

**New Castle City Planning Commission Meeting
Minutes
June 26, 2017 -- 6:30 p.m.
City of New Castle Town Hall**

Members Present: David Baldini, Vice Chair
David Bird
Joseph DiAngelo
Jonathan Justice
Josephine Moore
William Walters
Vera Worthy

Member Absent: Gail Seitz

Also Present: Jeff Bergstrom, City Building Inspector

Mr. Baldini called the meeting to order at 6:30 p.m. Roll call followed. A quorum was declared.

Minutes – A motion was made and seconded to approve the minutes of the 5/22/17 meeting as distributed. Motion was approved.

Nomination and Election for Chairman and Co-Chairman -- Mr. DiAngelo

Mr. DiAngelo referenced City Code Chapter 58, Paragraph 58-2, Members Appointment – Annually the Planning Commission is to nominate and select a chairman and a secretary among its own number.

Mr. Bird noted there is no wording for a vice chair, only for a secretary. Mr. Bird suggested electing a secretary/vice chair. Mr. Baldini informed that City Council is looking into making some changes to the City Code and perhaps they can make this change in wording at that time. The commissioners agreed with the suggestion.

Mr. Bird made a motion to elect David Baldini as Chairman of the Planning Commission. Ms. Moore seconded the motion. Mr. Baldini accepted the nomination. **Mr. Bird moved to close nominations for the office of Chairman and elect Mr. Baldini by acclamation. Motion approved.**

Mr. Bird made a motion to elect Jonathan Justice as secretary/vice chair of the Planning Commission. Ms. Worthy seconded the motion. Motion approved.

Consideration and Recommendation of a Special Exception for a Proposed Day Care at 3 Merit Drive – *(Commissioners received information about the proposal prior to the meeting.)* AECOM's letterdated 6/22/17 refers to 5 Merit Drive. Mr. Bergstrom confirmed the address is 3 Merit Drive; the lot number is 5 and street address is 3 Merit Drive.

Mr. DiAngelo said the property is located off Wilmington Road. He personally looked at the property and spoke to Mr. DeAscanis who is adjacent to the property. Mr. DeAscanis is aware of the proposal and indicated to Mr. DiAngelo that he has no objections. Mr. DiAngelo said the owners plan on remodeling the existing building.

Referencing a letter from Chris Rogers of AECOM, Mr. Bird noted the subject parcel is zoned Service Commercial (SC). It is unclear if day care centers are permitted as a Special Exception in the SC Zone.

Ms. Moore asked if the Board of Adjustment will see that all State regulations are complied with. Mr. Bergstrom informed that the Board of Adjustment will consider whether the day care center can be put in the district. The State has a robust day care licensing procedure and will determine whether the proposed facility meets their guidelines. The Board of Adjustment can also place certain conditions on their decision to grant a special exception.

Mr. Baldini referred to a letter addressed to the Board of Adjustment from Carmine Casper that mentions a plan that the Planning Commission has not received. Mr. Bergstrom said the Board of Adjustment can permit a day care as a special exception in the Retail Commercial zone. The SC zone that the proposed center is in permits anything that is permitted in the RC zone. It will be up to the Board of Adjustment to determine if it is proper to permit a special exception. Mr. Bird said the SC zoning is silent as it pertains to allowing day care centers as a special exception.

Mr. Bergstrom stated that when the Board of Adjustment has a request for special exception they are required to get input from the Planning Commission and the Historic Area Commission when it is in the historic district.

Mr. Walters suggested not putting conditions or stipulations on the Planning Commission's recommendation that might conflict with stringent State regulations for day care centers.

Mr. Baldini understands this proposal goes to the Board of Adjustment and will return to the Planning Commission if the special exception is granted. Issues like parking will be addressed by this body with the assistance of Chris Rogers, Planner. In his letter to the Board of Adjustment, Mr. Rogers recommended a full site plan if the applicant gets approval from the Board of Adjustment.

Discussion followed including the site's proximity to the Downtown Gateway (DG) zoning district, flood plain, and proximity to railroad tracks. It is not in the DG zoning district, the flood plain map has been amended by letter and updated maps will show there is no flooding issue, and the railroad tracks are at least one-half mile from the day care center.

In absentia, Ms. Seitz indicated to Mr. Bird her approval of the proposal noting the inconsistencies in the City Code zoning districts.

Mr. Walters made a motion to recommend the proposal go to the Board of Adjustment. Ms. Moore seconded the motion. Motion approved.

Mr. Bird made a motion amending the main motion to specify the language in paragraph 8 of AECOM's letter that states, "if the special exception is approved by the Board of Adjustment, the applicant will submit a site plan for review and approval by

the Planning Commission". Mr. DiAngelo seconded the motion. The motion was approved.

2019 Comprehensive Plan – Ms. Seitz prepared a PLUS report showing results from the meeting with the PLUS Committee on 5/24/17. There are 10 pages of recommendations from the committee. Recommendations came from the Delaware Department of Transportation, Delaware Natural Resources and Environmental Control, and issues including sea level rise, air quality, wetlands, and State housing. Mr. Baldini said the Planning Commission has been looking at area businesses and their impact on local employment. He spoke about resources to use to prepare the Plan. At a recent budget workshop Mr. Baldini learned that the University of Delaware (UD) helped with the last Comprehensive Plan Update. Mr. Justice said the university's Institute for Public Administration (IPA) prepares a number of Comprehensive Plan Updates for small municipalities in the State, but is not operated as a free service. The City has always chosen to utilize a private consultant.

Mr. Bird said the IPA did a study for the City, but it was not a full comprehensive study. He assumed they were paid. Mr. Justice said the IPA maintains a website that offers numerous resources and information that can be used free of charge.

Additionally, Mr. Justice said if we have focus-specific projects that a small group of students can work on over a two-month timeframe they do have two courses that could be of use. There is no charge for this resource; it is part of the students' coursework.

Mr. Baldini is looking for Mr. Rogers to provide a template showing tasks to be done in order and what is contingent of something else being done. In addition to this are a number of other reports such as the Route 9 Corridor Report and other State and County documents, etc. that can be used as resources. Mr. Baldini noted some of the topics we must address are zoning issues, traffic issues, businesses and employment, retention of local businesses, and how many local citizens are employed at these businesses.

Mr. Walters volunteered to work with Ms. Seitz on a subcommittee focusing on the issues. That committee could make a report to the full Commission each month. He suggested the committee be comprised of no more than three people. Mr. Bird added the work done by the Parking Subcommittee can be used as a resource. He added that some members of the committee were residents. Mr. Baldini would like Commissioners to man the subcommittee and perhaps enlist residents for specific tasks.

Mr. Bird noted we likely will have two new Commissioners in the near future who may be interested in working on the committee. Mr. Baldini agreed.

Mr. Bird made a motion to appoint a subcommittee to work on the Comprehensive Plan made up of Commissioners who have volunteered. Mr. Justice seconded the motion. Motion approved.

Ms. Moore asked if Mr. Rogers will be sitting in on subcommittee meetings. Mr. Baldini said he will likely sit in on some of the meetings. Mr. Rogers is supposed to be working with the Commission on a number of issues. We do have some money in the budget, but in-kind help from other agencies will be needed.

Commissioners Comments

Mr. Bird asked for the status of the budget proposal. Mr. Baldini does not have a figure from Mr. Rogers to date. The City is looking at the first year (of 18 months) of about \$25,000. Mr. Bird understands someone was put before City Council for appointment to this body, but it was tabled because the Mayor was not in attendance. Mr. Baldini said the individual being appointed was not at the Council meeting, nor was the Mayor. A motion was approved to table the appointment until the next Council meeting and require the candidate(s) be present to answer questions and that the Mayor be present. Commissioners agree that candidates should be present when being appointed.

Mr. Justice – For future meetings it would be helpful to have an updated zoning map and a map showing parcels and streets. Mr. Bergstrom will handle getting the maps.

Mr. DiAngelo – Requested a copy of the PLUS report and the review letter (*referenced earlier*). Mr. Baldini will forward the document from Ms. Seitz to the Commissioners.

Public Comments – Terri Gormley of the *New Castle Weekly* clarified Council's action concerning the presence of appointed candidates and the Mayor. Councilman Platt said he would prefer not approving any appointments unless the Mayor is present to give his reasons for nominating someone for an appointment. She asked Mr. Baldini if that does not happen within a reasonable amount of time how it might affect the workload of the Planning Commission. Personally speaking, Mr. Baldini believes this is a City issue. If candidates are willing to step up, regardless of who selected them, they should not be held accountable for a City issue. However, he reminded that candidates must be approved by Council before being seated to the Planning Commission or any other committee. Commissioners serve until a replacement is appointed.

Marco Boyce was introduced as one of the candidates (nominated by the Mayor) for a seat on the Planning Commission. He currently serves on the Tree Advisory Commission. Mr. Boyce spoke briefly about his background.

The Planning Commission's next meeting is 7/24/17. There being no further business, a motion was made and seconded to adjourn the meeting at 7:24 p.m.

Debbie Turner
Stenographer