

## NEW HAVEN CITY PLAN COMMISSION SITE PLAN REVIEW

**RE:** 249 LEGION AVENUE. Site Plan Review for changes to approved site plan from restaurant to child day care facility in a BA/BD-2 zones. (Owner: Route 34 Phase I, LLC; Applicant/Agent: Rolan Young Smith of Bercham, Moses & Devlin.)

**REPORT:** 1529-20

**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 20, 2022. 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 on final plans.
3. Comments under **ADDITIONAL CONDITIONS OF APPROVAL** shall be reviewed with the City Plan Department and resolution reflected on final plans, prior to their circulation for signoff.
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 bond, or other financial instrument acceptable to the City's Corporation Counsel, in an amount of 2% of the certified overall estimated project cost, including grading, paving, fencing, storm drainage, soil erosion measures, landscaping and the like, shall be provided to the City Plan Department, with a copy to the City Engineer, prior to City Plan signoff on final plans for building permit.
7. 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.
8. Any proposed work within City right-of-way will require separate permits.
9. 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.
10. Final determination of traffic markings, V-loc locations, signs, and traffic controls on site and on the perimeter of the site will be subject to the approval of the Department of Transportation, Traffic, and Parking.
11. Filing (with City Plan) and implementation of a Storm Drainage Maintenance Plan and Inspection Schedule is required.
12. Following completion of construction, any City 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 paper, mylar, and digital PDF on CD or flash drive.

### ADDITIONAL CONDITIONS OF APPROVAL

14. Provide silt sacks locations of all catchbasins within Limit of Work (including new) during construction.
15. Provide City-standard details for all soil erosion and sedimentation control measures.

16. Sidewalk Easement for concrete walk along Martin Luther King Jr. Boulevard shall be negotiated and recorded prior to Building Permit.
17. Full architectural drawings must be submitted for architectural design review per the DLDA prior to Building Permit.
18. Any proposed site signage must be reviewed for compliance prior to Building Permit.
19. Ensure light poles are sited outside the 5' wide clear sidewalk width required by code around the building and throughout the project area.

**Submission: SPR Application Packet including DATA, WORKSHEET, SITE, and SESC forms. NARRATIVE attached. Application fee: \$270. Received April 17, 2017.**

Drawing Set received April 17, 2017 (11 sheets).

- Title Sheet
- SP-1 Site Plan
- GD-1 Grading and Drainage Plan
- UT-1 Site Utility Plan
- EC-1 Erosion Control Plan
- DN-1 Site Details
- DN-2 Site Details
- DN-3 Site Details
- DN-4 Site Details
- DN-5 Site Details
- LP-1 Lighting Plan (dated and received 04/17/17)

#### **PROJECT SUMMARY:**

**Project:** Child Daycare Center

**Address:** 249 Legion Avenue

**Site Size:** 102,925 SF ( 1.92 acres)

**Zone:** BA/BD-2

**Financing:** private

**Parking:** per original approval

**Owner:** Route 34 Phase I, LLV

**Phone:** 845-351-2900

**Applicant/Agent:** Rolan Young Smith of Berchem, Moses & Devlin

**Phone:** 203-783-1200

**Site Engineer:** Freeman Companies

**Phone:** 860-251-9550

#### **BACKGROUND**

##### **Previous CPC Actions:**

- CPC 1488-10: Development & LDA between the CNH & Continuum Centerplan Development
- CPC 1492-05: Site Plan Review for Continuum of Care Development
- CPC 1492-06: Special Permit for parking facility over 200 spaces for Continuum of Care Development
- CPC 1492-16: Special Exception to allow 79 on-site parking spaces where 154 spaces are required

##### **Zoning:**

The Site Plan as submitted meets the requirements of the New Haven Zoning Ordinance for the BA and BD-2 zones.

##### **Site description/existing conditions:**

In May of 2014, the City Plan Commission granted site plan approval for this address, including master plans for a pharmacy, medical office building and restaurant, among other buildings and facilities. As of this time, the pharmacy and half of the restaurant have been constructed, along with related site improvements. See site plans for more details.

**Proposed activity:**

The applicant proposes to add approximately 4500 SF to the existing 5000 sf “restaurant” building and change its proposed use to a child daycare center. The drive –thru for the restaurant will be removed, and additional parking will be reconfigured to improve circulation. An outdoor, fenced play area will be provided for the daycare center.

**Motor vehicle circulation/parking/traffic:**

The site will be accessed from existing curb cuts from Legion Ave, Orchard Street, and MLK Jr. Boulevard. These curb cuts were established in the previous phase of the overall project. Parking related to the daycare center has been revised to include code-compliant HC spaces and adequate turning radii for delivery and trash vehicles. No additional traffic studies were required as the daycare use is less intensive than the proposed restaurant.

**Trash removal:**

Trash will be placed in screened, outdoor containers which are accessed via the vehicular drive aisle.

**Signage:**

No signage shown on plans; must be reviewed for compliance prior to Building Permit.

**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: tbd

Start Date: tbd Completion Date: tbd

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 between 1 and 5 acres (“small construction”), the applicant is not required to obtain a General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction**

from CT DEEP as long as the applicant has adhered to the erosion and sediment control regulations of the municipality in which the construction activity, in this case, the City of New Haven.

**Sec. 60 Stormwater Management Plan:**

Not applicable; no significant changes to previously approved plans.

**Sec. 60.1 Exterior Lighting: SUBMISSION MEETS REQUIREMENTS**

**REQUIRED DOCUMENTATION**

- Lighting Plan with location of all fixtures, type of fixture and mounting height of lights;
- Manufacturer specifications or cut-sheet for each fixture;
- Photometrics.

**STANDARDS**

- Prevent or minimize direct glare and light trespass;
- All parking area lighting shall be full cut-off type fixtures and shall not exceed twenty (20) feet in height from the ground to the highest point of the fixture;
- Up lighting and high pressure sodium light sources are prohibited. Externally lit signs, display building, and aesthetic lighting must be lit from the top and shine downward and not sideward or upward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained within the target area;
- All building lighting for security or aesthetics shall be full cut-off or shielded type, not allowing any upward distribution of light. Floodlighting is discouraged, and if used, must be shielded to prevent: (a) disability glare for drivers or pedestrians, (b) light trespass beyond the property line, and (c) light above the horizontal plane;
- Where non-residential development is adjacent to residential property, no direct light source shall be visible at the property line at ground level or above; and
- High pressure sodium and flickering or flashing lights are prohibited.

**Sec. 60.2 Reflective Heat Impact:**

Not applicable; no significant changes to previously approved plans.

**Project Timetable:**

**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.

**ACTION**

The City Plan Commission approves the submitted Site Plans subject to conditions at the beginning of this report.

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

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