

## NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

**RE:** **LAND NORTH OF 333 WATERFRONT STREET BOUNDED BY WATERFRONT STREET CONNECTOR, STILES STREET, I-95 NB, AND RAILROAD TRACKS.** Special Permit for more than 500 SF of outdoor storage in an IH zone. (Owner: State of Connecticut; Applicant: Coy Angelo for Petroleum Terminals, Inc.; Agent: Ron Bomengen for Fuss & O'Neill, Inc.)

**REPORT:** 1527-05

**ACTION:** Approval with Conditions (see pg. 4)

**Note:** Companion CPC Report 1527-03 the same site.

**Previous CPC Actions:** none

**Submission:** SPR Application Packet including DATA, WORKSHEET, and SPECIAL PERMIT forms.

**NARRATIVE attached. Application fee: \$150. Received January 19, 2017.**

- Revised application packet received March 6, 2017.
- Aerial imagery of site. Received January 24, 2017.
- Fugitive Dust Control Plan dated January 2017, received January 31, 2017. Revisions dated March 1, 2017, received March 6, 2017.
- Draft Stormwater Management Narrative dated February 1, 2017. Received January 31, 2017.
- Stormwater Management Plan dated March 7, 2017. Received March 6, 2017.
- Waiver request for Section 60(e)(6) of the New Haven Zoning Ordinance, dated March 7, 2017. Received March 6, 2017.
- Proof of mailings for March 15 public hearing, dated March 7, 2017. Received March 20, 2017.
- Application drawings.
  - VO-01: Data Accumulation Plan. Drawing date January 10, 2017. Received January 24, 2017.
  - SP-01: Site Plan. Drawing date February 16, 2017. Received March 6, 2017.

**Other relevant information:**

- Letter of support from the New Haven Port Authority dated February 13, 2017. Received March 13, 2017.

### BACKGROUND

Per the City of New Haven zoning regulations Sections 42(T) and 64, Coy Angelo of Petroleum Terminals, Inc. (PTI) has applied for a Special Permit (and Site Plan Review including Coastal Site Plan Review: CPC Report 1527-03) to have more than 500 SF of outdoor. The site will be used to store materials including, but not limited to, aggregates, coils, rebar, and steel products. The Waterfront Street Connector site is located within the New Haven Port District, in a flat area adjacent to I-95 and across Waterfront Street from other PTI properties along New Haven Harbor.

### Current site conditions:

The site is a 1.5-acre piece of land that had previously been utilized as an exit ramp for the I-95 northbound lanes. Due to the recent reconfiguration of the highway interchanges associated with the construction of a new Pearl Harbor Veterans' Memorial Bridge, the exit ramp has been removed and this land is available for development. The site, which does not yet have an official address or parcel number, is bounded by Waterfront Street Connector to the south, Stiles Street to the east, I-95 northbound lanes to the north, and railroad tracks and Waterfront Street to the west. The property is currently undeveloped, composed of level soil covered with crushed stone, and surrounded by a chain link fence.

### Proposed Activity:

The site would be used for the storage of materials that include but are not limited to aggregates, coils, rebar, and steel products. Raw materials will be received by cargo ship at Gateway Terminal Port or by rail cars at 347 Chapel Street, unloaded to shuttle trucks, and transported and stored on the site. The

receiving and shipping of materials will not occur on a specific schedule, as they are received and shipped as product demand requires. However, most on-site activities take place between the hours of 7AM and 5PM and occur approximately three times per week.

**PUBLIC HEARING**

A public hearing was held on March 15, 2017, and continued to April 20, 2017. A transcript of the hearings, CPC meetings 1528 and 1529, is available from 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.

<b>Special Permit Criteria</b>	<b>Comments</b>
<p>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.</p>	<p><i>The Development Permit application, including the Site Plan, Coastal Site Plan, and Special Permit applications with narratives and exhibits establish PTI's eligibility for the Special Permit because all Ordinance requirements are met.</i></p>
<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><i>The proposed use complies with all applicable regulations, including any specific standards for the proposed use as set forth in the New Haven Zoning Ordinance. Section 42(T), the Use Table, permits storage of more than 500 SF of material by Special Permit and the application is consistent with coastal site plan policies and goals as set forth in the accompanying Coastal Site Plan Review.</i></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><i>The proposed use is located in an industrial zone; is an immediate, necessary compliment to existing industrial uses; and does not foreclose future development or paradigmatic shift in possible land use over time, particularly because there is no new construction associated with the use. From a sustainability perspective, the use of the port, rail, and the adjacency of the Interstate permit the activity to be conducted without impact to areas beyond the industrial zone. The intended use is in line with the port use envisioned for the area in Vision 2025.</i></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><i>There are no on-site trees or other natural features. The parcel is adjacent to other industrial uses, and there is no adverse impact on scenic vistas or on wildlife or vegetation, neither of which are present on site.</i></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><i>The proposed use does 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 gate to the premises will be locked when the site is not in operation.</i></p>
<p>f. <i>Historic preservation.</i></p>	<p><i>There are no features of historic significance. The site is not located in an historic district.</i></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><i>There is no new construction associated with the use. The site is fully fenced and operates in accordance with a General Permit for Stormwater associated with industrial activities.</i></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>Surrounding property values will not be impacted as the site is located with similar uses in a functioning industrial zone and will be operated in a responsible fashion.</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>Material arriving by ship at the port or by rail is routed directly to the site, all within the industrial zone. Stored materials are removed by truck and leave via Waterfront Street Connector to the I-95 on-ramp for delivery to their ultimate destination. As such, there is no adverse traffic impact associated with the use, as the short and direct route keeps all activity within the industrial zone.</i></p>

**CONDITIONS OF APPROVAL:**

The conditions of approval of the Special Permit under §64 and §42(T) of the New Haven Zoning Ordinance for outdoor storage in excess of 500 SF are as follows:

1. Special Permit must be filed on the land records of the City of New Haven.
2. Operations shall be conducted in a manner consistent with the plans and application submitted on March 6, 2017, unless modified herein.
3. Materials to be handled on site shall be limited to non-hazardous, bulk, dry cargo.
4. Height of piles of materials on site shall be a maximum of 20 feet above Waterfront Street Connector. If the applicant wishes to stack materials more than 20 feet high, an application for a new Special Permit must be submitted.
5. No processing of materials shall occur on site.
6. Petroleum Terminals will prohibit idling of vehicles on-site in accordance with Regulations of Connecticut State Agencies 22a-174-18 and inform truck operators of this prohibition through signage on the premises and enforcement by facility operators and/or the Livable City Initiative (LCI) Building Division.
7. Applicant must update site plan to show a permanent anti-tracking pad.
8. Site fences, lighting, and landscaping shall be maintained in good repair and appearance.

**ADOPTED:** April 20, 2017  
Edward Mattison  
Chair

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