

NEW HAVEN CITY PLAN COMMISSION ACTION

RE: 345 FORBES AVENUE, Certificate of Approval of Automotive Location (CAL) for Used Car Dealer in an IH Zone (Owner: John LaViola; Applicant: Albert Lomoriello, Automotive Coop & Greenwich Fleet Leasing).
REPORT: 1464-01
ACTION: Approval with Condition

BACKGROUND

Albert Lomoriello seeks a Certificate of Approval of Automotive Location (CAL) for Used Car Dealer in an IH Zone at 345 Forbes Avenue in accordance with Connecticut General Statutes.

Previous Zoning History:

65-130-V: **Denied.** Use Variance to permit a beauty parlor.

77-7-CAL & 77-15V: **Granted.** CAL for new car dealer and use variance for sale and service of motorcycles.

00-08-CAL: **Granted with Conditions.** CAL for used car dealer.

1. A heavy timber railing shall be installed along the street front behind the sidewalk to protect pedestrian passage. Plan showing said railing shall be submitted to the City Plan Department for review and approval.
2. A maximum of 25 vehicles shall be permitted.
3. Hours of operation shall be Monday-Friday, 8:00 a.m. to 5:00 p.m.; Saturday, 8:00 a.m. to 1:0 p.m.; closed on Sunday.

03-09-CAL: **Granted with one Condition.** CAL for used car dealer.

1. A heavy timber railing shall be installed along the street front behind the sidewalk in order to protect pedestrian passage. Said railing shall be submitted to the City Plan Department for review and approval.

04-03-CAL: **Granted with Conditions.** CAL for used car dealer

1. A site plan shall be submitted to the City Plan Department for review and approval no later than July 5, 2004, which shall clearly delineate and identify using Map, Block, and Parcel, all properties contained within the site plan. The site plan shall also identify employee parking, customer parking, and vehicle display areas.
2. A maximum of 25 passenger vehicles, or 25 motorcycles, or some combination of the two not to exceed 25 vehicles shall be displayed for sale.
3. The maximum hours of operation shall be Monday - Friday, 9:00 a.m. to 9:00 p.m.; Saturday - Sunday, 9:00 a.m. to 5:00 p.m.

Public Hearing: At the April 18, 2012 public hearing, Thomas Talbot, Deputy Director, Zoning, presented the application to the Commission, noting that applicant proposed sales of used cars from this location which had been in some sort of automotive use for years and the spaces in front of the building were to be used for display vehicles only. Attorney Mark Kelly said research had shown that a triangular portion of the fenced in area on the site was owned by the owner under adverse possession. He requested that the Commission approve the site plan as shown but that he be able to return with a revised site plan at a later date once the ownership could be confirmed. There were no other speakers either in favor or opposed.

PLANNING CONSIDERATIONS

The submitted site plan shows a .68 acre property located in a Heavy Industrial District with a 2,500 SF building and an approximately 14,000 SF paved area that while unstriped in fact, is depicted on the plan as having the capacity to legally park, display or store up to 30 vehicles. The plan proposes to devote five spaces for customers, 10 spaces for an associated auto rental operation, 8 spaces for employees and 7 spaces for vehicle display. The applicant represents the proposed operation as involving sales exclusively with minor repair, paint and cleaning taking place in a basement garage bay accessed from Kendall Street. The applicant has also asserted that internet sales represent a substantially larger portion of the business than traditional "drive by" sales.

Citing both the history of the property and its relative location the Commission views the proposed use as appropriate. The property is located on a high traffic roadway and provides good visibility from the street to proposed display areas of the parking lot. The use itself, however, does not typically generate as much traffic as many other uses that might be attracted to the site, which by virtue of adjacent roadway geometry is not an ideal location for a traffic-intensive use. Finally initial staff concerns regarding use of areas for vehicle storage and display have been resolved as evidenced in revised site plans dated 4/11/12.

FINDING AND RECOMMENDATION

Based on the above considerations, the Commission finds the location appropriate for the use and approves with the following condition:

1. Approval is for the sale of used cars. Outside display of no more than 15 cars at any one time.

ADOPTED: April 18, 2012
Edward Mattison
Chair

ATTEST: _____
Karyn M. Gilvarg, AIA
Executive Director