

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

**RE:** 19 WHEELER STREET aka 'FAIRMONT AV'  
MBLU: 082 0974 02001  
**Owner:** Airline Avenue Realty LLC; **Applicant:** Murphy Road Recycling LLC; **Agent:** Meaghan Miles, Carmody Torrance Sandak & Hennessey LLP

**Site Plan Review and Coastal Site Plan Review**

Existing solid waste facility in the Coastal Management area in the IH Zone.

**REPORT:** 1602-05  
**ACTION:** Approval with Conditions

**STANDARD 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 May 25, 2027. 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 for building permits. A digital copy of the recorded report shall be provided to staff (.pdf).
3. Upon approval by the City Plan Commission, provide compiled digital copies of all application materials, including drawing sets and reports, to staff for filing (.pdf files) prior to City Plan signoff for building permits.
4. Signoff on final plans by the City Engineer; Department of Transportation, Traffic, and Parking; City Plan Department; and Fire Marshal 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 site bond will be required in conformity with Connecticut General Statutes Section 8-3(g). Bond, or other such financial instrument, shall be provided to the City Plan Department, in an amount equal to the estimated cost of implementation of erosion and sediment controls, plus 10 percent, prior to City Plan final sign-off on plans for building permit.
7. Any proposed work within City right-of-way will require separate permits.
8. Within 10 business days of City Plan Commission approval, the applicant shall submit a digital (.pdf) and hard copy of the final approved plan set (including all revisions) to the City Plan Department.
9. Following completion of construction, any catch basins in the public right-of-way impacted by the project shall be cleaned, prior to issuance of Certificate of Occupancy.
10. As-built survey shall be filed with City Plan Department, with a copy to the City Engineer, and a site visit will be conducted prior to issuance of Certificate of Occupancy. Site Plan shall be submitted in mylar and digital form (.pdf).

**ADDITIONAL CONDITIONS OF APPROVAL**

11. No storage containers shall be located within the 100-year floodplain on the parcel.
12. Upgrades to the stormwater management system are subject to DEEP approval.

**Note:** Companion CPC Report 1602-06 for the same site (Special Permit Renewal per NHZO Sections 64 and 46).

**Previous CPC Actions:**

1/20/2016 1511-03 19 Wheeler Street. Coastal Site Plan Review for industrial municipal solid waste facility. Jonathan Murray of Murphy Road Recycling. Approval with Conditions.

1/20/2016 1511-05 19 Wheeler Street. Special Permit to allow for acceptance of commercial and industrial municipal solid waste and the recovery of designated and non-designated recyclable material. Jonathan Murray of Murphy Road Recycling. Approval with Conditions.

Additional previous CPC Actions: C SPR and SESC to construct new bulky waste transfer facility (CPC 1249-04, 07/1/98); Special Permit and C SPR to operate a solid waste transfer and volume reduction facility in an IH zone (1395-03, 10/18/06); Transfer of Special Permit to Murphy Road Recycling (1409-02, 10/17/07); SPR and C SPR for remediation project under DEP consent order in an IH zone (1429-06, 6/17/09); Renewal of Special Permit and C SPR to operate a solid waste transfer and volume reduction facility in IH zone (1457-09, 10/19/11); SPR and C SPR for compressed natural gas fueling station (1488-02, 4/16/14); CAL for compressed natural gas fueling station for vehicles (1488-05, 1/15/14).

**Submission: SPR Application Packet including DATA, WORKSHEET, SITE, SESC, and C SPR forms. NARRATIVE attached. Application fees: \$200 (C SPR), \$410 (SPR), \$350 (Special Permit). Dated and received January 20, 2022.**

**Application Materials included with January 20, 2022 submission:**

0. Cover letter from Meaghan Miles, Carmody Torrance Sandak & Hennessey LLP.

1. Letter of Authority from the applicant, Murphy Road Recycling LLC;
2. Letter of Authority from the property owner, Airline Avenue Realty LLC;
3. Record of mailing check in an amount of \$550, as the total application fee for a Special Permit (\$350) and Coastal Site Plan Review (\$200), with a copy of the check;
4. Application Forms for Special Permit, and Development Permit including Worksheet, Site Plan Review, SESC Review, Coastal Site Plan Review, and Waterfront Supplement;

5. Plan Set titled "Application for Renewal of Special Permit of 19 Wheeler Street, New Haven, CT," prepared by Anchor Engineering Services, Inc., dated January 18, 2022, revised April 11, 2022, consisting of the following:

- Existing Conditions Survey (Sheet 1 of 1);
- Existing Solid Waste Facility Use/Activity Area (Sheet 1 of 1);
- Site Plan (Sheet 1 of 7);
- Floor Plan (Sheet 2 of 7);
- Existing Building Elevation Views (Sheet 3 of 7);
- Parking Plan (Sheet 4 of 7);
- Lighting Plan (Sheet 5 of 7);
- Existing Site Traffic Patterns (Sheet 6 of 7); and,
- Details (Sheet 7 of 7), revised January 31, 2022.

6. Photometric Plan prepared by e-conolight, dated October 16, 2019;

7. Application Schedules as follows:

- Schedule A: Project Narrative;
- Schedule B: Statement of Compliance with § 46(h) of the Zoning Regulations;
- Schedule C: Coastal Site Plan Review application form supplement;
- Schedule D: Statement of Findings (Special Permit Review);
- Schedule E: Floor Area and Reflective Heat Impact Area Calculations;
- Schedule F: Summary of Property's Industrial and Recent Permitting History;
- Schedule G: Maps of Approved/Current Designated Routes;
- Schedule H: Supplemental Operation and Management Plan for Solid Waste Facility, prepared by Murphy Road Recycling LLC, rev. July 11, 2014;
- Schedule I: Stormwater Management Plan, prepared by Anchor Engineering Services, Inc., dated January 18, 2022 (included therein is the Stormwater Pollution Prevention Plan, in addition to other information), revised April 11, 2022
- Schedule J: Report titled "Wheeler Street Traffic Report," prepared by Anchor Engineering Services, Inc., dated May 13, 2021;
- Schedule K: Copy of current DEEP permit;
- Schedule L: Copy of long-term Lease Agreement between the MRR and the property owner, Airline Avenue Realty LLC; and,

- Schedule N: Resume of Jonathan Murray, Director of Operations.

**Application materials dated and received February 2, 2022:**

- Cover letter re additional check and \$410 Site Plan Review application fee.

**Application materials received April 11, 2022**

- Response Memo to Blackledge, 63 sheets, dated April 8, 2022
- Materials Concerning Legal Non-Conforming Use & Area Property Values, 44 sheets, dated April 8, 2022

**Application materials received April 21, 2022**

- Final Full Submission packet, 557 sheets

**Application materials received April 25, 2022**

- Health Department Inspection Report, 3 sheets, dated February 7, 2022

**Application materials received May 3, 2022**

- Letter re Reply to Outstanding Public Comments and Blackledge Responses of April 19, 2022, including Schedules A through D, 154 sheets, dated May 3, 2022

**Application materials received May 5, 2022**

- Letter re Operations and Management Plan Response to CPC, 1 sheet, dated May 5, 2022

**PROJECT SUMMARY:**

**Project:** Murphy Road Recycling Special Permit Renewal and CSPR

**Address:** 19 Wheeler Street aka 'Fairmont Av'

**MBLU:** 082 0974 02001

**Site Size:** 15.02 acres

**Zone:** IH

**Parking:** 113 spaces

**Owner:** Airline Avenue Realty LLC

**Phone:** 860-623-2070

**Applicant:** Murphy Road Recycling LLC

**Phone:** 860-623-2070

**Agent:** Meaghan Miles, Carmody Torrance Sandak & Hennessey LLP

**Phone:** 203-252-2642

**BACKGROUND**

Per the City of New Haven zoning regulations Sections 46 and 64, Frank Antonacci of Murphy Road Recycling, LLC has applied for a Special Permit (CPC Report 1602-06) and Coastal Site Plan Review to allow for the acceptance of Commercial and Industrial municipal solid waste (aka "dry MSW") and the recovery of designated and non-designated recyclable material from the dry MSW. No changes are proposed to the Property's existing structures or the existing materials and amounts approved for the facility in 2016. Minor modifications are proposed to the existing site plan to provide for the installation of bicycle racks, the striping of handicapped-accessible parking spaces, and the retrofitting of existing chain link fencing with opaque slats. Upgrades are also proposed to the existing stormwater management system through the installation of two additional catch basins, piping, and concrete curbing along the Property's northwestern boundary along the Quinnipiac River (subject to DEEP approval), which will collect and treat all runoff that may flow in the direction of the River, and the installation of new basin inserts throughout the Property.

Nineteen (19) Wheeler Street is located within the New Haven Port District, in a flat area adjacent to the Quinnipiac River. The site is located in a Heavy Industrial (IH) District and is surrounded by other industrial uses.

As the site is on the waterfront of the Quinnipiac River it is subject to coastal site plan review under Section 55 of the Zoning Ordinance. A CSPR was approved with the original facility in 1998, and again on multiple occasions including granting of the Special Permit in 2006, a remediation project in 2009, Special Permit renewal in 2011 and 2016, and site plan review for a compressed natural gas fueling station in 2014.

**Current site conditions:** The 15.02 acre site is located on the east shore of the Quinnipiac River as it meets the Mill River and New Haven Harbor, north of the I-95 Pearl Harbor Memorial Bridge. Across the river from the site are properties fronting on River Street in Fair Haven. Vehicular access to the site is via an easement drive from the

corner of Wheeler Street and Goodwin Street.

**Zoning:**

The Site Plan as submitted meets the requirements of the New Haven Zoning Ordinance for the IH Zone.

**Proposed Activity:**

- Installation of bicycle racks
- Striping of handicapped-accessible parking spaces
- Retrofitting of existing chain link fencing with opaque slats
- Upgrades are also proposed to the existing stormwater management system through:
  - Installation of two additional catch basins, piping, and concrete curbing along the Property's northwestern boundary along the Quinnipiac River (subject to DEEP approval)
  - Installation of new basin inserts throughout the Property.

**Motor vehicle circulation/parking/traffic:** No proposed changes to parking or loading besides the striping of accessible parking spaces (5 accessible spaces and 1 accessible van space).

**Bicycle parking:** 12 new bicycle rack spaces are proposed.

**Trash removal:** No proposed changes to trash removal

**Signage:** No new signage proposed at this time. All signage must meet zoning ordinance requirements.

**Sec. 58 Soil Erosion and Sediment 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: 400 CY

Start Date: June 1, 2022                      Completion Date: June 14, 2022

Responsible Party for Site Monitoring: Chris Jez, Murphy Road Recycling, 860-305-5783

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 the 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*.

**Note: Because the project is between 1 and 5 acres ("small construction"), the applicant is not required to obtain a General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction from CT DEEP as long as the applicant has adhered to the erosion and sediment control regulations of the municipality in which the construction activity, in this case, the City of New Haven.**

**Sec. 60 Stormwater Management Plan:** Proposed modifications subject to approval by DEEP.

**Sec. 60.1 Exterior Lighting:** No new exterior lighting proposed.

**Sec. 60.2 Reflective Heat Impact:** No change to existing conditions.

## COASTAL PLANNING CONSIDERATIONS

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:

**Estuarine Embayment:** The Quinnipiac River is a protected coastal water body with an open connection to Long Island Sound. According to DEEP, the Quinnipiac River estuary, at the mouth of the river, is an impaired waterbody. The pollutants of concern in this area are nitrogen, phosphorus, and bacteria.

**Coastal Flood Hazard Area:** The site is located within Flood Zone AE Elevation 13, according to Flood Insurance Rate Map 090084 (section 09009C0442J eff. 7/8/2019), where the base flood elevation has been determined to be elevation 13'. The site, as shown on the enclosed Existing Conditions Survey, is at approximate elevation 10'-40' with the ground elevation typically between 10' and 20' over the developed area.

**Developed Shorefront:** This area's existing shorefront on the Quinnipiac River is highly engineered and developed, resulting in a functional impairment and substantial alteration of its natural physiographic features and systems. On the Property, the existing bulkhead has deteriorated in some locations and is non-existent in others. An area subject to the ELUR is fenced off.

**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	A potential adverse impact would be runoff of contaminants into the Quinnipiac River. Upgrades are proposed to the existing stormwater management system through the installation of two additional catch basins, piping, and concrete curbing along the Property's northwestern boundary along the Quinnipiac River (subject to DEEP approval), which will collect and treat runoff that may flow in the direction of the River, and the installation of new basin inserts throughout the Property. Jet lines transport fuels in an easement adjacent to the waterfront to remote locations off site, so any use in the easement must protect the integrity of the jet lines. The 100-year Flood Hazard Line is now painted on the property to ensure that no storage of materials inadvertently occurs within the flood hazard area.
2. Potential beneficial impacts	No benefits to coastal resources identified in application.
3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	The existing facility is consistent with the provisions of C.G.S. Section 22a-92, and no conflicts exist between activities at the facility and the goals and policies established in this section of

	the C.G.S.
4. Will the project preclude development of water dependent uses on or adjacent to this site in the future?	The facility will not preclude development of water dependent uses on the site in the future.
5. Have efforts been made to preserve opportunities for future water-dependent development?	The facility has preserved the opportunity for future water-dependent development at the site by refraining from developing new facilities along the existing developed shorefront portion of the site that would preclude opportunities for future water-dependent development.
6. Is public access provided to the adjacent waterbody or watercourse?	Due to the industrial nature of the uses on the site and associated safety concerns and an existing ELUR governing the property, public access is not currently provided. The public has expressed an interest in maintaining public access to the waterfront at this site. The Applicant states "The Applicant is amenable to working with the City to form an agreement permitting public access to and along the waterfront in a manner that would facilitate safe access, preserve the future water dependent use of the facility, and be subject to DEEP approval due to an ELUR governing this property." City staff have approached the applicant and is suggesting both parties work in good faith in co-operation to establish a coastal access plan for this site.
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)?	The proposed project does not include any new shoreline flood and erosion control structure or any changes to the existing shoreline flood and erosion control structures that exist at the site.
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 CJL elevation is 4.6'.	No. Low elevation in the area of the proposed project is approximately 6.9'.

#### CONSIDERATIONS:

A number of concerns applicable to criteria in NHZO Section 55 were raised in public testimony and in the Technical Memos provided by Blackledge Consulting. Blackledge Consulting was contracted by the City Plan Department to conduct a peer review of the application. Blackledge Consulting provided an initial review which was reviewed by City staff. The applicant was then asked to respond and provide clarification or additional documentation. Blackledge Consulting provided another round of review based on the Applicant's responses which were reviewed by City staff. Staff additionally reviewed the extensive history of this site including previous approvals as well as the constraints of the Special Permit and CSPR under consideration.

Upon consideration of these concerns, the Commission requires the below Conditions of Approval to ensure compliance with all relevant City Ordinances as well as the applicant's Operations and Management Plan.

Outstanding issues detailed in the April 19, 2022 Technical Memo from Blackledge Consulting have been addressed in the below conditions of approval and through revisions and additional materials submitted by the Applicant.-

Outstanding issues	Comments on additional information and staff review
There appear to be intertidal flats or tidal flats on or adjacent to the site	The applicant has submitted DEEP mapping displaying no Intertidal Flats or Tidal Wetlands on or adjacent to the site.

Containers and commercial vehicles owned by accessory users do not appear to comply with the City's ordinances related to the flood zone and 200' residential buffer	Container storage in the flood zone and residential property buffer has been addressed as conditions of approval. These conditions apply to all operations on the site.
An outdated and inaccurate version of the Site Plan was included in the Stormwater Management plan.	The Stormwater Management Report has been revised to include the correct, 2022 Site Plan.
The application incorrectly stated that no natural vegetation was present on the site.	The CSPR forms have been revised to state that natural vegetation is present on the site.

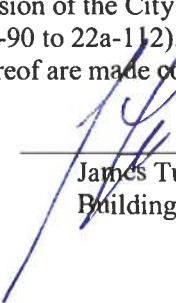
**ADOPTED:** May 25, 2022  
 Leslie Radcliffe  
 Chair

**ATTEST:**   
 Laura E Brown  
 Executive Director, City Plan

**FINDINGS:**

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:** May 25, 2022

**ATTEST:**   
 James Turcio  
 Building Official