

## NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

**RE:** 259 EAST STREET. Special Permit for more than 500 SF of Outdoor Storage. (Owner: Simkins Industries; Applicant: Coy Angelo of Petroleum Terminals; Agent: Ron Bomengen of Fuss & O'Neill.)

**REPORT:** 1514-09

**ACTION:** Approval with Conditions

**Note:** Companion CPC Report 1514-02 for the same site.

**Previous CPC Actions:** None.

**Submission:** Received 12/7/15, including: SPR application packet including DATA, WORKSHEET, CSPR, and SPECIAL PERMIT forms; narrative; authorization from property owner; application fee of \$420 (including Special Permit); application drawings, two sheets dated 12/1/15 (existing conditions survey and SP-01: Outdoor Storage of Materials); response to testimony dated February 16, 2016 from January 20, 2016 public hearing.

### BACKGROUND

Per the City of New Haven Zoning Ordinance Section 64, Coy Angelo of Petroleum Terminals, Inc. has applied for a Special Permit (and Site Plan Review including Coastal Site Plan Review: CPC Report 1514-02) to have more than 500 SF of outdoor storage for an existing operation that has been operating without a required permit. The total amount of outdoor space currently being used for storage is 38,900 SF (0.893 acres), which is 75 percent of the 51,784 SF (1.189 acres) parcel.

**Current site conditions:** The site is currently used for the storage of materials that include, but are not limited to aggregates, coils, rebar, and steel products. Raw materials are either received on site or by rail cars at the adjoining 347 Chapel Street parcel and unloaded to shuttle trucks to be transported and stored on the parcel. Any material arriving by ship at the port is routed directly from the port over streets also in the industrial zone over a short distance. The receiving and shipping of materials does not occur on a specific schedule as these materials are received and ultimately shipped as product demand requires. However, most of the on-site activities take place between the hours of 7 AM and 5 PM and occur approximately three times a week. When shipment departures are scheduled, trucks are loaded from the site and leave via Ives Place travelling two blocks due west to Interstate 91 and to their ultimate destination.

**Proposed Activity:** There are no proposed construction activities on the site. Existing conditions will remain, with no changes to regular operations expected.

**PUBLIC HEARING:** A public hearing was opened on January 20, 2016 and continued to February 17, 2016. A transcript of the hearings is stored in City Plan Department files.

### 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 the applicant's eligibility 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 Zoning Ordinance. Receiving operations typically occur Monday-Friday 7:00 AM to 5:00 PM, and occasionally on the weekend. Departure operations may occur 5:00 PM to 2:00 AM, primarily on weekdays.</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 City's plan calls for industrial uses in this area, consistent with the Special Permit being sought. The use does not foreclose future development or paradigmatic shift in the possible land use over time, particularly because there is no new construction proposed. From a sustainability perspective, the use of rail and the adjacency of the Interstate permit the activity to be conducted without impact to areas beyond the industrial zone.</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>The site is fully developed, with no vegetation. The parcel is adjacent to other industrial uses and is fenced with privacy slats around its perimeter. The industrial uses of the site and surrounding areas long ago eliminated any scenic vista or wildlife habitats from the area.</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 materials to be stored and processed on site are not hazardous to air or water quality. The activities that take place on site may create a nuisance to residential or commercial properties, but all neighboring properties are also industrial in nature and will not be negatively impacted by the activities taking place under this Special Permit. The applicant will implement best management practices to limit any adverse impacts from on-site activities. The gate to the premises is locked when the site is not in operation. The property is in the City's Coastal Management Area, see complementary CSPR application for more information regarding any coastal impacts.</i></p>
<p>f. <i>Historic preservation.</i></p>	<p><i>No historic structures on site</i></p>


Special Permit Criteria	Comments
<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>The operational and physical characteristics of the site are compatible with the surrounding industrial area and the neighborhood. No new construction is associated with the Special Permit.</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>The use and site design shall not have a detrimental effect on property values in the surrounding area because the site is located in a functioning industrial zone.</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>Materials that arrive at the site by rail or at the adjoining 347 Chapel Street parcel are shuttled between the parcels without the use of the street. Any material arriving by ship at the port is routed directly from the port in the industrial zone. Stored materials are removed by truck and leave via Ives Place travelling two blocks due west to the I-91 on-ramp for delivery to their ultimate destination. As such, there is no adverse traffic impact associated with the use. This direct and short route to the Interstate keeps all activity within the industrial zone.</i></p>

**CONDITIONS OF APPROVAL:**

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

1. Operations shall be conducted in a manner consistent with the plans and application submitted on December 7, 2015, unless modified herein.
2. The Special Permit is granted to Petroleum Terminals for its sole use and is not transferrable or assignable.
3. Outdoor storage shall be limited to the 38,900 SF delineated in Sheet SP-01: Outdoor Storage of Materials, dated December 2015 and submitted as part of the application package on December 7, 2015.
4. Materials to be handled on site shall be limited to non-hazardous, bulk, dry cargo.
5. Height of piles of materials on site shall be a maximum of 20 feet above East Street. If the applicant wishes to stack materials more than 20 feet high, an application for a new Special Permit must be submitted.
6. No processing of materials shall occur on site.
7. A robust dust control plan, including sweeping schedules and mitigation measures (both on- and off-site), shall be provided to City Plan Department for review and approval within 60 days of the date of publication of City Plan Commission approval of staff report.
8. 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.
9. Applicant must update site plan to show entrance and exit to site, including an anti-tracking pad.
10. Site fences, lighting, and landscaping shall be maintained in good repair and appearance.

**ADOPTED:** March 16, 2016  
Edward Mattison  
Chair

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