

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **59 NEW STREET, 517 & 539 GRAND AVENUE, AND RAILROAD AVENUE.**
Special Exception pursuant to Section 42, Table 3, Subsection T, Row 1 of the New Haven Zoning Ordinance to permit processing and storage not analogous to other specifically mentioned industrial uses and Coastal Site Plan Review. Zone: IH. (20-10-S, 20-12-CAM) (Owner/Applicant: East Street Development LLC; Agent James Segaloff, Esq.)

REPORT: **1566-10**

ADVICE: **Coastal Site Plan Review: Approve**

PRINCIPAL APPLICABLE REGULATIONS

Section 63 (d) - The Board of Zoning Appeals may grant a *Special Exception* if the proposed use is in accord with the public convenience and welfare, and may attach conditions and safeguards deemed necessary to protect the neighborhood.

Section 55- Coastal Area Management Districts

*“Application for coastal site plan review: Whenever a nonexempt **building , structure, use** or activity is to be located within this district, the application for a building permit submitted pursuant to the State Building Code, the application for a variance or special exception submitted pursuant to subsections 63.C and D of this zoning ordinance, and application and general plan and detail plans of planned development districts pursuant to section 65 of the zoning ordinance, shall be accompanied by an application for coastal site plan review...”*

BACKGROUND

The site consists of four parcels totaling approximately 5 acres on the shore of the Mill River. Until 2003, the site was used by St. Gobain Performance Plastics as a rubber and plastic tape manufacturing facility; the site has since sat vacant. The Applicant purchased the property in 2017 and, in conjunction with St. Gobain, has engaged in soil remediation activities on the heavily contaminated site. City approvals for the soil remediation activities, including installation of an asphalt cap and required retaining wall, were issued by the City Plan Commission in 2017 (CPC 1530-05) and 2019 (CPC 1556-05), respectively. As part of the soil remediation process, and in accordance with Connecticut Department of Energy and Environmental Protection Regulations, an Environmental Land Use Restriction (“ELUR”) will be placed on the site forbidding residential and recreational activity.

A significant portion of the overall site is located within a flood zone. Three previously-existing buildings in that flood zone were demolished as part of remediation activities. The site is separated from the nearest residential developments by other industrial uses, a river, and five sets of railroad tracks carrying the Hartford Line, Shoreline East, and Amtrak trains at the industrial freight line operated by PWRR.

The proposed conditions are as follows: The former St. Gobain warehouse, fronting on Grand Ave, will be repurposed to contain necessary processing equipment. A loading silo, together with a necessary control trailer, will be located on the north side of the building, and vehicular access for both material trucks and employee vehicles will be from New Street. No aggregate crushing, sorting, or screening is proposed on-site. Employee parking will be located to the rear of the existing building. While heavy equipment (loaders, etc) are used on-site for transporting aggregate, such heavy equipment is proposed to be stored inside the existing building, and maintenance of such heavy equipment takes place off-site.

FEBRUARY 11 PUBLIC HEARING

The attorney representing the applicant presented the application as well as several members of the Laydon Industries team stating the site, through previous approval, placed an asphalt cap on the site and has done the proper remediation efforts set forth by DEEP. The site had been previously vacant for approximately 18 years with this new use proposing to recycle roadway/pavement waste to create a “warm-mix” patching material. The equipment is self-contained within the building with no outside noise or odor. They went on further to state that this use will help lessen solid waste and help the state reach their goals and expectations in that regard. The use will allow for roadway work, that otherwise sees a layoff during the colder months, to continue year-round.

One member of the public (Chair to the Environmental Advisory Council) spoke in support of this application, and two letters of support were received prior to the public hearing.

PLANNING CONSIDERATIONS:

Special Exception Considerations

- **Nature of the Proposed Site:** The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of structures is in accord with the public convenience and welfare, in that all machinery is located in the existing building fronting on Grand Avenue with the exception of the loading silo and necessary control equipment, both of which are located to the rear of the building, minimizing the view from and intrusion upon Grand Avenue.
- **Resulting Traffic Patterns:** The resulting traffic patterns and adequacy of proposed off-street parking and loading are in accordance with the public convenience and welfare, in that employee parking is located to the rear of the existing building, material loading takes place to the rear of the existing building, and primary vehicular access is from East Street and New Street, reducing truck turning at the Grand Avenue bridge.
- **Nature of the Surrounding Area:** The proposed use will not impair the nature of the surrounding area or its present and future development, as the surrounding area is an industrial area, noise-generating equipment has been located within the existing building to the extent possible, the demolition of buildings in the floodplain has increased the amount of flood storage capacity on the site, and the proposed use is activating a property that has sat vacant for almost twenty years.
- **Proximity to Public Buildings:** The proposed use will not have any undue impacts on public convenience and welfare due to the proximity of dwellings, churches, schools, public buildings, or other places of public gathering, as: (1) all dwellings, churches, schools, public buildings, and other places of public gathering are remote from the site, with the nearest being separated from the site by other industrial uses, a river, and/or five sets of railroad tracks with attendant sound wall; and (2) the proposed use uses modern technology to minimize emissions, energy use, noise, and other potential undue impacts.
- **The Comprehensive Plan:** The proposed use is in accord with the public convenience and welfare after considering the comprehensive plan of the City of New Haven, together with other applicable plans of the City of New Haven, in that the 2006 New Haven Coastal Program and 2013 Mill River District Plan call for modern industrial uses along the Mill River, and the proposed use will further the City’s 2018 Climate and Sustainability Framework goals by repurposing materials that were historically sent to landfills, using less energy and generating substantially fewer emissions than older conventional methods, and creating a product that supports other sustainable developments throughout the City and region.

COASTAL SITE PLAN REVIEW

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

Tidal Wetlands: The tidal wetlands are contained within the developed shorelines known as the Mill River.

Developed Shorefront: The existing developed shorefront consists of both a constructed bulkhead and riprap reinforced shoreline. The existing bulkhead is deteriorating and in generally poor condition. The existing riprap reinforced shoreline is in fair condition.


Navigable Waters: The navigable waters are contained within the developed shorelines known as the Mill River.

Coastal Program Criteria	Comments
1. Potential adverse impacts on coastal resources and mitigation of such impacts	None
2. Potential beneficial impacts	None
3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	None
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?	No, the site is already subject to an Environmental Land Use Restriction (ELUR) which restricts the site to industrial or commercial activities.
6. Is public access provided to the adjacent waterbody or watercourse?	No, the site is already subject to an Environmental Land Use Restriction (ELUR) which restricts the site to industrial or commercial activities.
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)?	There is an existing bulkhead and riprap in generally poor condition.
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

FINDINGS AND RECOMMENDATIONS

Based on considerations discussed above, the Commission views the Special Exception to be essentially in harmony with the general purpose and intent of the ordinance and that the public health, safety, and general welfare will be served, and substantial justice done by its approval. Therefore, the Commission recommends approval.

ADOPTED: February 19, 2020
Ed Mattison
Chair

ATTEST: 
Aïcha Woods
Executive Director, City Plan Department