

## **NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT**

**RE:** 198 COVE STREET, Coastal Site Plan Review for Construction of new Single Family Dwelling in a RS-2 Zone (Owner: 198 Cove Street LP; Applicant: John A. Acampora, Esq.).

**REPORT:** 1465-08

**ADVICE:** Approval with Conditions

**COASTAL FINDING:** No Impact on coastal resources

### **Administrative History:**

BZA #03-58-V Approved. Variance to allow replacement of an existing two-family dwelling where only single-family dwellings are permitted.

BZA #03-04-CAM Approved. Coastal Area Management Permit for a two- family dwelling.

**Submission:** Coastal Site Plan application, CAM narrative and detail sheet prepared by BL Companies 03/07/12; draft flood development permit; revised site plan received 5/3/12.

## **BACKGROUND**

The applicant is proposing to replace an existing two-family dwelling of under 3,500 sf with a 7,000+sf, three level single-family dwelling on an 18,750 sf lot located on the west side of the intersection of Cove Street and Cove Place. Cove Street is an improved City Street for a distance of no more than 80 ft from its intersection with Cove Street. Most of this property falls within the limits of the 100 year Coastal Floodplain. The proposed dwelling complies with all applicable bulk and area standards with the exception of Section 12(a)(1)e. which due to the lot's corner location would require 25 ft front yards along both Cove Street and Cove Place. The applicant is proposing a 25 ft front yard along Cove Street but only a 20 ft front yard along Cove Place. This property is located in a long established neighborhood of primarily but not exclusively single family dwellings. There appear to be significant variations in lot sizes and structural form (including height) within the area. As noted above the BZA approved a variance and a Coastal Area Management Permit for a new two-story, two-family dwelling of approximately 8,000 sf to replace the then and currently existing two-family structure. It was never built.

Applications for Site Plan and Coastal Site Plan Review were originally submitted to the City Plan Commission. Review of those plans indicated that while the proposed structure complies with the overall height limit of 35 feet it did not (at a proposed 8 ft side yard) meet the wall height to side yard ratio requirements of Section 30 of the Zoning Ordinance. The applicant then elected to move the structure away from the side property boundary to the required 12 ft. This moved the opposite side of the proposed structure to within 20 ft of Cove Place.

## **PUBLIC HEARING**

Attorneys Ken Votre and Shivani Desai appeared for the applicant. Attorney Votre described the project primarily in terms of the relative impact of the proposed structure compared to the existing house, which he characterized as minimal. He also pointed out that in 2003 the Board of Zoning Appeals approved variances and a Coastal Site Plan for a two-family dwelling that while not as large as the current proposal, was substantially larger than the existing two family dwelling.

Mr. Grego, 410 Lighthouse Road, spoke against the application. He stated that no houses should be allowed in the area that are larger or taller than what is currently existing.

Mr. Esposito, 203 Cove Street, stated that he lived across the street and that he felt the same way as the previous speaker.

There was no other public comment.

## **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 shall additionally consider whether the proposed site plan is consistent with the New Haven Coastal Program.

**Characteristics and Condition of Coastal Resources at or Adjacent to the site:**

**Coastal Flood Hazard Area:** This site falls within several flood zones on Flood Insurance Rate Map (FIRM) #09009C0444H effective December 17, 2010. Most of the property and all of the proposed structure lie within **Zone AE**, within the 100 year floodplain where the base flood elevation has been determined at elevation 10. The portion of the property located closest to Morris Cove is located in Zone VE (Coastal Flood Zone with velocity hazard) where the base elevation has been determined at 13.

**Navigable waters:** Waters adjacent to the site are Morris Cove, New Haven Harbor, and Long Island Sound.

**Beaches or Dunes:** A rocky shorefront and narrow sandy beach, adjacent to the site below the seawall, is exposed at low tide.

**Intertidal flats:** Adjacent to the site and exposed at low tide.

**Shellfish Concentration Areas:** There are eastern oyster beds approximately 400' offshore from the mean high water mark.

**Degrading visual quality through significant alteration of natural features and viewpoints:** The new home will be constructed of similar frontage, width and height to others on Cove Street. The height of the house at its highest point is 25' which is higher than the structures on either side. Houses across Cove Street are at a slightly higher elevation. While taller and larger than the house that currently exists on the lot, the new house will still allow some views from the upper floors of the houses across the street.

**Potential Adverse Impacts on Coastal Resources and Mitigation of Such Impacts:** Degrading water quality through significant introduction of suspended solids, nutrients, toxics, heavy metals or pathogens into either coastal waters or groundwater supplies is a potential adverse impact. Any such potential impact would be eliminated by use of soil erosion and sediment control measures during construction (silt fencing and anti-tracking pad at the construction entrance) and by the permanent topsoiling, mulching, seeding and landscaping of the site.

The primary portion of the house will be constructed with a finished floor elevation of **11.89 (NAVD 1988)** and the rear of the house which faces the water will be at **10.89 (NAVD 1988)**, both above the base flood elevation of 10. No basement level is proposed. The house will be required to be constructed in accord with the City's Flood Damage Prevention Ordinance (rev. 10/04/10), and a FEMA Elevation Certificate will be required.

**Public access:** The lot is in a residential zone, does not have public access now and is not proposed to have public access. Cove Place to the immediate north gives direct public access to the beach.

**Water Dependency:** The residential use is not water dependent although potential water dependent use is not precluded by residential construction. Water dependent uses are possible on the beach adjacent to the site (such as recreational boating, swimming, fishing etc.)

**Consistency with the New Haven Coastal Program:** Residential use in Morris Cove is consistent with the Coastal Program, provided buildings are constructed to conform with the City's Hazard Mitigation Plan and its revised Flood Damage Prevention Ordinance.

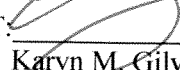
**ADVICE**

Taking into consideration all of the above information, the City Plan Commission finds the proposed activity consistent with applicable goals and policies in Section 22a-92 of the Connecticut Coastal Management Act and incorporates as conditions or modifications all reasonable measures which would mitigate any potential adverse effects on both coastal resources and future water-dependent activities.

The Commission therefore recommends approval of the Coastal Site Plan as submitted with the following condition:

1. A site plan application shall be submitted in accord with Section 64(f) for site plan approval prior to issuance of a building permit. Property lines to be verified prior to submission for site plan review.

**ADOPTED:** May 16, 2012  
Edward Mattison  
Chair

ATTEST:   
Karyn M. Gilvarg A.I.A.  
Executive Director