

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

RE: 345 and 355 KIMBERLY AVENUE, Special Permit, Site Plan Review including Coastal Site Plan Review for construction of new Clubhouse building and other site amenities in a BC Zone (Owner/Applicant: Trustees and Board of Directors of City Point Yacht Club).

REPORT: 1467-04

ACTION: Approval with Conditions

COASTAL FINDING: Minimal Impact; Approval with Conditions

CONDITIONS OF APPROVAL

1. The Special Permit is granted to the City Point Yacht Club for its sole use and is not transferable or assignable without the express approval of the City Plan Commission.
2. The applicant shall record on the City land records an original copy of this Special Permit and Site Plan Review report (to be provided by the City Plan Department) and shall furnish written evidence that the document has been so recorded (showing volume and page number) to the City Plan Department within 120 days of the date of publication of approval.
3. Comments under **Site Plan Review** on page 5 shall be reviewed with the City Plan Department and resolution reflected on final plans, prior to their circulation for signoff.
4. Building construction shall be in conformance with the latest edition of the New Haven Flood Damage Prevention Ordinance.
5. FEMA Flood Elevation Certificate shall be required to be filed with the Building Official, prior to issuance of a building permit.
6. 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 both mylar and digital format [.DWG file based on the State Plane Coordinates (NAD1983)]. Provide version of AutoCAD with submission.

Submission: Development Permit application including Special Permit and Coastal Site Plan application with Narrative dated 05/17/12, Fee of \$420, Engineering Report 05/16/12 by Milone and MacBroom including Drainage Report, Tidal Vegetation Report Soil Borings, Sediment Characterization Summary, Coastal Site Plan Review – Coastal Resources Impact; Site plan Set by Milone and MacBroom 05/17/12, revised 6/15/12.: Title Sheet, Site Plan-Layout; Site Plan-Grading, Utilities, SESC; Sheeting design, Mitigation Plan, Site Details, Property/Topographic Survey 05/21/10. Architectural Plans by Amity Construction and Design; Schematic Floor Plans 03/03/11, Building elevations 6/14/12.

Previous Commission Actions: none.

PROJECT SUMMARY

Project: Construction of new 10,255 SF yacht clubhouse (& demolition of existing 3,384 SF clubhouse); new boat launch, new boat lift, expansion of marina by extension of existing bulkhead 290'

Address: 345 and 355 Kimberly Avenue

Site Size: 71,845 SF (zoning lot = 67,195 SF)

Tidal Wetlands: 4,650 SF (CT DEEP regulated)

Zone: BC, CAM

Financing: Private

Project Cost: not available

Parking: 81 on site spaces incl. 4 HC spaces, plus 63 spaces leased from DOT on adjacent land = 144 total

Boat slips: 144 (permitted)

Owner: City Point Yacht Club Trustees and Board of Directors

Applicant: Michael Pomichter **Phone:** 203-239-2886

Architect: Amity Construction and Design **Phone:** N/A

Site Engineer: Milone and MacBroom **Phone:** 203-271-1773

Contact: John R. Gilmore, P.E. **Phone:** 203-271-1773

City Lead: City Plan Dept. **Phone:** 203-946-6379

BACKGROUND

City Point Yacht Club proposes to construct a new clubhouse and bulkhead extension on its existing site at 345 and 355 Kimberly Avenue on the West River in New Haven and has made application for a Special Permit for a yacht club/marina with 144 boat slips in a Marine Commercial (BC) zone. Special permits are covered under Section 64 (e) of the Zoning Ordinance (see review criteria below). Also submitted is a Development Permit application including Site Plan Review and Coastal Site Plan Review sections for the project.

Other permits required: Following response from the Army Corps of Engineers, the applicant will make application to CT DEEP to dredge the area adjacent to the new bulkhead location to a depth of -6' to allow for boat maneuvering and construction of the bulkhead extension, boat ramp and boat lift. There will be a separate permit application to DEEP for an electric vessel wash down area in the northeast corner of the site.

Current site conditions: The site is located at the south end of Kimberly Avenue (CT Route 122) just north of the Kimberly Avenue Bridge into West Haven. Across the street is an on-ramp to I-95 north bound. The property fronts on the West River which divides New Haven from West Haven and is bordered on the north by land of CT DOT adjacent to Interstate 95. When the new Kimberly Avenue bridge was constructed, a portion of the property where the former bridge was located was deeded to CPYC. On site is an existing single-story cinderblock clubhouse structure and an accessory shed outbuilding. There is an existing boat launch on site as well as fixed and floating docks with boat slips. The applicant has a lease agreement with CTDOT on the adjacent parcel to the north for 63 additional parking spaces and for boat slips within adjacent riparian rights. There is a double-sided billboard near the north property line.

Several catch basins capture some of the overland stormwater water prior to its draining into the West River, but most stormwater currently runs overland to the west and north directly into the river, causing scouring of the bank.

As Kimberly Avenue is a State highway, the driveway apron is under state jurisdiction. No improvements are proposed in this location. A DOT project to improve the I-95 ramp and surrounds may go forward at some point, but no final design plans are available.

Proposed Activity: The project entails the continued usage of subject property at 345 and 355 Kimberly Avenue as a recreational boating facility which will continue to be operated as the City Point Yacht Club (CPYC). The 290' bulkhead extension within the City's jurisdiction will be commenced first in a revised configuration landward of the existing high tide line, followed by construction of the new clubhouse in a configuration parallel with the new bulkhead, and then demolition of the existing clubhouse. New stormwater drainage improvements will be installed with post-development runoff reduced from 7.28 cfs to 6.19 cfs, in compliance with the City's Stormwater Management requirements. A new boat launch and boat lift will be constructed at the north property line. 578 LF of new floating docks will be installed (112 LF of floating docks will be removed). The existing parking area will be resurfaced where necessary and in locations where accessible parking spaces are located, and the paving will be extended to the north along the new building. The northern area of the site will be unpaved.

Proposed drainage will include 3 new catch basins with deep sumps and a manhole along the new bulkhead to prevent scouring and to serve as connection points for the roof leaders of the new clubhouse. The manhole outlet will penetrate through the new sheeting and discharge at an elevation below the average elevation of the floating dock. The improvements result in a modest decrease in stormwater runoff due to the fact there is a loss of .2 acres with the landward bulkhead installation.

The yacht club building and slips will be for the exclusive use of club members and their guests. Winter boat storage will continue on the property, and is approved within this Special Permit. The .6 acre DOT lease area does not permit boat storage, but parking only.

Proposed Building: Schematic floor plans for the ground level show an open pavilion for parking, winter storage and a place for covered summer use. Also on the ground floor are entry foyer, men's and ladies' shower rooms, storage, a yard office, service bar, and the base of an elevator to the second level. Trash and recycling receptacles will be located on the ground. The site plan shows the finished floor at elevation 12.5', 1.5' above the base flood elevation.

The second level which overhangs the first level shows a large club meeting room, ladies' and men's rooms, kitchen, bar, and service bar.

A ground level deck/patio area will surround the building.

SPECIAL PERMIT

Per the City of New Haven Zoning Ordinance regulations Section 42N requires a Special Permit for a marina/ yacht club with over 10 slips. Section 64(e) 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.	The applicant seeks the Special Permit for continued marine use as a yacht club as well as outside storage of boats on the property during the off season. The applicant proposes reasonable measures to minimize the impact of the proposed new facility.
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 continued use of the parcel as a yacht club complies with the New Haven Zoning Ordinance. Other regulations are met. No accessory uses are proposed.
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 City's Comprehensive Plan for this area shows marine mixed use, suitable for water dependent recreational boating and fishing. This development complies with these objectives.
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.	An existing waterfront property where there is existing tidal wetlands and vegetation some which will be removed as a result of the new bulkhead. A mitigation plan shows <i>spartina alterniflora</i> preservation and addition in the area between the old and new bridge abutments & also planting of new <i>high tide bush</i> . While the new CPYC's two stories and storage of boats may obstruct water views during winter months, there are no residents' views to be impacted. The storage activity has been carried on for numerous years on the site.
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.	No repair or maintenance of boats will occur on the lot unless it is by the boat owners themselves.
f. <i>Historic preservation.</i> Features of historic significance shall not be significantly adversely affected by the granting of any special permit. If the subject property is within or abuts a historic district, the Commission may request a report from the Historic District Commission regarding those features essential to preserve the historical integrity of a building, district, or site or historical significance.	N/A
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.	Site elements are better organized with the restriping of the parking spaces and realignment of the new building to a new bulkhead. The site will have formalized storm drainage and better access and circulation. The up to date structure will have appropriate scale, bulk, orientation, features and colors for its site location on the waterfront.

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 continued marine use has historical connections to this waterfront site and as such should continue to have a stabilizing effect on property values in the neighborhood.
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.	The proposal should not have any measurable additional impact on the site itself with the addition of a small number of boat slips. No traffic study has been required.

Public hearing: At the June 20 public hearing, Planner Joy Ford introduced the matter and Gary Hines, past commodore, and John Gilmore, Milone and MacBroom, made the presentation for the applicant. In response to questions, the club is operational year round, special events sponsored by members were permitted, no marina employees but one permittee on the premises, 225 active members and 80 honorary members, 117 existing slips and expecting to add about 10 new slips for a total of 127, there were no fuel tanks on site although a natural gas line was extended to the north. The DEEP permits were ready for filing and awaited Army Corps signoff: a Structures, Dredging and Fill permit for dredging 5000 cubic yards some which could be used in a proposed mitigation area and the rest on site (if DEEP testing permitted); also a permit for moving tidal wetlands vegetation to the mitigation area. Work would be initiated when permits were in hand, with first the bulkhead in the fall, dredging, to be prepared for an April 1 opening for boat use. The club house would be initiated then to be completed in November 2013. A DOT project to reconfigure the ramps to I-95 adjacent to the site had been “reborn” but would lag behind this project. There were no speakers either in favor or opposed to the project.

SITE PLAN REVIEW

The Site Plan Team has reviewed the submitted site plans and has the following comments:

- *Assure that the stormwater management plan for on site drainage meets the requirements of Zoning Ordinance Section 60. (provide amended drainage report.)*
- *Show location where trash and recycling are collected (dumpster location).*
- *Add a bike rack adjacent to clubhouse*

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. Additionally, the Commission will consider the project's consistency with the New Haven Coastal Program.

Characteristics and Condition of Coastal Resources at or Adjacent to the site:

Coastal waters/Navigable waters: The property is located on the West River adjacent to New Haven Harbor which is navigable and is accessible to Long Island Sound.

Flood Hazard Area: The existing site at 345 and 355 Kimberly Avenue ranges in ground elevation from approximately 5' at the existing boat ramp to elevation 14' at the former bridge abutment. The site will be regraded and raised to bring the minimum elevation to elevation 8.7 at the head of the new boat ramp and boat launch and to the base flood elevation at the new building location. Some fill will be added although calculations are not provided. As shown on FIRM Map 09009C0437H dated December 17, 2010 a portion of the western side of the site bordering the mouth of the West River lies within Special Flood Hazard Area AE, the 100 year flood plain where the base flood elevation has been determined at 10 in NAVD 1988. Most of the site is within the 500 year flood zone (Zone X, an area of 0.2% annual chance flood). The site plans are based upon the NGVD 1929 vertical datum where 11 is the base flood elevation.

Tidal Wetlands: An assessment of tidal vegetation showed *spartina alterniflora* as the primary vegetation at the toe of the existing slope at the water's edge and also in the area south of the former bridge abutment. Other tidal wetlands plants occur at much less densities upgradient of the *spartina* between elevations 4.5' and 5.5'. The Commission concurs with the observation in the assessment that any *spartina* impacted by the proposed site improvements could be relocated to the area adjacent to the former bridge abutments included in the mitigation plan (subject to DEEP permit).

Developed Shorefront: This stretch of shorefront has been previously disturbed and developed, in former use for a brick factory. The eroded slope along the west side consists of chunks of asphalt and concrete, riprap, bricks, and other anthropogenic debris.

Potential Adverse Impacts on Coastal Resources and Mitigation of Such Impacts:

Installation of the new bulkhead will cause removal or relocation of some tidal wetland vegetation. A plan has been presented to mitigate this impact by the establishment of additional tidal resources on the West River between the old and new Kimberly Avenue bridge abutments. Reduction of impervious surface will be a mitigating factor as well. The proposed improvements in this area will have a beneficial impact on the developed shorefront and will promote additional marina-related water-dependent uses.

Public Access: No public access has been provided to date on this private property nor is it proposed as a part of the application. The CPYC membership could consider making its boat launch available to community groups upon certain occasions.

In its marine mixed use, the proposal is consistent with the New Haven Coastal Program.


COASTAL FINDING

Taking into consideration all of the above information, the City Plan Commission finds the proposed activity 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 both coastal resources and future water-dependent activities. It therefore approves the Coastal Site Plan with Conditions (see page 1).

SPECIAL PERMIT

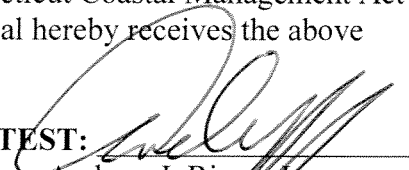
The Special Permit is hereby granted with the Conditions on Page 1.

ADOPTED: June 20, 2012
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director

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

DATE ADOPTED: 6/28/12

ATTEST: 
Andrew J. Rizzo, Jr.
Building Official