

NEW HAVEN CITY PLAN COMMISSION ACTION
NEW HAVEN CITY PLAN COMMISSION COASTAL SITE PLAN REVIEW

RE: 136 FARREN AVENUE. Coastal Site Plan Review and Certificate of Approval of Location (CAL) for Used Car Dealer and General Repairer Licenses. (Owner/Applicant: Antonio Contreras; Agent: Pedro Rivera)
REPORT: 1513-06
ACTION: Approval with Conditions

Submission:

Application packet, including CAL (received September 3, 2015), DATA, WORKSHEET, SITE, SESC (received September 17, 2015), and CSPR (received December 4, 2015) forms; \$450 application fee (\$180 for CAL and \$270 for CSPR); Warranty deed for property, dated July 31, 2015; Property survey dated January 15, 2010, revised July 28, 2010; Site Plan dated December 3, 2015; K-7 form.

Previous City Actions:

CPC 1438-01: CAL for used car sales and general repair in a BA zone. **Approved March 17, 2010.**
CPC 1456-05: Site Plan Review including CSPR for construction of new truck storage garage on combined lot with existing car repair facility in a BA zone (with 126 Farren Avenue). **Approved September 21, 2011.**

BACKGROUND

The applicant is requesting a Certificate of Approval of Location for a Used Car Dealer and Repairer Licenses for an existing business on this property. There is history of automotive use on this property, likely pre-dating the 1963 Zoning Ordinance, as well as the neighboring property at 126 Farren Avenue, which is under the same ownership. The 126 Farren Avenue property, despite at times having dozens of vehicles stored on site, has never had a CAL for automotive use, and is not part of this application. Since acquiring both properties in July 2015, the owner says he has spent \$10,000 to clean up and repair both sites, including installing a fence dividing the two properties, removing 8,000 used tires and debris, and removing more than 20 junk cars and car parts. Although the site is located in a BA Zone, which would generally require a Special Exception for used cars sales (limited to 5 vehicles), because of the existing use, it is a legal non-conformity that runs with the site, regardless of ownership. Certificates of Approval of Location, on the other hand, run with the operator and with the exception of close family members, require reapplication at each change of ownership.

PLANNING CONSIDERATIONS

The submitted site plan shows a 12,670 SF property (0.29 acres) located in a General Business (BA) District with a 1,340 SF building and a mix of asphalt and gravel surfaces, with a small lawn area. The building has two garage bays with overhead doors, and a small corner office and bathroom. The plan proposes to devote 4 parking spaces for customers, 5 spaces for display of vehicles for sale, 2 employee spaces, and 7 spaces for vehicle storage. Hours of operation are proposed to be 9:00 AM-6:00 PM Monday through Saturday, closed Sunday.

Nature of the Proposed Site: The site is fairly small, with the existing building housing office space and work bays. The applicant will use the southern portion of the site along the property line for the display of up to 5 vehicles for sale. Customer parking spaces, including a designated handicapped space, will be on the eastern portion of the site closest to Farren Avenue. The owner states that he has recently

Resulting Traffic Patterns: Since an auto repairer has been operating here for several years without any apparent disruption of traffic, it seems unlikely that this applicant's business would suddenly present a traffic problem.

Nature of the Surrounding Area: The subject parcel sits in a BA (Automotive Sales) zone. The BA zone permits the use by Special Exception. The proposed use seems to fit the area well.

Proximity to Public Buildings: No public buildings are in proximity to the site.

The Comprehensive Plan: The proposed use conforms to the 2015 Plan of Development, which calls for neighborhood commercial mixed-use in the area.

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.

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:

Intertidal Flats: The southern end of Quinnipiac River in New Haven is a tidal body, with gently sloping banks composed of muddy, silty, and fine sandy sediments and generally devoid of vegetation.

Freshwater Wetlands & Watercourses: At its closest point, the Quinnipiac River is approximately 1,100 feet from the property.

Developed Shorefront: This is an area that has been highly engineered and developed resulting in a functional impairment and substantial alteration of its natural physiographic features and systems.

Navigable waters: The Quinnipiac River is navigable and accessible from New Haven Harbor and Long Island Sound.

Coastal Program Criteria	Comments
1. Potential adverse impacts on coastal resources and mitigation of such impacts	The site's use as an auto repair shop will result in the use, exchange, and transfer of environmentally hazardous materials (such as oil, antifreeze, lubricant, etc.) that could negatively impact the health of the Quinnipiac River if they run off from the site. To mitigate this impact, the applicant will ensure that any pollutants are stored in tanks and disposed of by state-licensed waste removal companies. Furthermore, mechanical repair and cleaning bays have no drains and the waste is cleaned up within the operating area.
2. Potential beneficial impacts	None identified in application.
3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	None identified in application.
4. Will the project preclude development of water dependent uses on or adjacent to this site in the future?	No.
5. Have efforts been made to preserve opportunities for future water-dependent development?	The site's location does not allow for water-dependent development.
6. Is public access provided to the adjacent waterbody or watercourse?	The site does not have access to the river.

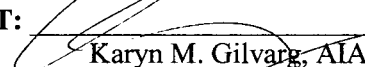
7. Does this project include a shoreline flood and erosion control structure (i.e. breakwater, bulkhead, groin, jetty, revetment, riprap, seawall, placement of barriers to the flow of flood waters or movement of sediment along the shoreline)?	No.
8. Does this project include work below the Coastal Jurisdiction Line (i.e. location of topographical elevation of the highest predictable tide from 1983 to 2001)? New Haven C JL elevation is 4.6'.	No.

FINDING AND RECOMMENDATION

Based on the above considerations, the Commission finds the location appropriate for the continuation of the existing use with the new tenant and approves the application with the following conditions:

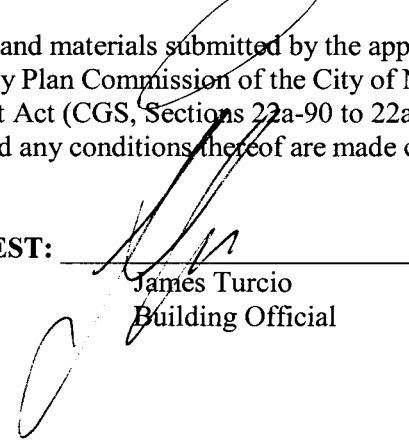
1. Applicant must provide recorded warranty deed to property.
2. No more than five vehicles shall be offered for sale at any one time.
3. The days and hours of operation shall not exceed Monday – Saturday 9:00 AM to 6:00 PM.
4. A waste liquid petroleum products retention tank with a minimum capacity of 250 gallons shall be located on site.
5. General towing shall not be permitted.
6. No vehicle shall be allowed to park on, or otherwise trespass onto, any public right-of-way.
7. Suitable fencing shall be maintained along the south lot line between 126 and 136 Farren Avenue to prevent accidental encroachment.
8. The dumpster shall be located in the rear of the lot and enclosed by a suitable fence.

ADOPTED: December 16, 2015
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 are made conditions of the Building Permit.

ADOPTED: December 16, 2015

ATTEST: 
James Turcio
Building Official