

New Castle City Planning Commission Meeting
Minutes
January 22, 2018 -- 6:30 p.m.
City of New Castle Town Hall

Members Present: David Baldini, Chair
Jonathan Justice, Vice Chair
Brenda Antonio
Marco Boyce
Gail Seitz
Peter Toner
William Walters
Vera Worthy

Also Present: Christopher J. Rogers, AECOM, City Planner

Mr. Baldini called the meeting to order at 6:31 p.m. Roll call followed. Mr. Baldini declared a quorum is present.

Minutes – A motion was made and seconded to approve the minutes of the 11/20/17 Planning Commission meeting. Motion approved.

Bowling Alley Parcel (Tax Parcel 21-015.30-194), Proposed Parking Lot – Site Plan Review and Recommendation to Board of Adjustment for Special Exception per Section 230-28.1 of the City Code – Resident Roger Clark asked if the Chair would consider allowing the assembly to speak during the formulation of the Planning Commission’s policy in determining a recommendation. Mr. Baldini will allow comments from the public relative to the site plan only. Non-technical questions will not be addressed.

Andrew Taylor, legal counsel for the Trustees of the New Castle Common (Trust), presented. The Trustees applied under City Code 230-28.1 for approval of a planned parking lot between Third Street and Battery Park. This section allows for a parking lot by means of a special exception granted by the Board of Adjustment (BOA) with prior recommendation from the Planning Commission and review by the Historic Area Commission (HAC) for materials used. They are seeking approval of the conditional site plan for the proposed parking lot and a recommendation to the BOA to approve the special exception of the parking lot. In 2016, at the request of the City, the Trustees approved funding as part of the annual grant funding to provide the cost of engineering and installation of the Bowling Alley parcel to be used as a public parking lot. The Trust is the legal owner of Battery Park. The plan was engineered by ForeSite Associates (ForeSite) and is in compliance with all City codes and regulations of the New Castle Conservation District.

Background information concerning the parcel was given by Mr. Taylor. In the early 1960’s the Trust purchased four parcels between Third Street and Battery Park. The two main parcels had the Bowling Alley and another building on it. In 1974 a plan was done for a parking lot with 73 parking spaces. The parcel is currently zoned Historic Residential (HR).

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As currently configured it is .69 acres and is contiguous to the M&T private business parking lot and across the street from the David Finney parking area that is used by residents and visitors. There are at least five other lots in the downtown area where parking improvements have replaced buildings. There are six other lots existing in the HR zoning district.

Further, Mr. Taylor said that in May 2014 City Council approved Resolution 2014.2-8 acknowledging a significant need for additional parking in the downtown area existed and accepted the Parking Subcommittee's recommendations of certain parcels for installation of parking lots, including the Trust-owned Bowling Alley parcel on West Third Street. In October 2015 the City Planner and AECOM, published a Parking Subcommittee Update for the Planning Commission and in March 2016 the TNCC approved the City's grant funding request for engineering and installation of the lot on the Bowling Alley parcel, which was included in the Parking Subcommittee report, and approved in Resolution 2014.2-8. In April 2016 students from the University of Delaware's School of Public Policy Administration published a report to the Planning Commission recommending the Bowling Alley lot improvements be expedited.

Mr. Taylor said the applicant is requesting approval of two motions this evening. ForeSite Engineering (ForeSite) is a licensed civil engineering and landscaping/architectural firm located in the City of New Castle. They have significant and relevant experience in Delaware and the Mid-Atlantic region in storm water management and engineering of site improvements. Foresite was retained by the Trust to oversee the large drainage improvements project in Battery Park and an understanding of that drainage project is relevant to the understanding of the Bowling Alley parking lot. Mr. Taylor turned the presentation over to Drew Hayes of ForeSite Engineering.

Drew C. Hayes, P.E., is a licensed professional engineer. Mr. Hayes presented a series of slides outlining the project and showing key design constraints. A rendered site plan will also be submitted tonight. The project is located off West Third Street. There are two adjacent private parking lots to the Battery Park parking lot; the M&T Bank lot and the David Finney Inn lot.

A series of drainage slides was shown. Mr. Hayes noted the area has a history of drainage issues. Drainage improvements are underway by the Trust. A 28.5 ac area drains to the river through the park. Drainage comes from Fourth Street and the parcel leading to the river. The pipe system of concern is comprised of four drainage areas; 12.7 acres to the west, 8 acres of mostly park land in the middle, acreage along Delaware Street, and an eastern portion of the acreage. The area is primarily park space with some back spaces from properties on Delaware Street. The bottom of West Third Street is problematic. Water is traveling the wrong way through the catch basin in Battery Park instead of going through the storm drain. Currently the storm drain travels to a pipe with limited capacity and pops up from the ground along West Third Street. Phase 3 of the drainage project eliminates the pipe from the upper drainage system and will connect a new, larger storm drain system with a new river outfall. This changes a pipe system that is undersized to handle current capacity.

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Phase 1 and Phase 2 are in place. Phase 3 drawings and engineering are complete and the City has requested bids with construction anticipated for early 2018.

Mr. Hayes further explained engineering of the project. Currently pressure in the system is 20 ft. in the air. After improvements it is one foot below ground meaning a 21% decrease in pressure. This allows for a significant increase in capacity to handle drainage in the area.

Design of the plan – Mr. Hayes described trees, shrubbery and plantings planned for the parking lot. There will be a wooden privacy fence on the west side; across the front they plan an iron fence that mimics the wharf at Delaware Street, and the iron fence meets iron columns such as those at the Read House. They plan a low brick retaining wall, brick face with brass cap, about six inches tall. The highest portion of the retaining wall is about table height. The wood fence would be situated on the parking lot side of the brick wall.

Lighting – Mr. Hayes informed they spoke to the Municipal Services Commission (MSC) and will use the fixture they prefer be used. It is the same as is currently used in the City. The lights black out a rear panel to minimize the light that radiates behind the fixture.

General design of parking lot – Per Mr. Hayes the lot will have 43 spaces. It was designed for circulation through and around the parking lot; it is not a dead end design. Thirteen (13) spaces are “pull through” spaces; a very safe design. Accessible parking spaces will be positioned close to the proposed sidewalk connecting to future park improvements. They are also close to the existing core of restrooms and the playground in the park. Aisles are 22 feet wide, parking spaces are approximately 10 feet wide X 18 feet long.

Traffic – Mr. Hayes said the parking lot is a two-way entrance; traffic coming in and out. Vehicles turn left off West Third Street; exit by going left onto West Third Street or straight across to Foundry Street. The intersection is stop controlled.

Reinforced turf is planned for an area between the parking lot and part of the park. The product would be used for events (light traffic/minimal movement) such as concerts. Reinforced turf will be used where appropriate on the site. Pervious surface systems with high volume traffic do not hold up well.

Storm water management – Mr. Hayes explained the general proposed movement of water through the area. Grading improvements for poor drainage will be addressed. Using the landscape plan he showed an engineered soil mixture, also known as a rain garden or bio-retention area. Rain gardens resemble landscape beds. The mixture is comprised of mulch and coarse sand that drain quickly.

Storm water management performance – Phase 3 (drainage project) will remove 12.7 acres from the existing drainage system. The facility itself will treat double the amount of water that is required. Past storms, including a 100-year event, drained from the facility in 12 hours or less. A water quality storm will drain in 10 hours or less.

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Flooding – Mr. Hayes spoke about flooding sources and how the proposed parking lot will be impacted with the new drainage project. This project and the work associated with it have no measurable impact on the base flood elevation. The plan will cause no measurable impact on the FEMA base elevations and this plan and the Third Street drainage project adequately address nuisance flooding from events like summer storms.

Blacktopping of open space – ForeSite Associates shares citizens' concerns and would not specify an impervious blacktop product if it was not appropriate for the use as intended for the site. Mr. Hayes said the storm water management system captures and cleans more than twice what is required. The planting program is focused around ecological benefits of using native species and the design is strongly aesthetic.

Water quality and pushing water into nearby properties – This project intercepts water and corrects existing drainage problems.

Wave impacts – Wave action comes from the river and this site sits in front of other properties. If it had any impact on wave action it would be to reduce wave action.

Ordinance 509 – Mr. Hayes noted this project exceeds the requirements by over 200%. Water must be cleaned before being returned to the river. The New Castle Conservation District is delegated by DNREC to ensure this plan meets the minimum standards for the State's regulations. ForeSite expects their approval.

Traffic – The project is designed with sound traffic engineering principles. There is a stopped control intersection and room for ingress and egress. AECOM agreed with the traffic engineering of the project. Mr. Hayes said they expect the lot to reduce the traffic that is circulating the area looking for parking. At the intersection of West Third Street and Delaware Street there is signage in place directing to this parking lot.

AECOM (City Planner) letter – Mr. Hayes responded to concerns noted in the letter.
Site plan – ForeSite gave pedestrians precedence at the entrance to the lot rather than vehicles. The brick sidewalk travels across the entrance maintaining the streetscape character.

Handicap spaces -- Spaces are located so people can access the ramp or sidewalk easily.

Future sidewalk connection – Mr. Hayes stated that a landing was provided in the event the adjacent private property owner wants to create a sidewalk connection.

Maintenance of the 12-inch strip of land between the retaining wall and the cedar fence along the property line -- If the City wishes, the retaining wall can be shifted to align with the property line.

More detail about the cedar fence – Mr. Hayes said more detail can be provided during the final engineering process with the City Building Official and City Engineer.

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Function of the granite curb at the entrance – The granite curb is a visual cue for cars to indicate the entrance to the lot and for pedestrians to alert them to traffic. It is flush granite and is in harmony with surrounding curbs.

Four-inch drain for wall – Mr. Hayes explained the drain relieves any potential ground water that might be behind the wall. It is not a storm drain or meant to carry storm water runoff and discharges at the far western end of the wall to the swale location.

There is no existing catch basin -- The catch basin is proposed and more clarification can be provided during the engineering process.

Utility crossings – MSC has marked out utilities and coordinated with the New Castle County Department of Special Services. They feel they have captured utilities in the area.

Utility pole, guide wire and relocation of the fire hydrant – MSC understands the issues and has seen the plans. It is their intent to relocate the hydrant and address issues prior to construction of the project.

Other miscellaneous matters (legend symbols, cedar fence missing post, shrubs in storm water management area not labeled, plat) in the letter will be addressed with the City Engineer.

Existing fence for adjacent property owner – Mr. Hayes said the adjacent property owner is aware of the project. He believes the work can be completed from the parking lot site of the fence. They do not propose removing the fence or any work under the fence. If the City wants documentation that the adjacent property owner is aware, they can facilitate same.

Landscaping -- Plantings are predominantly evergreen vegetation. Most of the evergreen vegetation is native to the area (pine tree, holly). Deciduous plantings would be more in harmony with surrounding vegetation. One concern Mr. Hayes noted is when people walk along evergreens there are limitations with visibility (seeing through thick trees) that could create a safety concern. For those reasons a mixture of plantings are proposed.

Trees proposed for planting aisles – Mr. Hayes said they do not share the concerns that AECOM has expressed with the species of tree that ForeSite has proposed.

Two different light fixtures on the plan – The light fixtures are the same; one is mounted on a brick column. Quick candles will be added to the lighting plan and reviewed during final review. Conduit for lights can be provided along with additional detail. MSC provided ForeSite with the vendor's name/designer that MSC would prefer to use. That person was contacted and they prepared the plan.

Special exemption: combining entrances with M&T Bank -- Mr. Hayes said the applicant has discussed this with M&T Bank and they have indicated they are not interested in a combined entrance to their private lot. Mr. Taylor presented a letter from M&T Bank to Mr. Baldini confirming their position.

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Has the applicant considered expanding the existing parking lot at West Third Street with improved pedestrian access to the park -- Mr. Hayes stated that this proposal addresses the grant request from the City for this location, addresses the recommendation of multiple studies, and greatly reduces travel distance for people with physical limitations.

Can the applicant provide data that additional parking is needed – Mr. Hayes said this has been established by the City and various other studies.

In the summary, Mr. Hayes stated a recommendation was made that the plan may come back to the Planning Commission. If there are specific things that need to be addressed tonight they are open to discussion. Mr. Hayes suggested that outstanding issues are technical in nature and can be discussed during the final design meeting with the City Engineer and City Code Official and will be discussed during the Historic Area Commission meeting.

Mr. Justice asked Mr. Taylor about recommendations for the parking lot. He was on the Planning Commission at the time a vote was taken for a recommendation for locations for parking lots to City Council. He does not remember this location being one of those recommended by the Planning Commission. Mr. Taylor presented Mr. Baldini a letter from the City Council President addressed to then Trustee President Henry Gambacorta concerning Council Resolution 2014.28-1, what the Planning Commission recommended and what the City approved. Mr. Justice asked what the recommendation was from the Planning Commission. Mr. Taylor said the Planning Commission voted to restrict study to the two lots farthest away from the downtown area. City Council rejected the Planning Commission's recommendation of two lots and voted to accept the recommendation of the five lots put forth by the Parking Subcommittee.

Mr. Justice asked about AECOM's recommendation. Specifically, the punchline of the recommendation during the October 2015 PC meeting – "certain locations were overused during most times when counted." This is reporting on observations made by volunteers and analysis from WILMAPCO (metropolitan planning organization for New Castle County) and AECOM staff experts. "However, at no time was the entire study area over capacity. Strategies should be explored to promote greater distribution of parking in the historic area and turnover in overcapacity areas."

Mr. Hayes noted that Ordinance 510 makes the assertion in multiple places that there is a shortage of parking, its importance to the downtown area, and the need for more parking.

Mr. Justice spoke about the University of Delaware report. He said it was an undergraduate project. The students were not studying traffic engineering or planning. The purpose of the exercise was for them to get experience with working for a client. The task assigned to them was counting the number of existing on street parking spaces within a defined geographic boundary. At the client's request they inserted the throwaway comment about a need for more parking, but that was not based on any analysis of the report. Mr. Justice asked if there is evidence as to whether parking is needed or not. Mr. Taylor referred to Ordinance 510, the Parking Subcommittee Report and the City Resolution.

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Mr. Boyce spoke about the five foot strip of land (right side of the parking lot) between the two lots. Is the area grass or can the area be delineated with shrubbery? Mr. Hayes said the plan as it is right now has shrubbery in the front corner and turf along a light post line. There will be an opportunity to discuss this further.

Additionally, Mr. Boyce inquired about public parking signage versus the M&T Bank lot. Mr. Hayes proposes signage on the parking lot that is in harmony with other City signage. There is existing signage for the M&T Bank private lot.

Mr. Boyce asked about responsibility for snow removal and policing of the proposed lot. Mr. Hayes said the Trust would be responsible for maintenance and snow removal as they are with Battery Park. As for policing, Mr. Hayes thinks the lot would be treated similar to how City police handle Battery Park.

Ms. Seitz asked if there would be restricted hours on the lot. Mr. Hayes said because it is a public parking lot the Trust would be open to having adjacent residents to utilize the lot for overflow parking. It is not a gated lot. Visitor parking could have restricted hours. The parking lot would be available to Delaware Street businesses. Ms. Seitz asked if there will be a connection to Delaware Street. Mr. Hayes said it would be the sidewalk on Third Street. There is a sidewalk proposed for the future that will go back to the southern end of the park.

Ms. Antonio finds the drainage project interesting and important for public safety. Noting public safety she asked if cameras would be installed as part of the project. Mr. Hayes said the Trustees have a network of security cameras they would expand to this facility.

Mr. Walters asked for clarification that the Planning Commission is addressing only the technical aspects of the project. Mr. Rogers said the Planning Commission's role tonight is two-fold; one is to make a recommendation to the Board of Adjustment regarding the special exception; and second, to decide upon the site plan. Typically full site plans for special exception are not submitted prior to the Board of Adjustment; the applicant submitted the site plan for consideration now. Mr. Rogers said that regardless of whether a special exception is needed the Planning Commission is still charged with approving the site plan. Mr. Walters commented with regard to a recommendation for special exception the Planning Commission has no criteria. Mr. Rogers concurred.

Mr. Walters noted that lighting for the lot may or may not cast unnecessary illumination on homes on Third Street. The 2009 Comprehensive Plan calls for more parking and lists reasons. A new plan is being worked on now and he believes the requirement has been exacerbated; it has not gone away.

Mr. Toner asked how ForeSite determined 43 parking spaces for the proposed lot and the rationale for that quantity. The M&T Bank lot has 20 spaces that is private and there is another 20 spaces on West Third Street for the park. Mr. Hayes said their initial request was for 50 spaces, but to allow for adequate circulation the number was lessened to 43 to make the lot as efficient as possible. Mr. Toner asked if the lot entrance intentionally lines

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up with Foundry Street. Mr. Hayes said the entrance is not centered on Foundry Street. What is centered is the exiting lane so cars can go straight across. He noted the rendering is slightly off; the site plan is accurate. Mr. Toner wants to make sure the plans and associated materials are available for review by the public.

Lastly, Mr. Toner asked for confirmation that residents will not pay for the project. Mr. Hayes said the portion of the project within Battery Park has been funded entirely for design and construction by the Trustees. The Trustees paid for engineering and design for the main portion and the City has allocated funds for construction. The Trustees are funding the parking lot.

Mr. Baldini believes the parking lot will help all Delaware Street businesses, it will help employees who work on Delaware Street, thus freeing up parking spaces on Delaware Street. Visitation to the City is growing that generates more vehicles in the City. Residents tend to have more than one vehicle. The City is changing and many issues will be addressed during the update of the current Comprehensive Plan. This project has up-to-date technology associated with it as well as storm water management that will eliminate much of the flooding on West Third Street. While he sympathizes with adjacent residents there is an opportunity to do something good for the future and the lot has many benefits. He sees the parking lot as progressive, futuristic and a positive.

Mr. Justice questioned the 10-hour and 12-hour drainage rates Mr. Hayes spoke about earlier. Mr. Hayes explained that a water quality storm is a storm that produces enough rain to mobilize pollutants. This facility 'dewater' ponded water meaning it takes 9 hours to drain down to the perforated pipe. In a 100-year storm dewatering takes 12 hours.

Mr. Justice asked if it is possible to make all the drainage improvements without building a parking lot. Mr. Hayes said that improvements through the park and through Third Street will happen. The purpose of the improvements addresses long-standing problems with flooding, and this system creates a backbone of supporting infrastructure for any future improvements in Battery Park. Without the parking lot there would not be any treatment of storm water management for this area. Improvements for the swale and connecting catch basin are part of the parking lot project.

Mr. Justice looked at the 2009 Comprehensive Plan and could not find this site mentioned as a potential parking area. Ms. Seitz said the site is referenced on map 4, Parking Improvements. Mr. Taylor noted that wording in the Comprehensive Plan states "create new visitor and/or employee parking areas on the fringes of the historic district, see table 18 and map 4." Further, Mr. Taylor said the lot is between the park and the historic district. Mr. Justice thought the historic residential zone extended to the boat house. Mr. Justice noted we could not settle the question at the meeting because the City has failed to make available an up-to-date zoning map.

Mr. Baldini opened the floor to comment.

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Resident Glenn Rill – He commended the City for increasing the number of handicap spaces in the lot to four. He has researched the American Disabilities Act saying sidewalks and long walks are not to have a grade of more than 3%, with the exception of ramps. The entrance to the lot is towards the upper part of the lot. If anyone uses those four handicap spaces and require the 2% grade they cannot go anywhere else, including Delaware Street. The middle of the parking lot is an upper 3% grade and other parts are 4% and 5%. He asked if this will be a risk for the City under snowy/icy conditions.

Mr. Hayes said that 4% is not steep. General design recommendations for parking lots usually run in agreement with ADA that is 5% or less. Further, Mr. Hayes said this parking lot is not intended to be remote parking for Delaware Street. He verified the parking lot meets ADA requirements. If the City takes issue with any of the grades they can be addressed during the final design process. Mr. Rogers said that engineers with AECOM did not raise any concerns with respect to the slope of the parking lot.

Resident Janet Wurtzel lives at the bottom of West Third Street. She wanted to clarify statements made asserting the need for more parking and flooding. Ms. Wurtzel has lived on West Third Street for over eight years. During that time she has never had to park anywhere outside Foundry and South Street on West Third Street. She stated there is no parking problem on West Third Street. As to flooding, the water comes from Delaware Street and is not coming from the park or the river. It is her belief that the river did not come across Battery Park and West Third Street during Superstorm Sandy. She said the flooding is the result of the currently paved area. Ms. Wurtzel further stated there are two storm drains on either side of her house with standard size grates. She wonders if fixing those grates without putting more grates further up the street will resolve the problem. Traffic –Ms. Wurtzel stated that West Third Street is one of the more narrow streets in the City; one lane for traffic and one lane for parking. Her biggest concern is with Foundry Street; it does not have curbs or sidewalks. Many pedestrians use Foundry Street. Ms. Wurtzel wants to know how Foundry Street will be addressed with regards to pedestrian safety.

Resident John DiMondi spoke about City Council recommendations. (Mr. DiMondi is a New Castle City Councilman.) He said there was never a recommendation for this particular location. There was a general recommendation for five locations. The ordinance that was passed permits parking spaces because the Comprehensive Plan dismisses them in or near the historic area. He is surprised the Planning Commission is considering this application. The current Comprehensive Plan states that parking lots are not permitted in the historic district. He does not believe the application should be considered until the Comprehensive Plan is changed to allow for more parking. He disputes Mr. Toner's comments applauding the Trustees for addressing the drainage issue. Mr. DiMondi said the drainage project was implemented long before the parking lot was being considered. He thinks that drainage could be put underground rather than paving a grassy area next to Battery Park. Lastly, Mr. DiMondi thinks the drainage project is actually for the multi-unit housing projects being built.

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Mr. Hayes addressed Mr. DiMondi's comments. With respect to the low place on West Third Street, on the northwest side of West Third Street there is a catch basin with a six-inch pipe, which is not enough capacity to get the water out of the catch basin. The drainage project significantly increases the pipe size so the water can get through the system. Catch basins will be completely removed and new catch basins will be installed. And, a much larger pipe connecting the two systems and a larger pipe connecting to the new pipe system is planned. Traffic will flow in two directions (from West Third Street and Foundry Street). If the City wants to discuss signage opportunities that can be done during the final design process. As for the drainage project, Mr. Hayes said the parking lot will resolve the drainage issues that currently exist.

Mr. Rogers said if the Board of Adjustment approves the request for special exception, AECOM recommends the site plan be resubmitted to the Planning Commission for one more review. He said that AECOM has not had enough time to review the plan with all the technical issues associated with site plans. Mr. Taylor does not agree with returning to the Planning Commission. He suggested that technical issues can be handled by the City's Code Official, City Engineer, and the Trustees' professional engineer.

Resident John Riley asked if when engineering was done for drainage for the park did they accommodate for the runoff from the parking lot into the now existing drainage just put in and how did they determine the amount of water that would be coming off the parking lot before the parking lot was approved.

Mr. Hayes said the runoff was computed using standard commonplace industry-accepted Storm Water Model Computations and software. Computations also follow DNREC and DelDOT guidance and the New Castle Conservation District that are widely-accepted guidance's. Computations were done with and without the parking lot. The comparison is in the Storm Water Management Report and the hydraulic design for proposed parking improvements include additional consideration for potential future park improvements.

Resident Victor Bryson asked if the wall on the left side where it comes in from Third Street will be waterproof at the bottom. If the wall is not waterproof it will not solve any problems for people who live in houses backing up to the M&T Bank parking lot. He believes the bank parking lot should be addressed as well.

Mr. Hayes addressed the waterproofing issue saying that drainage will be reviewed by the City Engineer and is being reviewed by the New Castle Conservation District. The plan proposes a 6-inch high curb line along the southeast side. The curb line extends one foot below grade. The curb line catches surface water currently going towards those lots and will direct it behind the lots and will manage through the storm water management system. Mr. Bryson asked if the storm water drain that comes from South Street and runs under the fire house is being tied into the new storm drainage system. Mr. Hayes said the storm water drain running under the fire house will be tied into the new system.

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Resident Tom Whitehead served on the Parking Subcommittee. He submitted a plan extending the existing M&T parking lot out producing 20-22 spaces. He would screen it with landscaping. The existing lot opposite the tennis courts covers 23 spaces. The lot at Second Street and the end of Chestnut Street has 20 spaces. Mr. Whitehead said this idea is something the Parking Subcommittee was thinking about during their meetings.

Mr. Taylor reminded Commissioners that M&T Bank is not interested in expanding their lot. A letter was submitted earlier in the meeting to confirm this.

Resident Keith Adams said that many of the components making up the design and the choice of native plants is very good, but is not suitable for New Castle. He has heard an idea in the City to make an extension off Dalby Alley. He said the alley does not need more vehicular traffic.

Commissioners have not heard about any extension to Dalby Alley.

Resident Karen Whalen referenced the AECOM letter that was sent to City Administrator Bill Barthel. She said the plan does not address the expected flood level elevations. She asked why Mr. Hayes used still water elevations rather than the limits of wave action. She is concerned with ingress and egress given West Third Street is very narrow. Ms. Whalen asked if the owner of the area adjacent to a nearby fence had been contacted concerning the fence being tied in to the area. Mr. Hayes confirmed the property owner is aware of the project. According to Mr. Rogers the identity of the property owner is not pertinent. Ms. Whalen inquired if the ordinance is being used to justify the need for parking why was engineering underway when the ordinance was passed. Mr. Rogers said the letter Ms. Whalen is referring to is a site plan. What was underway prior to this are not pertinent to the issues before the Planning Commission tonight.

Resident Betsy McNamara expressed her surprise that there was no neighborhood impact study done, particularly concerning traffic and parking. She lives on West Third Street. This parking lot will impact over 50 homes in the historic district, it is a quality of life issue and will negatively impact property values. She requested such a study be done before approving the application.

Resident Marianne Caven concurred with an earlier statement that current flooding is coming from Delaware Street and not by drainage being planned on West Third Street. Cars exiting the parking lot will be going straight to Foundry Street or left onto West Third Street, an area that floods. She believes there is no safe way to exit the area. Foundry Street is not a true street; it is more pedestrian friendly than used by vehicles. Ms. Caven stressed that safety is of the utmost importance to a residential neighborhood.

Mr. Rogers said Ms. Caven's concerns with flooding were addressed earlier in the meeting. He referred to Mr. Hayes' response that flooding on West Third Street is being addressed by storm water drainage improvements. As for the appropriateness of using Foundry

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Street as an access, no specific study was done. If the Planning Commission has concerns with these types of concerns they can express them to the Board of Adjustment.

Mr. Toner agrees with Ms. Caven's concerns, but he has a problem telling the Trustees they can't do something with their land. Ms. Caven clarified she was not addressing the Trustees in any manner during her comments. Mr. Toner asked Mr. Hayes if moving the entrance to make it deliberately not line up with Foundry Street would make it safer and keep vehicles off Foundry Street. Mr. Toner inquired if there is a safer exit from the City than West Third Street.

As noted in the AECOM letter, Mr. Hayes said the parking lot was designed using sound traffic engineering principles. They support the configuration and location of the entrance and its alignment of the intersection. They believe that traffic to and from this parking lot will be safe.

Mr. Boyce asked if drainage improvements on West Third Street will be finished before construction of the parking lot is complete. Mr. Hayes confirmed that Third Street drainage improvements will be finished before the parking lot is constructed.

The floor was closed to public comments.

Mr. Rogers -- Ordinance 510 amended the zoning ordinance allowing parking lots in the HR district and requires visual screening, walls, fencing and/or landscaping to reasonably shield the use to public rights of way and adjacent properties. Mr. Hayes had indicated there is no screening between the parking lot and the lane to the M&T parking lot. Mr. Hayes had noted it would cause some visual clutter, but we are also balancing the intent of Ordinance 510 to reasonably screen it. In the Planning Commission recommendation to the Board of Adjustment he recommends the Planning Commission address screening.

Additional areas of concern include the type of plantings to be used. Mr. Justice feels it is premature to vote on a site plan before the HAC and Board of Adjustment has looked at the use exception. Particularly since both bodies may have conditions they want to impose; he does not want to impact their ability to do that in reviewing the use before we get to the plan.

Mr. Baldini's understanding is the applicant is willing to do the full site plan before going to the Board of Adjustment, but according to City Code the application goes to HAC before going to the Board of Adjustment. The Planning Commission can make recommendations to the plan.

Mr. Rogers informed they typically like seeing a site plan that has progressed further before recommending site plan approval with only a few technical comments to address. Mr. Rogers is not comfortable with the Planning Commission not having the opportunity to see the site plan again. It is his recommendation that if a special exception is approved by the Board of Adjustment that the applicant resubmits a site plan to the Planning Commission

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and AECOM for review in consideration of our comments and any comments from the HAC and/or the Board of Adjustment. At that time it would be more of a technical 'by right' site plan review.

Discussion followed about whether the applicant should return to the Planning Commission with another site plan.

Mr. Rogers confirmed that site plan approval is within the Planning Commission's purview. Mr. Walton said it is simpler for the Planning Commission to advance a recommendation for special exception with conditions. Final plans would be incorporated. Minutes of the meeting and comments from tonight's discussion could be included so the Board of Adjustment has as much information as possible.

Mr. Rogers said that Section 230-46(A)(1) would require site plan approval by the Planning Commission. If this were not a special exception they would need to submit a site plan. The applicant wishes to take care of the site plan review from the Planning Commission at the same time. It would return to the Planning Commission for final site plan review. From there it would be signed and filed away in City records.

Mr. Baldini told fellow Commissioners that HAC needs something to review from this body.

Laura Fontana, Chairperson of the Historic Area Commission, approached the Commission. She said when applications come to HAC they need specific materials, drawings, design concepts. HAC's purview is to align with what they are responsible to approve. If the Planning Commission puts forth a site plan with recommendations and changes, all of that must come to HAC before it goes to the BOA. The HAC needs to know all recommendations made by the Planning Commission when they consider the application.

Mr. Walton recommended the special exception and not do anything with regard to site plan approval until comments are incorporated. He supports having the site plan redone. He is uncomfortable with giving site plan approval at this meeting. We have not had time to consider comments from the public and fellow Commissioners. He recommends tabling the site plan until items of concern are addressed.

Ms. Seitz reviewed comments in AECOM's letter. During Mr. Hayes' presentation he mentioned addressing certain things that she would like to see incorporated on the site plan. Things like contact with M&T Bank, ADA requirements, landscaping, and screening should be on the plan. She suggested consolidating more information on the site plan.

Mr. Rogers suggested a path forward that if the Board of Adjustment approves the special exception that the site plan be resubmitted to the Planning Commission in consideration to comments in our letter. This would involve a staff meeting with the applicant, and the Planning Commission would see the site plan again. According to Ordinance 510, HAC's role will be to review and approve the application prior to the Board of Adjustment's review.

Mr. Justice made a motion to table site plan consideration until after the Board of Adjustment approves the special exception. Mr. Walton seconded the motion.

Brief discussion followed among Commissioners. **The motion was approved by unanimous vote.**

Mr. Walton made a motion to approve the location with conditions. Mr. Toner seconded the motion.

Commissioners discussed recommendations on the general appropriateness for this use in this location. Mr. Baldini thinks the location is appropriate because of the benefits it will bring to the City with the drainage issues, for the future of the City, and streetscaping needs to be considered.

Mr. Toner does not think a recommendation to move the entrance to not line up with Foundry Street will solve concerns with safety. Was any review done about safety and the traffic flow? Mr. Toner wonders if this issue could be addressed in the engineering portion of the design process. Mr. Rogers said the basic site plan requirements do not rise to the level of requiring a safety or traffic study. However, if the Planning Commission thinks the applicant should provide evidence that that location is safer than moving it to have it offset from Foundry Street to address your concern, that condition can put that in the motion and the Board of Adjustment can decide whether to uphold.

Ms. Antonio wants to verify the parking lot will be monitored by police and/or integrate cameras for public safety to monitor any illegal activity, and include that lighting is not to disturb nearby residents. Mr. Rogers noted if the Board of Adjustment does not provide direction on the lighting on the site plan then it will fall under lighting in the City Code. The City Code does not provide much on lighting. It may be addressed in the site plan. Mr. Toner added that the Trustees have put a camera at the pier and should not have a problem installing one at this location.

Mr. Rogers suggested including as a condition that the applicant should demonstrate moving the entrance is not feasible or not as safe where it is now shown on the site plan. He also recommended including shrubbery to be planted between the parking lot and the M&T Bank lane.

Mr. Justice did not see anything in the application that explained how putting a parking lot in this location would comply with the Comprehensive Plan or what purpose it serves in advancing goals laid out by the Comprehensive Plan.

Mr. Walters amended the main motion to read as follows:

Mr. Walters made a motion to recommend to the Board of Adjustment that they approve the site use as proposed and that they consider movement of the driveway, addition of the shrubbery, and provide security cameras. Mr. Toner seconded the motion.

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Ms. Seitz referred to the 2009 Comprehensive Plan that states the Planning Commission form a Parking Subcommittee. The subcommittee did what they could and made some recommendations. This site is on map 4 in the Comprehensive Plan and there have been questions about the definition of 'fringe' (edge of the historic district). Ms. Seitz helped with counting cars downtown and read results that were formulated by WILMAPCO. On average the City does not have parking problems; however, during peak times there are problems.

The motion was approved by a vote of seven in favor and one against (Justice).

2019 Comprehensive Plan – Tabled until the next meeting.

Commissioner's Comments – None.

The Planning Commission's next meeting is 2/26/18. There being no further business, a motion was made and seconded to adjourn the meeting at 10 p.m.

Debbie Turner
Stenographer