

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

**RE:** 808 WASHINGTON AVENUE, 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 (Owner/Applicant: Bixon Liquidation Corp.)

**REPORT:** 1454-01

**ACTION:** Approval with Conditions

**COASTAL FINDING:** No impact; Approval with Conditions

**Previous Actions by CPC:** SE & CSPR for Junkyard & addition of Shearing Machine (CPC 1214-12, 10/16/96); SE & CSPR for continuation of junkyard use & reduction of site from 7 to 3.9 acres (CPC 1343-05, 10/15/03), SPR & CSPR of Stormwater Management Plan for Reduction of Scrap yard site (CPC 1346-09, 01/21/04), Special Permit & CSPR for continuation of existing scrap metal processing facility (CPC 1421-09, 10/15/08).

**Submission:** Letter from Salvatore Brancati 06/06/11, Development Permit Application including Special Permit, Coastal Site Plan and Soil Erosion sections 0/14/11, Special Permit Narrative, Legal description of parcel, Survey of Lot Split by Nafis & Young 9/23/09. Site Plan showing locations of storage on site and within building, vehicular circulation. Special Permit fee of \$150.

## BACKGROUND

Per the City of New Haven zoning regulations Section 46(d), Bixon Liquidation Corporation in behalf of Sims Metal Management has applied for a Special Permit and Coastal Site Plan Review to add limited auto recycling as an accessory use to an existing scrap metal recycling and transfer facility on a 4.06 acre site at 808 Washington Ave. The present facility accepts both ferrous and non-ferrous metals from contractors and the general public. The site had been issued a Special Permit for continuation of the scrap metal processing facility in 2008 which will expire in 2013.

**Current site conditions:** The site is located at the intersection of Ella T Grasso Boulevard and Washington Avenue. The West River bounds the western property line. At present there is a single 22,000 SF structure on the site, housing offices and a warehouse area. The scrap metal recycling and transfer facility is dominated by piles of scrap metal. A shears sits on the eastern side of the property, next to a 30' high wood fence along Ella T. Grasso Boulevard. The remainder of the site is fenced with a chain-link fence, with green slats obscuring visibility along Washington Avenue. A DEP-approved earth berm separates the facility from the West River, along with a 10' buffer zone between site activities and the berm.

**Proposed Activity:** The proposed activity consists of the continued operation of a scrap metal recycling facility with the addition of the automobile parts recycling facility within the building. Junk vehicles would be brought to the site by truck and off loaded into the east end of the building where they would be dismantled and internal parts (for example catalytic converters, starters and alternators) will be removed for salvage. Once the vehicles are stripped the vehicle bodies will be brought by truck to North Haven to be shredded.

The 22,000 SF building is currently used for storage of recyclable metals. 6,000 SF at the east end of the building will be dedicated to the dismantling function. Even though vehicles are intended to arrive at the facility having been drained of their fluids, there will be interior containers for fuel oil, motor oil, hydraulic oil, and waste oil for capturing any remaining fluids. These containers will be emptied on a regular basis by licensed purveyors.

**PUBLIC HEARING:** On July 20, 2011 Salvatore Brancati of Maritime Advisors, agent for the project, made the presentation for the applicant. No additional materials were submitted or testimony received.

## 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.	
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.	The proposed accessory use is consistent with the uses in the IL zone.
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.	The facility does not have a water-dependent use due to the nature of the site, despite its presence on a waterfront (riverine) site in the Coastal Area Management Zone.
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.	No construction or demolition is planned for the site; therefore no natural features of the site will be disturbed or removed. The 10' buffer from the watercourse defined by an earthen berm and concrete barriers will remain between the site and the West River.
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.	The new use will result in 2 additional trucks per day. Exhaust from 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 Sims Metal Management. 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. Additionally any fluids from the vehicles will be collected and disposed of by licensed environmental companies. Continued dust management on the site will be required.
f. <i>Historic preservation.</i>	N/A
g. <i>Design and architectural compatibility.</i>	N/A
h. <i>Property values.</i> The use and site design shall not have a detrimental effect on the property values in the surrounding area.	The site is in an established industrial area, and is not anticipated to have a detrimental effect on surrounding property values.
i. <i>Traffic impact.</i> The applicant shall demonstrate how the proposed use will not	No changes are proposed to the existing facility, and no additional traffic impacts are anticipated. Trucks will access

<p>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>the site from the main entry on ET Grasso Boulevard and will circulate around the building counterclockwise to the building entry at the south east corner. Trucks will then exit through gate #2 onto Washington Avenue. There will be approximately 2 trucks per day. No traffic impact study is necessary.</p>
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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
1. Traffic and access to the site;	The site has adequate access and the truck traffic around the site is not anticipated to increase appreciably under the Special Permit with 2 more trucks/day. However, despite the paved conditions of the site, there are concerns about vehicle tracking onto Washington Ave. Sims Metal Management sweeps the site twice daily, and sweeps Washington Ave. as necessary.
2. Potential air and water quality impact;	See Comments for <i>e. Hazard Protection</i> 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 DEP oversight, and should provide adequate protection for the West River per DEP recommendations. There is no anticipated impact from the addition of the dismantling use which will be required to be interior to the building.
3. Potential for creating a nuisance;	Noise and dust may affect nearby businesses and residences. Measures used on site should keep dust to a minimum and bringing the activity inside the building will reduce noise.
4. Facility size;	The facility size is consistent with the other uses in the area and does not pose a problem.
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;	While the site is close to residences across ET Grasso Blvd, the measures to protect air and water quality will mitigate some of the most pressing concerns about these sensitive receptors.
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;	The site visibility is greatly reduced by the 30' wood wall on the Ella T. Grasso Boulevard side of the site, and by the chain link fence with green slats on the Washington Ave side.
7. Whether or not vehicles awaiting dismantling or retained for sale or use intact	Vehicles awaiting dismantling will be stored inside the building. No exterior storage or parking of these vehicles will

are or will be stored in improved parking areas specifically designated for this use;	be permitted, and the bodies will be removed from the site once valuable parts are removed.
8. Presence of other potential nuisance sources and evaluation of the cumulative impacts on public health and safety;	N/A
9. Criteria set forth in section 64(e), as appropriate;	See table above under Special Permit.
10. The degree to which the use can economically be made to comply with the requirements set forth in section 46(d)(3) hereof;	There are no comments specific to these criteria.

**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 X, according to Flood Insurance Rate Map 09009C0437H dated 12/17/10, determined to be outside the 0.2% annual chance floodplain.

**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 in this area 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 designed to protect the river's water quality.

<b>Coastal Program Criteria</b>	<b>Comments</b>
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 or migration of dust from exterior activities. All activity related to the parts recycling will be interior to the building and any runoff would be captured by the earth berm.
2. Potential Beneficial Impacts	No physical changes to the site.
3. Degree of Water Dependency	There is no water dependency currently, 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 industrial and 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 industrial nature of site.

**COASTAL FINDING:**

The City Plan Commission finds the site plan consistent with the legislative goals and policies of the Connecticut Coastal Management Act and therefore makes a finding of no impact. The Commission hereby approves the coastal site plan as submitted.

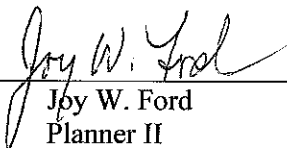
**CONDITIONS OF APPROVAL:**

The conditions of approval of the Special Permit under §64 and §46 of the New Haven Zoning Ordinance, incorporating conditions of the original Special Permit approval for the scrap yard facility are as follows:

1. Operations shall be conducted in a manner consistent with the plans and application submitted on July 20, 2011, unless modified herein. The Special Permit for all activities shall expire on October 14, 2013.
2. The special permit is granted to Bixon Liquidation Corporation (Bixon) relating to Sims Metal Management (Sims) for its sole use and is not transferable or assignable.
3. All dismantling activities shall occur within the structure. No pre- or post processing on-site storage of vehicles exterior to the building shall be permitted.
4. No other materials otherwise regulated under §46d may be accepted at the site other than the materials described in the July 20, 2011 application (auto parts for resale). No vehicles may be accepted as scrap metal, handled, or stored at the site.
5. No municipal solid waste as defined by the Connecticut General Statutes may be accepted, handled, or stored at the site.
6. No hazardous waste 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. Hours of operation shall remain 6 AM to 10 PM Monday through Saturday and 11 AM to 6 PM on Sunday.
8. Bixon and Sims 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 Building Inspector.
9. Sims shall control vehicle tracking by sweeping the site at least daily. Any off-site tracking shall be swept on a daily basis.
10. 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.
11. No emissions of airborne particles shall be permitted to escape the site. Piles shall be kept under control by spray of water if necessary.
12. Site fences shall be maintained in good repair and appearance. Damage shall be repaired within 5 working days.

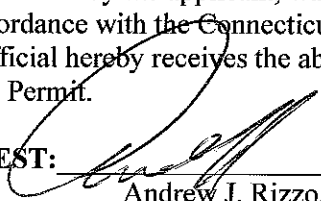
1. No vehicles may queue on public roadways to access the site.

**ADOPTED:** July 20, 2011  
Edward Mattison  
Chair

**ATTEST:**   
Joy W. Ford  
Planner II

Coastal Site Plan Review, based upon the application and materials submitted by the applicant, was conducted at 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 this Special Permit.

**DATE ADOPTED:** 7/25/11

**ATTEST:**   
Andrew J. Rizzo, Jr.  
Building Official