

## NEW HAVEN CITY PLAN COMMISSION SITE PLAN REVIEW

**RE:** 350 FOXON BOULEVARD AND 1263 QUINNIPIAC AVENUE. Site Plan Review for new fast food restaurant with drive thru and reconstructed parking lot. (Owner: Palma Realty, Inc.; Applicant: 350 Foxon Boulevard, LLC; Agent: Bernard Pellegrino of The Pellegrino Law Firm)

**REPORT:** 1514-04

**ACTION:** Approval with Conditions

### 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 January 20, 2021. 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 **Site Plan Review** 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, Fire Marshall, City Engineer, Department of Transportation, Traffic, and Parking and City Plan Department 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. 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 format [.pdf file].

**Submission: SPR Application Packet including DATA, WORKSHEET, SITE, and SESC forms. NARRATIVE attached. Application fee: \$270. Received December 18, 2015.**

- Copy of zoning relief decision letter, recorded December 18, 2015.
- Traffic Impact Study, dated January 2016. Received January 12, 2016.
- StreetBondSR marketing brochure. Received January 13, 2016.
- Site Engineering Design Report, dated December 17, 2015. Received January 13, 2016.
- Proposed storm water drainage narrative. Received January 15, 2016.
- Shading plans and reflective heat impact calculations. Received January 15, 2016.
- Application drawings. 12 revised sheets received January 15, 2016.
  - Property & Topographic Survey. Drawing date August 24, 2015.
  - SP-1: Site Plan. Revision date January 15, 2016.
  - SP-2: Utility & Grading Plan. Revision date January 15, 2016.
  - SP-3: Erosion Control Plan. Revision date January 15, 2016.
  - SP-4: Landscape Plan. Revision date January 15, 2016.
  - SP-5–SP-7: Detail Sheet. Revision date January 15, 2016.
  - SP-8: Lighting Plan. Revision date January 15, 2016.
  - A1: Floor Plan & Notes. Drawing date March 3, 2015.
  - A5–A6: Exterior Elevations & Notes. Drawing date September 23, 2015.

**PROJECT SUMMARY:**

<b>Project:</b>	Popeye's	
<b>Address:</b>	350 Foxon Boulevard and 1263 Quinnipiac Avenue	
<b>Site Size:</b>	32,142 SF (0.74 acres)	
<b>Zone:</b>	BA (General Business)	
<b>Financing:</b>	Private	
<b>Parking:</b>	20 spaces (including 1 handicapped van-accessible)	
<b>Owner:</b>	Palma Realty, Inc.	<b>Phone:</b> 845-222-1272
<b>Applicant:</b>	350 Foxon Blvd, LLC	<b>Phone:</b> -
<b>Agent:</b>	Bernard Pellegrino, The Pellegrino Law Firm	<b>Phone:</b> 203-787-2225
<b>Site Engineer:</b>	Manuel Silva	<b>Phone:</b> 203-610-6262
<b>City Lead:</b>	City Plan Department	<b>Phone:</b> 203-946-6379

**BACKGROUND**

**Previous CPC Actions:** None

**Zoning:**

The Site Plan as submitted meets the requirements of the New Haven Zoning Ordinance for the BA zone, with the zoning relief granted to permit a drive-thru window for a restaurant within 250 feet of a residential use granted on December 8, 2015 (15-98-S), with the condition that hours of window operation be limited to between 10:00 AM and 12 midnight daily.

**Site Description/existing conditions:**

The project site currently exists as two distinct properties: a gas station and small convenience store at 350 Foxon Boulevard and a multi-family home at 1263 Quinnipiac Avenue. Both properties are under the same ownership.

**Proposed Activity:**

The applicant proposes to demolish all existing buildings on both properties and construct a new building, to be used for a 60-seat Popeye's restaurant.

**Circulation/Parking/Traffic:**

In addition to demolishing all buildings on site, the applicant proposes to rework the circulation pattern and access to the site from heavily-trafficked Foxon Boulevard. The new parking lot will narrow the eastern-most curb cut from Foxon Boulevard, but will eliminate the more western one closer to Quinnipiac Avenue. The remaining curb cut will be used as both an entrance and exit to/from the site, although exiting traffic will only be allowed to make right-hand turns from this driveway due to the heavy traffic flow along Foxon Boulevard. The existing curb cuts to access the gas station and residence from Quinnipiac Avenue will be combined into a single entrance/exit with a narrower total width than currently exists. Because of the limited space available on site, vehicle traffic will be restricted to specific circulation patterns within the lot, with all vehicular traffic flow on site moving in a counter-clockwise direction.

According to the traffic impact study conducted for the project, the proposed Popeye's is estimated to generate a comparable amount of traffic during peak hours as that for the existing gas station that it will replace, with much lower weekday afternoon peak hour trips for Popeye's, but slightly more Saturday midday peak hour trips.

Because the restaurant itself will be nearly encircled by the drive thru lane, all pedestrian access to the site will have to cross a driveway. Accordingly, there will be three striped and raised pedestrian crossings on site: a 10' walkway from the parking lot across the drive thru lane, a 13' walkway across a driveway from the Quinnipiac Avenue sidewalk, and a 23' walkway across both the drive thru lane and driveway from the Foxon Boulevard sidewalk. Additionally, a five-spot bicycle rack for employee and customer use will be provided just outside the restaurant's front door.

**Trash removal:**

A dumpster enclosure screened by a wall and 11 arborvitae will be constructed in the northeast corner of the site. Trash removal trucks will empty the dumpsters during non-business hours.

**Signage:**

In addition to standard traffic control and parking signs, a 20-foot tall Popeye's sign will be placed on the southwest corner of the site, facing the Foxon Boulevard/Quinnipiac Avenue intersection.

**Sec. 58 Soil Erosion and Sedimentation 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:** 496

**Start Date:** Spring 2016

**Completion Date:** Fall 2016

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 both the demolition and 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*.

#### **Sec. 60 Stormwater Management Plan: SUBMISSION MEETS REQUIREMENTS STANDARDS**

- Direct channeling of untreated surface water runoff into adjacent ground and surface waters shall be prohibited;
- No net increase in the peak rate or total volume of stormwater runoff from the site, to the maximum extent possible, shall result from the proposed activity;
- Design and planning for the site development shall provide for minimal disturbance of pre-development natural hydrologic conditions, and shall reproduce such conditions after completion of the proposed activity, to the maximum extent feasible;
- Pollutants shall be controlled at their source to the maximum extent feasible in order to contain and minimize contamination;
- Stormwater management systems shall be designed and maintained to manage site runoff in order to reduce surface and groundwater pollution, prevent flooding, and control peak discharges and provide pollution treatment;
- Stormwater management systems shall be designed to collect, retain, and treat the first inch of rain on-site, so as to trap floating material, oil and litter;
- On-site infiltration and on-site storage of stormwater shall be employed to the maximum extent feasible;
- Post-development runoff rates and volumes shall not exceed pre-development rates and volumes for various storm events. Stormwater runoff rates and volumes shall be controlled by infiltration and on-site detention systems designed by a professional engineer licensed in the state of Connecticut except where detaining such flow will affect upstream flow rates under various storm conditions;
- Stormwater treatment systems shall be employed where necessary to ensure that the average annual loadings of total suspended solids (TSS) following the completion of the proposed activity at the site are no greater than such loadings prior to the proposed activity. Alternately, stormwater treatment systems shall remove 80 percent TSS from the site on an average annual basis; and
- Use of available BMPs to minimize or mitigate the volume, rate, and impact of stormwater to ground or surface waters.

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

- Lighting Plan with location of all fixtures, type of fixture and elevation 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: SUBMISSION MEETS REQUIREMENTS STANDARDS**

- 50% of all on-site non-roof hardscape or paved areas will be either:  
 shaded AND/OR  
 constructed of a material with a solar reflectance index of at least 29.

TOTAL SF of non-roof hardscape:	20,182 SF
50% of non-roof hardscape:	10,091 SF
Shaded (based on average values per code):	253 SF
Areas with SRI > or = 29	9,795 SF
TOTAL PROPOSED SHADED/HIGH SRI AREA	10,047 SF
<b>% SHADE/HIGH SRI PROPOSED</b>	<b>50%</b>

**Project Timetable:** Demolition is expected to begin in spring 2016, with the project being completed in fall 2016.

**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 except for the following issues, which must be addressed prior to sign-off for permits:

- The owner must combine the two parcels into a single entity and record it on the land records.

**ACTION**

The City Plan Commission approves the submitted Site Plans subject to standard conditions on Page 1.

**ADOPTED:** January 20, 2016  
Edward Mattison  
Chair

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