

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

**RE:** 50 EDDY STREET (AKA 109 BARCLAY ST, 47, 49 EDDY ST, 61 & 63 ADELINE ST, 525 ELLA GRASSO BLVD), Special Permit for Outdoor Storage of more than 500 SF of Material in an IL Zone (Owner: Dan D'Errico, Grand Avenue LLC).

**REPORT:** 1441-01

**ACTION:** Approval with Conditions

**COASTAL FINDING:** No impact

**Submission:** Development Permit application including Special Permit and Coastal Site Plan sections, Letter from Dan D'Errico of Total Fence LLC 05/18/10, Site Plan dated 04/06/09 by Nafis & Young Engineers, Inc., Application fee of \$150.00.

## CONDITIONS OF APPROVAL:

The conditions of approval of the Special Permit under 64(e) and 42 T of the New Haven Zoning Ordinance and the Coastal Finding are as follows:

1. The Special Permit is granted to Grand Avenue LLC for outdoor storage in the Light Industrial (IL) zone only as shown on the Site Plan dated April 6, 2009 by Nafis and Young Engineers.
2. The applicant shall record on the City land records an original copy of this Special Permit and Coastal Site Plan Review 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 120 days of the date of publication of approval.
3. A Stormwater Management Plan including regular sweeping of the site, containment of the loose material such as soil, and protection and maintenance of the drainage structures shall be provided to the City Plan Department within 120 days of the date of publication of approval.
4. Height of racks or piles of materials on site shall be limited to no more than 15 feet.
5. For the duration that the soil pile remains on site, it shall be consolidated and contained within jersey barriers or concrete block walls and shall be protected from dust, erosion and escaping sediment.
6. Portable toilets shall be stored only in area delineated on Site Plan dated April 6, 2009 and shall be limited to ones which have been sanitized off site.
7. The applicant shall maintain opaque fencing in compliance with the Zoning Ordinance along the perimeter of the site where it abuts the residential zone.
8. Trees shall be planted in the portion of the site adjacent to Ella T Grasso Boulevard.

## BACKGROUND

Per the City of New Haven zoning regulations Sections 64(e) and 42 T, Grand Avenue LLC requests a special permit for outdoor storage of more than 500 square feet of material at its site at 47, 49 and 50 Eddy Street, 109 Barclay Street, 61 and 63 Adeline Street and 525 Ella T Grasso Boulevard, along with a Coastal Site Plan Review as a portion of the site is within the Coastal Management zone.

The 3.828 acre site is accessed off Grasso Boulevard via a City right-of-way to its north which is a former rail road line. To the north of the ROW is a cemetery. To its west, south and east are several industrial uses, Shuster Mettler Corporation, F & L Iron Works, and Jen Co Properties at 2 Thorn Street. The property also abuts residences on Adeline Street. A small remaining portion of Eddy Street off the City right of way is used for fire access. The site was formerly occupied by Interstate Pallet Company. The businesses on site have

expanded so that there is no longer enough room for storage of products inside the building, hence the application for a special permit for outdoor storage.

**Current site conditions/current uses on site:** The site is relatively flat and appropriate for exterior storage. At present there are a number of uses on this large site including two businesses in one large warehouse style building which at the west end contains Total Fence LLC and at the east end contains Elm City Sanitation LLC. Total Fence manufactures and fabricates wooden and chain link fencing within the building for installation. Materials for the fencing are stored outside on the site. Elm City Sanitation assembles portable toilets within the building and stores them outside in a storage area adjacent to Adeline Street and a portion of Eddy Street which was acquired from the City back in the 1980's. The applicant's agent reports that the toilets stored on the site are sold or rented, but any being returned to site are cleaned and sanitized off site. Parking for employees of each concern is located near the entries to the businesses. Cisco LLC is a contracting company located in a building facing on the remaining portion of Eddy Street at the eastern end of the site. This company does not have any outdoor storage.

The applicant's agent reports that on the site at the west end is a large pile of soil and material stored there by PJ's, an excavating and construction company at 2 Thorn Street. The soil is stated to be primarily from school construction projects now winding down.

The grade is elevated in the vicinity of the building where vehicles ascend a ramp to the parking area on the west side of the building and where there is a retaining wall on the south side of the building which allows site circulation on two levels.

The residential properties to the south on Adeline Street are fenced on the south by stockade type fencing (most which was provided by Total Fence). There is also chain link fencing to the north along (and actually encroaching upon) the City right of way. There is also chain link fencing along the north side of the City ROW. Approximately two-thirds of the site is paved and the remainder is hard packed dirt. The paved portion has several catch basins which appear to be recently installed.

**Proposed Activity:** The proposed activity consists of the continued operation of the manufacturing and fabrication activities on the site including storage of materials related to the businesses located there, fencing and portable toilet assemblage. Additionally stored on site is a small amount of landscape supplies including sand, gravel and pavers which are used occasionally as part of the fencing operation. These materials are stored at the extreme eastern end of the site behind another building leased to Cisco, a contractor which does not have outdoor storage. The application is silent on the soil storage on the western portion of the site although it is shown on the site plan.

**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  |
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| 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. | The applicant has applied for a special permit to bring his site into compliance. With his testimony supplied at the public hearing and with the provision of a stormwater management plan, it appears that all ordinance requirements have been met. |

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| <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>The uses on site appear to be in conformance with the zoning ordinance although the soil pile in the western portion has been in non conformance from time to time in the past with Section 58 Soil Erosion and Sediment Control. Any additional uses will require further authorization by CPC.</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>The facility is in an area suitable for the use under the comprehensive plan, which shows the site in industrial use.</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>No natural features are impacted by the proposed site plan. The site does not have trees or landscaping due to its use for storage. Trees will be added on the minimal street frontage on Ella Grasso Boulevard to screen the use from the street.</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>While the use of the site is fairly intense, the outdoor storage of fencing materials and assembled portable toilets does not have a detrimental impact upon nearby properties, provided storage occurs only in the areas specified on the approved site plan. Piles of materials shall not exceed 15' in height. For the duration that the soil pile remains on site, it shall be consolidated and contained within jersey barrier or concrete block walls and shall be protected from dust, erosion and escaping sediment. No other industrial operations are permitted outside on the site.</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>The site is not 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 applicant shall provide opaque fencing in compliance with the zoning ordinance to screen the residential properties from the uses on site.</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 industrial area, and with these improvements, should not have a detrimental effect on surrounding property values.</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</p>   | <p>The site does not generate a disproportionate amount of traffic and therefore will not adversely affect the safety and convenience of vehicular and pedestrian</p>   |

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| 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. | circulation. No traffic study is necessary. |
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**COASTAL PLANNING CONSIDERATIONS**

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.

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:** This property is located within Flood Zone C, according to Flood Insurance Rate Map 090084-0004C, an area of minimal flooding. The site is across Grasso Boulevard from Zone B6, an area of 100 to 500 year flood. No other coastal resources are present at or adjacent to the site.

This is an urban site removed from the waterfront. There are no impacts on coastal resources as a result of this project, provided soil erosion and sediment control measures are kept in place.

**PUBLIC HEARING:** At the public hearing held on June 16, 2010, following Joy Ford's presentation of the application, Salvatore Brancati noted materials were formerly stored inside the building but as the businesses expanded, it became apparent that the outdoor storage was a necessity. He said neighbors appeared satisfied with the use although there had been an unfounded complaint about an odor at one point. Grand Avenue LLC had United Illuminating install 6 light poles on the City right of way to discourage dumping, and had installed fencing along the south property line. He said the area had been designated a mini-industrial park in 1986 by the City to attract businesses, and maintained the City right of way for access to Thorn Street which had no other access. PJ's, an excavating company, had been storing soil and fill on the site for the last eight years as part of the school construction program.

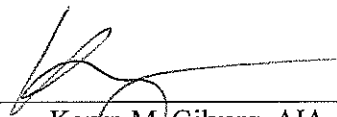
Raymond Mathews and Sharon Blue, 81 Adeline Street, testified Grand Avenue LLC was storing portable toilets on a residential lot at 77 Adeline Street. Mr. Brancati agreed the toilets would be removed from this lot and placed within the storage area noted on the site plan, and agreed to install an opaque fence along the side property line between #81 and 77 Adeline Street. He also agreed to install a taller fence along the rear property line per Ms. Blue's request.

Alderwoman Andrea Jackson-Brooks submitted a letter in favor of the application.

**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.

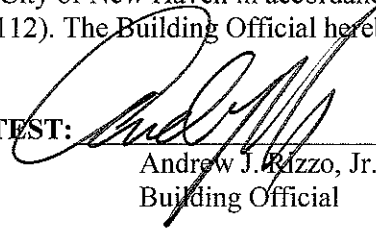
**ADOPTED:** June 16, 2010  
Edward Mattison  
Chair

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

Coastal Site Plan Review, based upon the application and materials submitted by the applicant, was conducted administratively without hearing by the City Plan Commission of the City of New Haven 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.

**DATE ADOPTED:** 6/21/10

**ATTEST:**



Andrew J. Rizzo, Jr.  
Building Official