PC)

REPORT: 1568-05

ACTION: Approval with Conditions

Note: Companion CPC Report 1568-04 for the same site.

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.

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.

BACKGROUND

Per the City of New Haven zoning regulations Sections 46 and 64, East Street Development, LLC has applied for a Special Permit (and Site Plan Review including Coastal Site Plan Review: CPC Report 1568-04) for outdoor storage of more than 500 SF of material relating to the processing and repurposing of waste bituminous concrete in an IH zone.

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 and 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.

Proposed Activity: 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 remain open.

PUBLIC HEARING

A public hearing was held on May 20, 2020. A recording of the hearing, CPC meeting 1569, is available from the City Plan Department.

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
<p>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.</p>	<p><i>The proposed outdoor storage complies with all applicable regulations of the New Haven Zoning Ordinance as shown in the Site Plan and Special Permit application materials.</i></p>
<p>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.</p>	<p><i>The proposed use is consistent with the uses in the IH zone.</i></p>
<p>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.</p>	<p><i>The proposed use complies with the City's development plans, including the 2013 Mill River District Plan and the 2018 Climate & Sustainability Framework.</i></p>
<p>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.</p>	<p><i>The proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife or vegetation habitat. Existing scenic vistas will be preserved and rendered assessable to the public in the future via a coastal access easement that runs the length of the site along the Mill River.</i></p>
<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><i>No hazardous materials will be stored on-site. No vibrations, fumes, odor, dust, erosion, sedimentation, flooding, fire, or glare is expected. Limited noise will be generated during construction of the lot. Once in service automobiles and shuttle busses will generate noise and air emissions consistent with a developed urban area.</i></p>
<p>f. <i>Historic preservation.</i></p>	<p><i>N/A No historic structures on site</i></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><i>The operational and physical characteristics of the proposed outdoor storage are compatible with the surrounding area and the neighborhood, as the site is located in the middle of a heavy industrial area, the retaining wall to the west will screen the storage from the nearest residential uses, and all truck and equipment circulation will take place on the interior of the site.</i></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><i>The proposed outdoor storage will not have a detrimental effect on property values in the surrounding area, as the surrounding uses are railroad tracks, a river, English Station, and other miscellaneous industrial uses. The retaining wall to the west will screen the proposed storage area.</i></p>
<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><i>The proposed outdoor storage will not adversely affect the safety and/or convenience of vehicular and pedestrian circulation on, adjacent to, or nearby the site. 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.</i></p>

CONDITIONS OF APPROVAL:

The conditions of approval of the Special Permit under §64 and §46(a) of the New Haven Zoning Ordinance for outdoor storage in excess of 500 SF are as follows:

- 1. Special Permit must be filed on the land records of the City of New Haven before issuance of building permits. A digital copy of the recorded site plan shall be provided to staff (.pdf).**

ADOPTED: May 20, 2020
Edward Mattison
Chair

ATTEST: 
Aicha Woods
Executive Director, City Plan Department