

**MAYOR AND COUNCIL OF NEW CASTLE  
PUBLIC HEARING  
TOWN HALL – 201 DELAWARE STREET – NEW CASTLE, DE  
WEDNESDAY – MARCH 27, 2002 – 6:30 P.M.**

A Public Hearing will be held on March 27, 2002 beginning at 6:30 p.m. in Town Hall located at 201 Delaware Street, New Castle, Delaware, for the purpose of considering amendment to the Zoning Code of the Mayor and Council of New Castle to re-zone three (3) Trust Properties from Retail Commercial (RC) to Service Commercial (SC). The following will be affected:

Dempsey's Dinner - (Parcel #21-027.00-013)  
Soda Town - (Parcel #21-027.00-014)  
Texaco - (Parcel #21-027.00-012)

**PLEDGE OF ALLEGIANCE**

Mr. Castagno – Concerning rezoning of three (3) parcels of land at the request of property owned by the Trustee and this is the recommendation of the Planning Commission.

Dr. Miller – Presuming there is a rationale asking for this to be done.

Mr. Castagno – Retail Commercial is more restrictive. Service Commercial is more suitable for the tenant they had in mind.

Mr. Balascio – Has anyone reviewed Service Commercial?

Mr. Castagno – Submitted to Planning Commission and this is their recommendation.

Mr. Balascio – Has anyone read 230-22 of Zoning Code? Feels it would be beneficial to have a reading of code. Retail Commercial is a more intensive code. Not sure this is the direction City wants to go.

Dr. Miller – Why would the Trustees want this rezoning?

Mr. DiAngelo – Should have been done when it was annexed.

Dr. Miller – The Trustees feel this will generate more revenue for this property.

Mr. Castagno – Would be consistent with existing properties on Route 13.

Mr. DiAngelo – The new planner is going to look at this site again. May all be General Commercial.

Mr. Balascio – Service Commercial is less intense.

Mr. DiAngelo – We have General Commercial.

Mr. Balascio – Created from Home Depot.

Mr. DiAngelo – Created for other area besides Farmer's Market and other groups. Should have been rezoned at annexation.

Mr. Balascio – Permitted car sales in General Commercial.

Mr. Reese – We are very accommodating. We changed to suit needs of people coming into the City. Wonders about City. Have planner look at this problem.

Mr. Balascio – Entrance into City. Do we want this sort of thing at the entrance to our City? Does not like the way Route 13 looks. This is not pleasant to the eye, also, adding to intense traffic.

Mr. DiAngelo – The entire area is a car dealership. This will fit right in.

Mr. Balascio – Caution at allowing this type of use.

### **OPEN TO PUBLIC**

Flo Russell – Does not want this type of business coming into area, Service Commercial, another car dealership. There is not enough for tourist to buy. This is a historic area.

John Klingmeyer – Professional Planner on board. Some very important issues and questions to be answered.

Mr. DiAngelo – This rezoning has been delayed three months. Temporarily, allowed them to continue with their business. Planning Commission has recommended this zoning.

Mr. Reese – What is the time line for Planner?

Mr. Martin – Planners first presentation on April 11, 2002.

Mr. Castagno – Planner is on board for eight months.

John Klingmeyer – Trustees agreed to zoning at the time of annexation.

Mr. DiAngelo – These properties should have been General Commercial at the time of annexation.

John Klingmeyer – Not asking for General Commercial.

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Mr. Balascio – General Commercial not on books. No one knows what General Commercial restrictions are.

Mr. Reese – Dempsey's is okay with Retail Commercial but not a split parcel.

Mr. DiAngelo – Just a temporary zoning until planner looks at it.

Mr. Balascio – After it is zoned it is permanent. Cannot allow people to develop then go back and say it has changed. It is a matter of right.

Jim Steele – General Commercial does not allow auto sales.

Dr. Miller – No one is certain which direction to take. Turn back to Planning Commission.

Mr. Castagno – Called Public Hearing to a close.

Respectfully submitted,



Kate Toner  
City Clerk

**MAYOR AND COUNCIL OF NEW CASTLE  
SPECIAL MEETING  
TOWN HALL – 201 DELAWARE STREET, NEW CASTLE  
WEDNESDAY, MARCH 27, 2002 – 7:00 P.M.**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL -** Council President Castagno  
Councilman Balascio  
Councilman DiAngelo  
Councilwoman Dr. Miller  
Councilman Reese

**PRESENTATION OF DATA BY PARKWAY GRAVEL ON PROPOSED ANNEXATION**

Joe Corrado – Introduces presenters, Don Isken from Morris, Arsht, Nichols, and Tunnel; Molly Mackil from Vandemark and Lynch; Chris Swanson to explain noise level.

Don Isken – Described plan assisted by a schematic map, 155 acres on a small portion is in New Castle. Requested annexation into New Castle. Industrial Park has eight industrial type building, 450,000 square feet. Access to complex would be through Johnson Way. Principal means of ingress and egress. Route 9 egress will allow only South traffic due to configuration of curb. Financial impact on City of New Castle. A handout was given to Council. Other impact on New Castle is traffic and noise.

Molly Mackil – Civil Engineer with Vandemark and Lynch. Briefly go over road system, 80% of traffic will use extension of Johnson Way; 50% turn left to Route 12; 50% right toward Route 41. Explained the flow of traffic on Route 9 heading South. Trip traffic will be about 900 vehicles (cars and trucks). At this point, 9,000 vehicles use Route 273; 27,000 use Route 13; 8,000 to 9,000 on Route 141. The impact on these roads would be negligible.

Mr. Castagno – Is there an Island on Route 9?

Molly Mackil – This is a proposed plan. Work with Del Dot to get approval of plans. Will be borne by developer.

John Klingmeyer – Would have to allow Fire Company access.

Molly Mackil – 90% of building is off 273.

Earl Carpenter – Trucks exiting 273 going to New Jersey will use Route 9.

Molly Mackil – Route 9 is slower speed limit, more traffic lights, and takes longer to use Route 9.

Charlotte Houben – We live here. We know the shortest Route.

Joe DiAngelo – Disagrees quicker on Route 9 than Route 13.

Mr. Balascio – Repeat numbers entering and exiting based numbers of another site, 80% on Route 273 and 20% on Route 9.

Mr. Reese – Trucks are not allowed onto Route 9 because no shoulders on Route 9 going South.  
Are you aware that the road floods? Any interest in closing Route 9 and have Route go through Industrial Park.

Don Isken – Not at the discretion of builder.

Mr. Castagno – Tell us why your client wants to be annexed into New Castle.

Don Isken – There are benefits to being in the City. The property will be developed without annexation. Take advantage of City's water and electric.

Mr. Balascio – Disadvantages of being in the County versus City?

Don Isken – May have to decrease density of the buildings or reconfigure the location of the building. Makes less efficient and cost effective.

Mr. Castagno – Concerned about proximity of Johnson Way to Washington Park and Dobbinsville.

Don Isken – Had Sound Study commissioned if there would be an effect on neighborhood from traffic.

Chris Swanson – Textal deals with safety, health, and environment issues. Increase in noise with truck traffic. First discover noise level without trucks then reading with trucks running. Seven readings done. Report submitted.

Mr. Castagno – Approximate distance between Johnson Way and Washington Park (500 feet) then Dobbinsville (1,000 feet).

Don Isken – Mr. Corrado says the disadvantages in the County are the bureaucratic processes.

Mr. Reese – Will the Corrado's control all these properties?

Don Isken – Do not intend to sell.

Mr. Reese – Is part of the complex to be in the County?

Mr. Martin – There is a parcel in Centerpointe that is still in County.

Mr. Reese – Wants control on wetlands.

Mr. Corrado – We are not going to use the swap concept.

Mr. Balascio – Have you finalized talks with the railroad to have road over tracks?

Mr. Corrado – Still in negotiation.

Mr. Balascio – Question the decibel reading with truck traffic.

Mr. Klingmeyer – There are six traffic lights on Route 3 to the bridge as opposed to five traffic lights through New Castle. Also, zone area OS&R which would preclude it from being used. Secured permanently for New Castle.

Joe Corrado – Regardless of zoning that property is federally regulated. We have agreed not to swap land. Receptive to zoning OS&R.

Mr. Martin – Address the sewer system. County received bid to replace the sewer. Proposal going across Parkway Gravel land. All sewer will be buried. Will take about eight months to install.

Mr. Reese – Do you own land along railroad track? Will you check on Route 9 and get back to Council? I believe you will be in trouble on Route 9.

Jack Klingmeyer – Wants OS&R for 13 acres along river.

Jim Steele – How are you coming down Johnson Way?

Joe Corrado – Plans are not finalized. Everything that is displaced will be replaced.

Earl Carpenter – Route 9 entrance, are you requesting a left hand turn?

John Houben – 450,000 square feet comes under Coastal Zone Act.

Molly Mackil – There will be eight buildings. Comes under Coast Zone.

John Houben – 136 acres on River Road. Need to contact Army Corp of Engineers. There are Archaeological site. How will this be handled with the State.

Charlotte Houben – Quality of Life. Roads cannot handle the traffic. Will be a significant change. Unbelievable amount of noise.

Cindy Brittingham – Fix the road so it does not flood. Curbs do not stop trucks from achieving their destination.

John Houben – There is a stop sign by Mac Direct. Trucks will be revving engines. Busy area.

Molly Mackil – Noise level will not be much different from present circumstance.

Chris Castagno – No difference even if developed in the County.

Don Isken – Under jurisdiction of City of New Castle it will be developed as an Industrial Park. Decide if you want it to benefit the citizens of New Castle.

Mr. Castagno – What could be put there?

Don Isken – Could have a manufacturing plant if annexed. Have made a pledge to keep wetlands OS&R.

Charlotte Houben – You are using the City of New Castle.

Mr. Balascio – Is noise assessment accurate?

Jim Steele – When the old plant was there, there was a lot of noise.

**First and second reading of Ordinance #404 amending the Zoning Code of the Mayor and Council on New Castle to re-zone three (3) Trustee properties from Retail Commercial (RC) to Service Commercial (SC). The following three (3) properties will be affected:**

Dempsey's Diner - (Parcel #21-027.00-013)  
Soda Town - (Parcel #21-027.00-014)  
Texaco - (Parcel #21-027.00-012)

Mr. Castagno – Presented to table.

Mr. Balascio – Motioned to table and it was seconded by Mr. Reese.

Mr. DiAngelo – Motioned to strike and it was seconded by Dr. Miller. Passed by three votes.

Mr. DiAngelo – Motioned first and second reading of Ordinance #404 and it was seconded by Mr. Reese.

Mr. Castagno read Ordinance #404.

**Third and final reading of Ordinance #403 amending the Zoning Code of the Mayor and Council of New Castle by eliminating the requirement that an Industrial Office Park (IOP) District consist of at least 200 acres.**

Mr. Castagno read Ordinance #403.

Dr. Miller motioned Ordinance #403 be accepted and it was seconded by Mr. DiAngelo. Passed unanimously.

**Third and final reading of Parking Ordinance #399.**

Mr. Balascio motioned to table until April meeting. Dr Miller, please explain width of driveway. Need to correct Zoning Code. Will meet with Planning Commission. City Solicitor recommends tabling.

John Houben – Pass now.

Mr. Reed – Inside yard with a double wide gate. Garage is undermined. Car has been sideswiped four times. Long resident property bought and paid for. Have personal rights.

Mr. Balascio – Ordinance extremely conservative.

Mr. Reed – Major problem with drainage. Re-adjust fence every year.

Flo Russell – We have rights. Been nine months working on this Ordinance. Cars parked on lawn. Want it passed no matter what.

Mr. Balascio wants two weeks. Has been advised to wait. It was seconded by Dr. Miller. Passed unanimously.

**Discussion of Park and Playground Equipment.**

Mr. Balascio – Sponsor for parks. Have a plan of action. Moving forward daily.

**Bank Resolution in amount of \$42,435.00 to pay Merit Construction Engineers, Inc. for Contract #2001-2, “Delaware Street Wharf Stabilization”.**

Mr. Reese motioned to approve resolution. It was seconded by Dr. Miller. Passed unanimously.

**Resolution #2002-05 approving a minor subdivision for property located on Plum Alley and the Strand.**

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Mr. Reese motioned to approve Resolution #2002-05. It was seconded by Dr. Miller. Passed unanimously.

Motion for Executive Session to discuss site acquisition for publicly funded capital improvement.

Mr. Reese motioned for Executive Session. It was seconded by Dr. Miller. Passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kate Toner".

Kate Toner  
City Clerk