

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 808 WASHINGTON AVENUE. Renewal of Special Permit and Coastal Site Plan Review for Scrap Metal Processing and limited automobile recycling facility. (Owner: Bixon Liquidation Corporation; Applicant: SMM New England Corp.; Agent: Marjorie Shansky of Marjorie Shansky Attorney at Law)

REPORT: 1546-06

ACTION: Approval with Conditions

Previous CPC Actions:

CPC 1421-09: Special Permit and Coastal Site Plan Review for continuation of existing scrap metal processing facility in an IL Zone. Approved October 15, 2008.

CPC 1447-03: Site Plan Review including Coastal Site Plan Review for Volume Reduction Facility in an IL Zone. Approved December 15, 2010.

CPC 1454-01: Special Permit and Coastal Site Plan Review for Addition of Accessory Use (Limited Auto Recycling) to existing Scrap Metal Processing Facility in an IH Zone. Approved July 20, 2011.

CPC 1483-01: Renewal of Special Permit for Scrap Metal Processing and limited automobile recycling. Approved October 16, 2013.

Submission: Special Permit Application Packet including DATA, SPECIAL PERMIT, SITE, and SESC forms. NARRATIVE attached. Application fee: \$150. Received June 20, 2018.

- Letter CT DEEP titled "Stormwater Permitting" dated May 23, 2013. Received June 28, 2018.
- Application drawings. 2 sheets received June 20, 2018.
 - Existing Condition Site Plan dated December 2003. Received June 20, 2018.
 - Lot Split dated September 23, 2008. Received June 20, 2018.

BACKGROUND

Per the City of New Haven zoning regulations Section 46(h), SMM New England Corp. (Metal Management of New Haven, Inc.) has applied for a Special Permit renewal for the site at 808 Washington Avenue. The present site use is a scrap metal recycling and transfer facility. The site handles approximately 1,000 tons of scrap material per week. The site had been issued a Special Exception and Coastal Site Plan approval by the Board of Zoning Appeals on December 22, 2003, reviewed and renewed in 2008 as a Special Permit with a requirement for review/renewal after 5 years and revised in 2011 to permit limited auto recycling. The City Plan Commission granted renewal of the Special Permit for Scrap Metal Processing and limited automobile recycling at 808 Washington Avenue on October 16, 2013. The Special Permit expires on October 23, 2018.

Current site conditions: The 4.0-acre site that is bounded by Washington Avenue in the north, Ella T. Grasso Boulevard in the east, and West River in the south and west, is currently occupied by a scrap metal processing and automobile recycling facility. The site consists of a 22,000 SF structure that contains offices and a warehouse area. The site is surrounded by a chain-link fence with green slats along Washington Avenue and a 30-foot-high wooden fence along Ella T. Grasso Boulevard. A CT DEEP approved earth berm separates the facility from the West River, along with a 10-foot buffer zone between site activities and the berm.

Proposed Activity: The proposed activity consists of the continued operation of a scrap metal processing and limited automobile recycling facility.

PUBLIC HEARING

A public hearing was held on August 15, 2018. A recording of the hearing, CPC meeting 1547, 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
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.	N/A
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.	<i>The proposed use is consistent with the uses in the IL zone.</i>
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.	<i>Despite its presence in the Coastal Area Management Zone, the facility does not have a water-dependent or port use due to the nature of the site.</i>
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.	<i>No construction or demolition is planned for the site, therefore, no natural features of the site will be disturbed.</i>
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.	<i>The existing 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 should be discouraged as much as possible through appropriate signage and active vigilance on the part of Metal Management of New Haven, Inc. 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.</i>
f. <i>Historic preservation.</i>	N/A No historic structures on site.

<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>N/A</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 site is in an established commercial/industrial area and is not anticipated to have a detrimental effect on surrounding property values.</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>No changes are proposed to the existing facility and no additional traffic impacts are anticipated.</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><i>The site has adequate access and the truck traffic around the site is not anticipated to increase under the Special Permit. However, despite the paved conditions of the site, there are concerns about vehicle tracking onto Washington Avenue. Metal Management sweeps the site daily and waters the site two times a day to control dust. The site is monitored to ensure that there is no tracking of material off the site.</i></p>
<p>2. Potential air and water quality impact;</p>	<p><i>See Comments for e. Hazard Protection above regarding air quality impact from idling vehicles at the site. With regard to water quality, the site has the potential to negatively impact water quality in the West River. However, the site is separated from the river by an earth berm containing filtration media to prevent the migration of contaminants into the river. The berm was constructed with DEEP oversight and should provide</i></p>

	<i>adequate protection for the West River per DEEP recommendations.</i>
3. Potential for creating a nuisance;	<i>Noise and dust may affect nearby businesses and residences. Measures used on site should keep dust to a minimum.</i>
4. Facility size;	<i>The facility size is consistent with the other uses in the area and does not pose a problem.</i>
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;	<i>While the site is close to residences across Ella T. Grasso Boulevard, the measures to protect air and water quality will mitigate some of the most pressing concerns about these sensitive receptors.</i>
6. The effectiveness of screening available or to be provided, visibility from the highway, and the extent to which the operator's plans address health, safety and aesthetic concerns;	<i>The site visibility is greatly reduced by the existing 30' wood wall between the site and Ella T. Grasso Boulevard and by the chain link fence with green slats along Washington Avenue.</i>
7. Whether or not vehicles awaiting dismantling or retained for sale or use intact are or will be stored in improved parking areas specifically designated for this use;	<i>N/A</i>
8. Presence of other potential nuisance sources and evaluation of the cumulative impacts on public health and safety;	<i>N/A</i>
9. Criteria set forth in section 64(e), as appropriate;	<i>See table above under Special Permit.</i>
10. The degree to which the use can economically be made to comply with the requirements set forth in section 46(d)(3) hereof;	<i>There are no comments specific to these criteria.</i>

RECOMMENDATIONS AND CONDITIONS OF APPROVAL:

The conditions of approval of the Special Permit under §64 and §46(h) of the New Haven Zoning Ordinance for Scrap Metal Processing and limited automobile recycling at 808 Washington Avenue are as follows:

1. **Special Permit must be filed on the land records of the City of New Haven. A digital copy of the recorded report shall be provided to staff (.pdf).**
2. **Operations shall be conducted in manner consistent with the plans and application submitted on September 18, 2008 and October 16, 2013. The Special Permit shall expire on August 15, 2023.**
3. **No municipal solid waste as defined by the Connecticut General Statutes may be accepted/handled/stored at the site.**
4. **No other materials otherwise regulated under §46d may be accepted at the site other than the materials described in the September 18, 2008 application (scrap metal) and the October 16, 2013 (limited automobile recycling).**
5. **Metal Management 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 Livable City Initiative.**

6. **No hazardous wastes as defined by the Connecticut General Statutes shall be accepted, disposed, stored or otherwise handled at the facility. Storage of all materials shall be done in conformance with proper fire control measures.**
7. **Metal Management shall control vehicle tracking by sweeping the site at least daily. Any tracking off-site shall be swept on a daily basis.**
8. **Per Section 46, no materials may be stored over 25' high above the level of the site entrance. Under no circumstances shall material be visible over the 30' fence on Ella T. Grasso Boulevard.**
9. **No emission of airborne particles shall be permitted to escape the site. Piles shall be kept under control by spray of water if necessary.**
10. **Site fences shall be maintained in good repair and appearance. Damage shall be repaired within 5 working days.**
11. **No vehicles may queue on public roadways to access the site.**

ADOPTED: August 15, 2018
Leslie Radcliffe
Vice Chair

ATTEST: MPL
Michael Piscitelli, AICP
Deputy Economic Development Administrator

