

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

RE: 120 FORBES AVENUE. Site Plan and Coastal Site Plan Review for the construction of two new above-ground storage tanks in an IH zone. (Owner/Applicant: Safety-Kleen Systems, Inc. c/o David Paquette; Agent: Sara A. Sharp of Hurwitz, Sagarin, Slossberg & Knuff, LLC)

REPORT: 1582-04

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 March 17, 2026. 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 Greater New Haven Water Pollution Control Authority; 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. As authorized by CGS Sec. 22a-107 an additional bond is required to secure compliance with all conditions of approval relating to the coastal site plan. The bond amount is to be determined based on consultation with City Plan and Engineering staff.
8. Flood elevation certificate [Flood Development Permit certifying finished floor elevation shall] accompany application for building permits.
9. Any proposed work within City right-of-way will require separate permits.
10. 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.
11. Any proposed removals of street trees must be coordinated with the Department of Parks, Recreation, and Trees prior to sign-off for building permits.
12. Filing (with City Plan) and implementation of a Storm Drainage Maintenance Plan and Inspection Schedule is required.
13. 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.
14. 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 mylar and digital form (.pdf).

Submission: SPR Application Packet including DATA, WORKSHEET, SITE, SESC, and CSPR forms.

Application fee: \$360. Received February 18, 2021.

- Project Narrative received February 18, 2021. Revised March 11, 2021. Received March 11, 2021.
- Additional Pages for the Coastal Site Plan Application dated July 18, 2019. Received February 18, 2021.
- FIG-1: Safety Kleen Facility. Drawing date July 18, 2019. Received February 18, 2021.
- Easement Documents. Received February 18, 2021.
- National Flood Hazard Layer FIRMette. Received February 18, 2021.
- Letter regarding Flood Damage Prevention Ordinance dated February 18, 2021. Received February 18, 2021.
- Integrated Contingency Plan dated May 2011. Last revised March 2018. Received February 18, 2021.
- Stormwater Management Report dated February 18, 2021. Received February 18, 2021. Revised March 3, 2021. Received March 4, 2021. Revised March 10, 2021. Received March 11, 2021.
- Proposed Site Piping Plan. Drawing date September 6, 2020. Received February 18, 2021.
- Application drawings. 8 sheets received February 18, 2021. Revisions and additional sheets received March 4, 2021
 - Title Sheet dated February 18, 2021. Received February 18, 2021.
 - EX-1: Property & Topographic Survey. Drawing date October 24, 2017. Received February 18, 2021.
 - SP-1: Site Plan. Drawing date July 17, 2019. Received February 18, 2021. Revisions received March 4, 2021.
 - GD-1: Grading & Drainage Plan. Drawing date February 18, 2021. Received February 18, 2021.
 - EC-1: Sediment Erosion Control Plan. Not dated. Received February 18, 2021.
 - EC-1: Sediment Erosion Control Notes. Not dated. Received February 18, 2021.
 - GN-1: General Notes. Drawing date July 17, 2019. Received February 18, 2021.
 - DN-1: Details Sheet. Drawing date July 17, 2019. Received February 18, 2021.
 - RH-1: Reflective Heat and Shading/Impact Plan. Drawing date September 3, 2012. Received March 4, 2021.
- Permitting & Construction Chronology. Received March 4, 2021.
- CT DOT Docket No. 2002-1-RR Approval and Bond to establish a new private railroad/highway at-grade crossing at 120 Forbes Avenue, New Haven, CT.
- City Plan Commission Site Plan & Coastal Site Plan Approval, Standard Conditions of Approval dated March 1, 2021. Received March 4, 2021.
- City Plan Commission Special Permit Approval, Standard Conditions of Approval dated March 1, 2021.
- Supplemental Narrative received March 4, 2021.
- Stormwater Waiver Request dated March 10, 2021. Received March 11, 2021.

PROJECT SUMMARY:

Project:	Safety Kleen Systems, Inc. Expansion	
Address:	120 Forbes Avenue	
Site Size:	6.9 acres	
Project Size:	0.96 acres	
Zone:	IH (Heavy Industrial)	
Parking:	23 existing car parking spaces & 11 existing truck parking spaces	
Owner:	David Paquette of Safety-Kleen Systems, Inc.	Phone: (603) 560-6313
Applicant:	Same as above	
Agent:	Sara A. Sharp, Esq. of Hurwitz, Sagarin, Slossberg & Knuff, LLC	Phone: (203) 877-8000
Site Engineer:	BL Companies	Phone: (203) 630-1406

BACKGROUND

Previous CPC Actions: SPR, CSPR & Special Permit for the re-construction of an existing truck pad/filling area, installation of a new tank farm, and the construction of a new rail spur and loading area (1561-01 & 1562-05, 10/16/2019); SPR & CSPR for demolition of existing and construction of new fuel tanks and reconfiguration of loading racks (1445-04, 10/20/10); SPR for Relocation of Dual sanitary mains (1396-04, 11/15/06, GNHWPCA); CSPR & Variances for new Bulletin Sign (1364-19, 02/16/05, Denial); Special Permit for Sludge Facility (1289-02, 08/15/00, 1299-01, 05/16/01 withdrawn); SE & CSPR for Outside storage petroleum tank (1216-10, 12/11/96, Q River Terminal); CSPR to construct new fuel tank to replace 2 existing tanks (1109-04, 04/04/90, SOS Terminals); CSPR to add Fuel tanks to existing tank farm (966-06).

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

Site description/existing conditions: The site encompasses an area of approximately 6.9 acres and is occupied by 10 above-ground storage tanks protected by a spill containment berm (at approximately 13.5 feet), a two-story 10,656 SF brick office building, distribution piping, a truck loading and off-loading facility, and a dock extending into the Quinnipiac River. The facility is currently used to store and distribute used motor oil and antifreeze products. The entire site is enclosed within 6-ft high security fencing topped by barbed wire. The site is bounded by the Quinnipiac River in the north, Magellan Midstream Partners LP tank farm in the east, Forbes Avenue and commercial/industrial uses in the southwest, and the I-95 bridge/underpass in the west.

The applicant received City Plan Commission Site Plan Review and Special Permit approval in 2019 (1561-01 & 1562-05) to construct eight (8) new storage tanks within the existing containment berm to store 2,773,740 gallons of used oil on site. The approved project also included the replacement of the existing concrete truck loading dock with a new concrete truck loading dock and the extension of rail service onto the site via two new rail spurs from the existing rail line on the north side of Forbes Avenue. The applicant also received approval to install 7-ft high security fencing topped by three stands of barbed wire, a new sliding access gate for truck access, and swing gates for railcar access.

Proposed activity: The applicant proposes to construct two (2) new 72-ft diameter above-ground storage tanks, along with associated piping, within the existing containment. The new tanks will store an additional 3,645,000 gallons of used oil on site.

Motor vehicle circulation/parking/traffic: Existing vehicular access to the site is provided via two curb cuts along Forbes Avenue. The applicant proposes to repave the existing curb cuts and maintain the existing 23 car and 11 truck parking spaces (including one (1) accessible space) on site.

Bicycle parking: Bike racks that will accommodate at least three (3) bicycles will be provided on site.

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: 1,815 CY

Start Date: TBD

Completion Date: 6 months from start date

Responsible Party for Site Monitoring: Vincent Perez of Safety Kleen Systems, Inc.

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;
- 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: WAIVER REQUESTED

REQUIRED DOCUMENTATION

- Soil characteristics of site;
- Location of closest surface water bodies and depth to groundwater;
- DEEP ground and surface water classification of water bodies;
- Identification of water bodies that do not meet DEEP water quality standards;
- Proposed operations and maintenance manual and schedule;
- Location and description of all proposed BMPs;
- Calculations for stormwater runoff rates, suspended solids removal rates, and soil infiltration rates;
- Hydrologic study of pre-development conditions commensurate with conditions.

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;

The applicant submits that it has proposed to add impervious surface where possible, but because of the high groundwater in the impervious portion of the site, the site cannot provide for underground infiltration/retention and meet CTDEEP's guidelines for minimum separation.

- 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: Not applicable. The applicant has not proposed any additional lighting on site. Should the applicant decide to install exterior lighting fixtures, they must submit an Exterior Lighting Plan to staff for review and approval.

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: 58,920 SF
50% of non-roof hardscape: 29,460 SF

Shaded (average)	2,311 SF
SRI > 29	
Concrete Walk	4,120 SF
StreetBond coating	24,240 SF
TOTAL PROPOSED SHADED/HIGH SRI AREA	30,671 SF
% SHADED/HIGH SRI PROPOSED	52.0%

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 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:

Intertidal Flats: Present along the eastern portion of the site's 250' frontage edge of the site.

Tidal Wetlands: A narrow band of tidal wetlands flank the site at the river's edge; dominant vegetation in this location is *spartina alterniflora*, typical of tidal wetlands, with a narrow band of *phragmites* along the upslope from the high tide line.

Coastal Flood Hazard Area: This property is located within Flood Zones VE and AE on FIRM# 09009C00442J, an area inundated by the 100-year flood, which extends up to the 12-foot contour.

Navigable waters: The Quinnipiac River is navigable and accessible from New Haven Harbor and Long Island Sound.

Developed Shorefront: This site is adjacent to the Quinnipiac River and has been previously developed for industrial uses and fill slopes armed with rip rap, a fuel dock, and a containment berm. The natural land forms have been altered and no longer exhibit native soils or surficial geology. The waterfront does not have a bulkhead in this location but rather a narrow fringe of salt marsh vegetation. This is an area which has been highly engineered and developed resulting in a functional impairment and substantial alteration of its natural physiographic features and systems.

Estuarine embayment: The site is at the northernmost end of New Haven Harbor, 3.4 miles north of Lighthouse Point and the entrance to Long Island Sound. These waters are protected waters with an open connection to the sea in which saline sea water is measurably diluted by fresh water.

Coastal Program Criteria	Comments
1. Potential adverse impacts on coastal resources and mitigation of such impacts	<i>No adverse impacts on coastal resources at this previously developed industrial site are anticipated. Proposed work will be conducted within the existing berm's confines and the expanded storage on site will be within the capacity of the berm.</i>
2. Potential beneficial impacts	<i>The project minimizes the risk of spillage of hazardous substances and provides adequate containment and cleanup facilities for accidental spills. The applicant proposes to install several stone landscaped areas and a rain garden on site and replace the existing primary site inlet with a hydrodynamic separator. The proposed improvements will decrease peak runoff rates from existing rates.</i>
3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	<i>None.</i>
4. Will the project preclude development of water dependent uses on or adjacent to this site in the future?	<i>No.</i>
5. Have efforts been made to preserve opportunities for future water-dependent development?	<i>No.</i>
6. Is public access provided to the adjacent waterbody or watercourse?	<i>Although, there will be no general public access, the City of New Haven and the Port Authority have negotiated public access easements on the site.</i>
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)?	<i>No.</i>
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'.	<i>No.</i>

Project Timetable: Construction is expected to begin in upon site plan approval and be completed in approximately six (6) months from the start date.

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.

COASTAL FINDING:

Taking into consideration all of the above information, the City Plan Commission finds the proposed activity consistent with all 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 the adverse effects on coastal resources. The Commission therefore makes a finding of no impact on coastal resources and approval for a coastal permit to be issued.

ACTION

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

ADOPTED: March 17, 2021
Leslie Radcliffe
Chair

ATTEST _____



Aicha Woods
Executive Director, City Plan Department

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: March 17, 2021

ATTEST: _____



James Turcio
Building Official