

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: 808 WASHINGTON AVENUE, MBP: 274-0022-01500 and 274-0022-01700.
Coastal Area Management Permit to process roadway construction debris in an
IL zone; (Owner: Bixon Liquidation Corp. and Grasso Boulevard Properties;
Applicants: Laydon Industries, Kristy Laydon, VP; Attorney: John W. Colleran).

REPORT 1444-19

ADVICE/COASTAL FINDING: Approval with Conditions

BACKGROUND

This 3.6 acre IL (Light Industrial) property is located along the west bank of the West River, just east of the West Haven City Line. It is bordered on the north by a Metal Management scrap yard, on the east by Ella T. Grasso Boulevard and other DOT property, and by the Metro North rail line to the south. There are no wetlands soils on the property; activity in or directly impacting tidal wetlands are regulated by DEP.

Based on inquiries concerning a Letter of Zoning Compliance as well on complaints (both noise and dust related) from neighboring property owners and tenants, the City Plan Department became aware of earth based recycling operations on these properties in the late Spring of this year. Inspection revealed a large earth material crusher and accessory equipment on-site as well as stockpiles of old roadway material (asphalt and concrete) and crushed material. Stockpiled material appeared to be fairly close to river's edge with erosion control measures of indeterminate level of effectiveness. No approvals or permits had been obtained by the operators from the City prior to the commencement of activity on the site. Descriptions of the operation provided to this office by an agent of the property owner and /or the operator of the business as well as on a staff site inspection led staff to communicate to the agent that a Special Exception might be required from the Board of Zoning Appeals in order for operations to legally continue.

An additional inspection of the property and an on-site meeting with the operator, Mr. Jeff Laydon, led, however, to the determination that the roadway materials recycling operation constituted a Volume Reduction Plant per Section 46(h) of the Zoning Ordinance. Because Volume Reduction Plants are only permitted in Heavy Industrial (IH) Districts and these two subject properties are located in a Light Industrial District the use would not be permitted on this property.

Before the Zoning Enforcement Officer could issue a Cease and Desist Order for a Volume Reduction Plant, the applicant's attorney filed, on July 13, 2010, applications for a Special Exception (#10-80-S) per Section 42 T. (General Manufacturing and Processing) of the Zoning Ordinance as well as a Coastal Area Management application (#10-7-CAM).

After receiving the cease and desist letter referring to the operation as a Volume Reduction Plant sent on July 19, 2010 the applicant then filed the Review of the Administrative Order of the ZEO application (#10-81-R) on July 28, 2010, contending that the Special Exception was the proper application to submit given the nature of the use on the site.

Shortly thereafter, on August 10, 2010, the applicant filed a Use Variance application (#10-85-V) for the current use. This would, in the event that the Review of Administrative Order is not approved and the applicant loses the ability to obtain a Special Exception, provide him with yet another potential means by which to attempt to continue the activity on the property.

Site operations have continued through this past summer

PUBLIC HEARING

Attorney J. Colleran, representing the applicant, introduced the application as well as applicants Jeff and Kristy Laydon and property owners Mr. and Mrs. Harvey Bixon. He submitted a report

entitled "Recycling Yard, 808 Washington Avenue" which provides details of the existing volume reduction operation and documents DEP determination that the site is essentially in compliance with State regulations. Included in this report was correspondence from DEP (attached) indicating that existing conditions on the site pose no threat to coastal wetland areas and do not warrant further departmental action at this time. Also submitted was a copy of a Coastal Management Consistency Worksheet which the applicant has submitted to the DEP.

Mr. Laydon then discussed the day to day operations on the site, the volumes of both materials and traffic, hours of operation, and the long term use of the site. He also discussed the long term and daily methods employed in protecting coastal resources.

Thomas Talbot, Deputy Director, Zoning, explained the sequence of events that led to the submission of the four applications and reiterated advice as below.

There was no public comment concerning this application.

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.

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: This property is located within Flood Zone A6, according to Flood Insurance Rate Map 090084-0004C, where the base flood elevation has been determined to be elevation 11'.

Navigable waters: The West River is navigable for canoes and kayaks and accessible from New Haven Harbor and Long Island Sound.

Estuarine Embayment: The West River is a protected coastal water body with an open connection to Long Island Sound.

Developed Shorefront: Due to the industrial nature of the site, the shorefront on the West River consists primarily of the earth berm and concrete barriers designed to protect the river's water quality.

Coastal Program Criteria	Comments
1. Potential Adverse Impacts on Coastal Resources and Mitigation of Such Impacts	A potential adverse impact would be runoff of contaminants into the West River. The earth berm and prohibition of activities within 10' of the berm mitigate these concerns.
2. Potential Beneficial Impacts	None identified in application.
3. Degree of Water Dependency	There is no water dependency currently in the site, and no water dependent use is planned for the site.

4. Insurance of outstanding quality of design and construction to produce an environment that enhances its waterfront location	While the site is visible from the West River, the berm blocks view of some the site activities immediately adjacent to the river. The area is highly commercial, and the site does not drastically devalue the waterfront resources in the area.
5. Consistency with the New Haven Coastal Program	The site has no waterfront access or use due to the industrial nature of the site.
6. Public Access	No public access due to nature of site.

Coastal Area Management Review


Staff's concerns about coastal wetland impacts have been largely addressed by the Department of Environmental Protection and in the report submitted to the Board as described above. The use of the property as proposed and is currently conducted is in compliance with Section 55 (Coastal Management District) of the New Haven Zoning Ordinance.

ADVICE/COASTAL FINDING:

Based on the above considerations the Commission recommends Approval with Conditions:

1. Application for Site Plan Review in accord with Zoning Ordinance Section 64(f) shall be submitted to the City Plan Commission for review and approval.
2. Applicant shall provide continued implementation and maintenance of measures necessary to protect the West River and adjacent coastal resources.

ADOPTED: September 22, 2010
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director