

NEW HAVEN CITY PLAN COMMISSION COASTAL SITE PLAN REVIEW
NEW HAVEN CITY PLAN COMMISSION SITE PLAN REVIEW

RE: 59 NEW STREET AND 539 & 517 GRAND AVENUE. 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. (Owner/Applicant: East Street Development, LLC; Agent: James Segaloff of Susman, Duffy & Segaloff, P.C.)

REPORT: 1556-05

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 April 17, 2024 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. 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 or issuance of building permit.
5. 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 for building permit.
6. 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 for building permit.
7. 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.
8. The name of an individual responsible for monitoring the soil erosion and sediment control plan on a daily basis during the construction period shall be provided to the City Plan Department, prior to City Plan signoff on final Plans.
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. Following completion of construction, any catch basins in the public right-of-way impacted by the project shall be cleaned, prior to issuance of Certificate of Occupancy.
13. As-built site plan shall be filed with City Plan Department, with a copy to the City Engineer, prior to issuance of Certificate of Occupancy. Site Plan shall be submitted in mylar and digital form (.pdf).

Submission: SPR Application Packet including DATA, WORKSHEET, SITE, SESC, and CSPR forms. NARRATIVE attached. Application fee: \$360. Received March 21, 2019.

- Summary of Proposed Remedial Action Plan (RAP) Activities (Laydon Industries) dated April 1, 2019. Received April 4, 2019.
- Former Saint-Gobain Performance Plastics Facility DEEP letter dated March 29, 2019. Received April 4, 2019.
- Summary of Proposed Remedial Action Plan (RAP) Activities (Forensic Environmental Services, Inc.) dated November 6, 2018. Received April 4, 2019.
- Truck Route for Paving 407 East Street. Drawing dated March 27, 2019. Received April 4, 2019.
- Coastal Application Supplemental Documentation received April 4, 2019.
- Request for waivers Section 60 and Section 60.2 requirements. Dated April 12, 2019. Printed for file April 15, 2019.
- Application drawings. 2 sheets received March 21, 2019. Revisions and additional drawings received April 4, 2019.
 - Grading and E&S Plans. Drawing date March 1, 2019. Revised March 14, 2019. Received March 21, 2019. Revised April 1, 2019. Received April 4, 2019.
 - Site Details. Drawing date March 1, 2019. Received March 21, 2019. Revised April 1, 2019. Received April 4, 2019.
 - Existing Conditions Plan. Drawing date March 28, 2019. Received April 4, 2019.
 - Property Survey. Drawing date November 29, 2016. Received April 4, 2019.

PROJECT SUMMARY:

Project: Laydon Industries Site Remediation Project
Address: 59 New Street a/k/a 539 Grand Avenue a/k/a 517 Grand Avenue
Site Size: 243,081 SF (5.6 acres)
Zone: IH (Heavy Industry)
Parking: N/A
Owner: East Street Development, LLC
Applicant: East Street Development, LLC
Agent: James H. Segaloff, **Phone:** 203-624-9830
Susman, Duffy & Segaloff, P.C.

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. Applicant: Bart Realty LLC

Zoning:

The Site Plan as submitted meets the requirements of the New Haven Zoning Ordinance for the IH zone.

Site description/proposed activity:

East Street Development, LLC purchased this project site, totaling 243,081 SF (5.6 acres), from Saint-Gobain Performance Plastics in 2016. As part of the purchase agreement, Saint-Gobain Performance Plastics is required to remediate the site. This site has historically been filled with river dredging, landfilling and several industrial activities. Site testing has demonstrated that the site is polluted. In 2011, DEEP approved a Conceptual Remedial Action Plan (RAP) which includes an Environmental Land Use Restriction (ELUR). This ELUR requires the installation and maintenance of a 213,910 SF asphalt cap over fill that is the subject of this application. The application also includes the installation of a concrete block retaining wall and a 7' high chain link fence surrounding the majority of the site.

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: 9,738 CY

Start Date: TBD*

Completion Date: TBD*

*The construction timeline will be dictated by 1) completion of focused soil excavation activities, 2) CT DEEP's approval of the Engineered Control (which includes this proposed cap), and 3) the land owner's receipt of applicable approvals to develop the property.

Responsible Party for Site Monitoring: Once a contractor is chosen, an individual will be named as the individual responsible for monitoring soil erosion and sediment control measures on a daily basis, and that name provided to the City Plan Department prior to signoff of final plans for permits.

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: Pursuant to Section 60 of the Ordinance, approval of this application will constitute a waiver of stormwater management plan requirements because such requirements are not necessary to determine the impact of the proposed project on the surface or groundwater of the state [site].

Sec. 60.1 Exterior Lighting: Not applicable.

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	None.
2. Potential beneficial impacts	The proposed bituminous pavement cap will improve health and safety and limit exposure to hazardous materials on site.
3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	None.
4. Will the project preclude development of water dependent uses on or adjacent to this site in the future?	No.
5. Have efforts been made to preserve opportunities for future water-dependent development?	There is no current use proposed, but this will be a consideration when a use develops.
6. Is public access provided to the adjacent waterbody or watercourse?	No, due consideration regarding public access to the Mill River must be given in future site development applications.
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)?	No.
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'.	No.

Project Timetable: TBD

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 asphalt cap is 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.

ACTION

The City Plan Commission approves the submitted Site Plans subject to conditions on Page 1.

ADOPTED: April 17, 2019
Leslie Radcliffe
Vice Chair

ATTEST: 
Aicha Woods
Director, City Plan Department

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 are made conditions of the Building Permit.

ADOPTED: April 17, 2019

ATTEST: 
James Turcio