

**New Castle City Planning Commission Meeting**  
**Minutes**  
**April 28, 2014 -- 6:30 p.m.**  
**City of New Castle's Town Hall**

Members Present: David Bird, Chair  
David Baldini  
Joe DiAngelo  
Jonathan Justice  
Josephine Moore  
Michael Quaranta  
Florence Smith  
Vera Worthy

Member Absent: Daniel Bungy

Also Present: Jeff Bergstrom, Building Official

The meeting was called to order at 6:30 p.m.

**Minutes – A motion was made and seconded to approve the 3/24/14 minutes as distributed. Motion approved.**

Coastal Project Study Update – John Fellows of Duffield Associates (Duffield) presented. Dike restoration projects at Broad Dyke and Gambacorta Dike are nearing completion, but the center of the City does not have any flood protection. Duffield evaluated the flood risk and presented options designed to help against future flood events. The area studied was between the end of the Gambacorta Dike at West Third Street and the dike extension project up to the Broad Dyke project near the former ferry terminal. Measurements used were consistent with the aforementioned dike projects. Study area consists of public land (Battery Park) and private property from Delaware Street to Chestnut Street. A reinforced, raised (3 ft.) earth berm is proposed for Battery Park. It would follow the river walk trail sloping downward and landscaped with grass and the river side would be reinforced with stone (rip rap) to protect against erosion.

- Delaware Street--Duffield proposes a removable, temporary flood wall that could be installed prior to a flood event and removed afterward. It would tie in to the new berm, wrap around the Banks Building to provide protection for it, and tie in to a small dike on the north side of that building where a masonry wall on private property is located. The flood wall needs to be about 3 ft. high and can be easily installed by Public Works employees.
- Private property protection – Duffield proposes a flood protection corridor. Several options are available that range in width, aesthetic treatments and cost. Property owners would be asked to determine an appropriate flood control measure that meets their needs.

Cost for the reinforced earth berm, erosion protection on the river side, plus the flood wall system across Delaware Street is estimated at about \$170,000.

Mr. Baldini asked what structural guarantees are in place to prevent erosion from occurring underneath the Battery Park walkway in a future flood event. Mr. Fellows said that would be another level of engineering that is not part of the current study.

The end of Harmony Street could be raised up but should match whatever option homeowners select. Mr. Fellowes talked about the various wall options available to homeowners. A berm option is available, but takes up a lot of property. It is the least expensive and keeps with the character of the area.

The floor was opened to the public for comments. Concern with Battery Park – would building a berm make flooding worse elsewhere in the City? There is a problem with drainage behind the proposed berm in the park. Mr. Fellowes said this is part of their study. Duffield will look at existing piping for possible reconditioning. Concerning addition of asphalt as part of the parking study, Mr. Fellowes said that no drainage calculations for the additional run-off was done, but should be part of the next phase. Another concern was whether water that is prevented from entering the City by way of dike/berm would be diverted to a lower elevated area of the City. Duffield will return in May with a final product for review.

Update on Comprehensive Plan – Ms. Pfeil informed that the City’s initial Comprehensive Plan was adopted in 2003 and updated in 2009. A new Comprehensive Plan will be due July 2019. She recommends continuing work on scope and planning surveys within the Planning Commission and community. Ms. Pfeil suggested conducting workshops with DelDOT, WILMAPCO and the Office of State Planning to discuss regional transportation planning. Funding is available to help offset some related expenses.

Parking Study – Ms. Pfeil has met with Dr. Viola and Gail Seitz to review the Parking Sub-committee’s proposal for parking opportunities in the City. Properties owned by the City, Trustees of the New Castle Common and private owners are being considered. Ms. Pfeil reviewed the Phase 1 Parking Plan for the audience and offered pros and cons for each of the five locations in the plan. The plan would add an estimated 134 spaces for cars and 3 bus spaces. The sub-committee is seeking a recommendation to City Council to approve the Phase 1 Parking Plan as presented. The sub-committee seeks approval to authorize the City Administrator, City consultants and Parking Sub-committee Chair to review each location to define the scope (lighting, landscaping, type of surface, safety, off-site improvements, long-term maintenance costs, insurance, permitting process), prioritize the locations and apply for applicable grant funding. There is enough information available to apply for an engineering study to look at the options presented and determine if we can look into them further. The plan is ready to move to an engineering phase.

Two of the locations (Fort Casimir and Broad Dyke) being proposed have existing hard surfaces over portions of the area and are more shovel ready.

Ms. Moore is concerned with the areas of M&T Bank, tennis courts and Third Street. Specific concerns include drainage, loss of green space, basketball courts, lighting, a safety issue at the end of Third Street where parking is located. Increased parking would increase traffic, vandalism and inappropriate behavior in the area. Third Street is narrow and residents would be subject to increased risk for vehicle damage.

Mr. Quaranta asked if there is any reasonable public or private alternatives that could be included for consideration. Other options might be more favorable. Dr. Viola said there are alternatives that have been discussed and she outlined each for the group.

Mr. DiAngelo recognizes the need for additional parking and thinks Fort Casimir and Broad Dyke could be used right away. He does not believe residents of Third Street would be in favor of additional parking in their area. He favors continued usage of other areas mentioned for special event parking.

Mr. Baldini questions the need for additional parking and whether the City has a parking problem. Residents along Delaware Street do encounter problems, but is there a City-wide problem present.

Mr. Bird asked Dr. Viola if she has had any contact with private property owners on providing their property at certain times for a fee or donation. Her committee has looked into this and assembly/event permits for major events do provide a list of parking locations (churches, the senior center, and library).

Superintendent Russell Smith, First State National Park Monument, said they have looked at the parking issue in the City and support the existing transportation plan done by WILMAPCO that was adopted as part of the City's Comprehensive Plan that is in place.

The floor was opened to the public for comments. Many residents voiced opposition to increasing parking in the City citing (in part) an increase of visitors bring an increase in trash and lack of respect for the park and other properties, an increase in traffic flow in the City, damage to residents' vehicles on streets, and driving the wrong way on one-way streets. Some business owners on Delaware Street do not believe there is a parking problem.

Employees of downtown businesses take up many of the parking spots on and near Delaware Street. There is a problem with the number of vehicles that tenants of rental properties in the City own. Ms. Seitz heard from many businesses on Delaware Street looking for an area where their employees could park other than Delaware Street. Another resident believes parking should be convenient for visitors and not require walking several blocks.

**Ms. Moore made a motion that the Planning Commission authorize the study of Phase 1A, Broad Dyke, and Phase 1D, Fort Casimir, and eliminate Phases B, C and E from the study. Mr. D'Angelo seconded the motion.**

**Roll call vote called.**

**Mr. D'Angelo - voted in favor; it is a workable solution to improve the two sites.**

**Ms. Worthy - voted in favor; she is sympathetic to those who live in the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Streets areas.**

**Ms. Moore - voted in favor**

**Mr. Quaranta - voted in favor**

**Ms. Smith - voted in favor**

**Mr. Justice – voted in favor. Fort Casimir and Broad Dyke are already in use for parking and have hard surfaces. There is no reason not to examine them as we continue to work with WILMAPCO surveying and doing an inventory of regulations on Delaware Street. We will have a better sense of how important it is to find residents and employees parking spaces. More information will be available after the usage study and inventory.**

**Mr. Baldini – voted against the motion citing his concern with funding the study to find a solution for a problem we don't have. He does not believe putting parking at Broad Dyke is a solution.**

**Mr. Bird – voted in favor. He does not think it resolves employee parking issues. For residential parking, two to three cars with limited spaces needs to be addressed. If there is the opportunity to improve Fort Casimir and Broad Dyke it could add to the community.**

**Motion passed.**

Market Street (*Drawing provided*) -- Dr. Viola is requesting a change in signage on the Harmony Street end to reflect and enforce “no parking from here to corner” signage for safety reasons. The purpose for the request is based on the difficulties emergency vehicles have experienced on the street. There is an issue of safety with vehicles obstructing part of the street and causing visibility issues for motorists.

Market Street (on Dewey Park side) – Emmanuel Church and the Presbyterian Church has asked that the sub-committee not make all the area on the Dewey Park side “no parking.”

Dr. Viola asked for a vote on both issues to be sent to City Council for consideration. This may involve an ordinance change.

**Mr. Justice made a motion to recommend the change in parking restriction and consider curbing improvement, if economically viable, to City Council. Mr. Baldini seconded. Motion was approved.**

Downtown Gateway (DG) Zoning – Proposed Maximum Height Change – Ms. Pfeil informed that language in the current City Code proposes maximum height in the DG zone as “buildings shall be a maximum of three stories, 45 feet”. She has spoken with the City Solicitor and proposes removing the word “stories” and insert the wording “a maximum of 45 feet” to provide clarification of definition in the Code. The City Solicitor concurs with the language. This is a housekeeping matter to clarify the zoning code. Mr. Quaranta wants feedback from property owners and is concerned that property values might be devalued, thus inflicting economic harm to them.

Addition of two definitions to Article 1, Section 230-1 is being proposed. They are building height and grade. The proposed definition of ‘building height’ is “mean grade plane to mean roof plane” and the proposed definition of ‘building grade plane’ is measured at the lowest point at the closer of either the property line or within 6 feet of the building. There is no change from the current building code definition. City Council

may wish to add some relief, based on their own opinions, especially for properties in the regulatory floodplain. Discussion followed.

Chris Castagno represents numerous property owners in the DG zone and asked commissioners to understand where the grade should be taken from because along Route 9 the elevation where building begins starts at 3-4 feet (flood elevation) which would impact future projects and property values.

If the Planning Commission recommends the change to the definition of “grade” and the language is approved by the City Solicitor, a new ordinance would be prepared that requires a public review process, meaning two readings, the public would have an opportunity for input, and all businesses in the affected area would be notified prior to any action taken by City Council.

**Mr. Quaranta made a motion to make the changes as discussed to Item 6. Downtown Gateway Zoning-Proposed Maximum Height Change by striking “3 stories” from E(1)(g) Building Height, and inserting “45 feet”; delete the definition of building height, strike the definition of grade and add the new definition for grade subject to review by the City Solicitor, followed by public input and City Council consideration. Ms. Moore seconded. Motion was approved.**

Dalby Alley Safety Concerns – The alley intersects with Delaware Street and is dangerous for both pedestrian and vehicular traffic. A mirror affixed to a utility pole owned by Municipal Services Commission was used by residents for egress/access, but has fallen from the pole. Residents in the area used the mirror as a safety tool and have requested the mirror be re-installed. Ms. Pfeil has met with the City Administrator to discuss options. Discussion included restricting truck traffic on the alley, liability for the mirror, installation of a secondary mirror and where to affix it, changes to the infrastructure causing loss of parking spaces and repairing and redoing sidewalks and curbing that do not currently meet ADA requirements, turn radius for vehicles, and who is fiscally responsible. A resolution is desired before tourist season begins and school field trips in May. Ms. Pfeil suggested re-installing the enclave mirror with the City Solicitor reviewing liability to the City and restricting truck traffic on the alley unless residents come to the City office for a permit. A public review process would be followed before any action is taken.

**Mr. Quaranta made a motion to recommend allowing the enclave mirror to be re-installed by the City without liability to the City and install signage prohibiting truck traffic on Dalby Alley. Motion was seconded by Mr. Baldini and approved.**

Budget Status – Mr. Bird gave an accounting of the current balance. He will request \$15,000 for the next fiscal year.

#### Commissioner’s Comments

Mr. Bird distributed three copies of the *Planning Commissioner’s Guide* book to commissioners that will be circulated among the group.

Planning Commission Meeting Minutes  
April 28, 2014

The next Planning Commission meeting is 5/19/14. There being no other business the meeting was adjourned at 9:25 p.m.

Debbie Turner  
Stenographer