

New Castle City Planning Commission Meeting
Minutes
August 26, 2019 -- 6:30 p.m.
City of New Castle Town Hall

Members Present: David Baldini, Chair
William Walters, Vice Chair
Jonathan Justice
Erin Sabatella
Vera Worthy
Brenda Antonio
Gail Seitz

Members Absent: Peter Toner
Marco Boyce

Mr. Baldini called the meeting to order at 6:33 p.m. Roll call followed and a quorum to conduct business was declared.

Minutes

Mr. Baldini noted that the Commissioners had not had an opportunity to review the Minutes of the August 26, 2019, meeting and recommended that a vote on the Minutes be postponed until the September 23, 2019, meeting.

Mr. Walters added that the Commissioners had not approved the Minutes from the July 22 or August 6, 2019, meetings either. Mr. Baldini concurred.

A Motion to dispense with the reading of the Minutes of the July 22, August 6, and August 22, 2019, meetings and postpone until the September 23, 2019, meeting was made, seconded and unanimously approved.

ORDINANCE 520

Mr. Baldini stated Ordinance 520 is an Ordinance to amend Zoning Code §230.21.1 E (1) to permit fence or wall “structures” by special exception on properties formerly zoned Industrial (I) and Service Commercial (SC), but now zoned Downtown Gateway (DG). The First Reading of the Ordinance by City Council was July 9, 2019.

Mr. Baldini advised that a structure is defined in the current Code as written in §230.1 Terminology/Definitions as “Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards and posted panels. Structure shall also include anything constructed wholly or partly below ground.”

Mr. Baldini noted that there are residents within the Downtown Gateway (DG) who wish to repair fences but are unable to do so because it is considered a new structure and therefore cannot be done.

Mr. Baldini read Ordinance 520 into the record. *(NOTE: Ordinance 520 is available to read on the City of New Castle website)*

Mr. Baldini asked if the Commissioners had any questions or comments.

Mr. Walters stated that it appeared the author of the Ordinance intended to make items (a) through (e) delimiters that work to grant or not to grant a special exception; however, there is no introduction. Mr. Justice noted that there is a colon after the last sentence of the proposed subsection, which in effect, acts as an introduction. *(In making its determination, the Board of Adjustment shall consider, among other things:)* Mr. Walters noted that it is clear approval by the Board of Adjustment is conditional on meeting parameters set down in items (a) through (e), and suggested that the Ordinance be modified to include an introduction that states items (a) through (e) are the conditions under which a Special Exception can be granted.

Mr. Justice recommended that Item (c) be modified to read “The height of the fence or wall must not exceed six (6) feet. Any wall or fence must be constructed so the finished side faces adjacent streets and/or properties.”

Mr. Baldini clarified that the “finished side”, or face, of a fence is the side that does not contain the horizontal fence supports (also called stringers) and the in-ground fence posts.

There being no further comments from the Commissioners, Mr. Baldini opened the floor to public comment.

Clay Greer – 12 Beechwood Drive, Landenberg, PA

Mr. Greer introduced himself and advised the Commissioners that he is a member of the New Castle Sailing Club, which is an interested party in Ordinance 520. Mr. Greer stated that the New Castle Sailing Club supports the Ordinance by providing language in the Code that creates savings provisions for uses that were special commercial or industrial and that were rezoned to Downtown Gateway. The Sailing Club is one of those properties. Mr. Greer explained that in the off-season, members of the Sailing Club bring their boats in from the river and store and/or work on them onsite in a barn and in the yard of the property. The Club’s property currently has partial fencing and partial hedge along the borders. Ordinance 520 will address security and safety concerns the Club has by giving them the opportunity to replace the hedge with fencing that will better secure the property, and protect individuals who may enter the yard out of curiosity from potentially injuring themselves on equipment, or damaging the boats stored outside the barn.

Steve Constable – 821 Westridge Drive, Hockessin, DE

Mr. Constable introduced himself as Commodore of the New Castle Sailing Club. Mr. Constable noted that the Club has owned the house at the corner of 7th and South Streets since 1983. They also lease property on the riverfront from the Trustees, and they have made significant investment in both funds and structures over time. He added that 10 members of the Club live in New Castle, and that the Club members wish to be good neighbors by participating in activities during local events. Mr. Constable explained that the Club’s plan is to extend the vinyl fencing to replace the hedge in an attractive manner. He reiterated that the Club fully supports the Ordinance.

There being no further comments from the public, Mr. Baldini called for a Motion.

A Motion to recommend Ordinance 520 with the following modifications was made:

- **Include as an introduction to items (a) through (e): “In granting a Special Exception pursuant to this Ordinance, the following shall be considered:”**
- **Modify the language of item (c) to read: “The height of the fence or wall must not exceed six (6) feet. Any wall or fence must be constructed so the finished side faces adjacent streets and/or properties.”**

The Motion was seconded, and unanimously carried.

2019 COMPREHENSIVE PLAN – STRATEGIES DISCUSSION

Introduction

Goal 1 – no change

Goal 2 – no change

Government Services & Community Facilities Plan

Goal 1 – no change

Goal 2 – Mr. Baldini noted that Mr. Barthel is the District Administrator of the Downtown Development District (DDD) and suggested that he be the Appointee to implement strategies for Goal 2.

Land Use Plan

Goal 1 – Mr. Walters noted that the primary goal of the Comprehensive Plan is to supplement existing ordinances to codify land development procedures from proper application to processing, approval and oversight of the proposed development. Land use will apply to land use plan, development plan and subdivision design standards and restrictions, and this should be a modification to the Code in addition to the existing subdivision ordinance, as most development does not require subdivision. This will also address development outside the Historic District. Mr. Baldini added that Mr. Boyce had noted that every day some part of the town becomes historic, and while the HAC Guidelines may not apply to these other areas, there must be design standards that represent the historic aspects of the town. Mr. Walters noted that the language in an ordinance has to be specific and address very real things. Ms. Seitz asked if the language of Goal 1 addresses multi use and subdivisions.

Mr. Walters stated that zoning and land development processes are separate issues and the objective of an ordinance is to be a guide for both the municipality and the developer that will anticipate any scenario and provide direction on what can and cannot be done and how to do it. Design standards and limitations will be an umbrella over both land development and subdivision processes. Mr. Baldini asked if Mr. Walters had answered Ms. Seitz's question about large multi-family projects. Ms. Seitz noted that she wanted to ensure a process for large mixed-used projects was being addressed, and Mr. Walters stated that issue was covered in Goal 1. Mr. Walters recommended that a sub-committee be established to work with the City Solicitor.

Stenographers Note: Subsequent to the conclusion of the meeting, Mr. Walters added comments that were deemed relevant to Goal 1 and at the direction of the Chairman, those comments have been added to the Minutes:

The procedures for approval of any subdivision and/or land development plans would first go through a thorough vetting by the Planning Commission, which would recommend the Application to City Council for final approval, thus assuring control of the process by the appropriate governing bodies.

Further, a zoning map must be available to anyone (for a fee). Although zoning is a separate part of the City Code, it is a threshold issue for any would-be development. Additionally, an overlay map must be made available which delineates the Historic District, as it may change from time to time.

Lastly, minimum design requirements will be codified and apply to all commercial development in New Castle, subject to the more stringent requirements which apply to development within the historic overlay.

None of these changes is intended to rise to the level that would impose an unnecessary burden on the homeowner who wishes to add to or modify their residence, but rather to commercial projects as will be defined in the ordinance.

By adding certainty and definition to the process, the City will protect itself from possible legal disputes in the future and assure quality development within New Castle boundaries.

Amendments to the newly codified ordinances may be added on a case-by-case basis by the granting of a special exception or exemption, should City Council and the Planning commission so desire. This is recommended and imposes a higher burden upon the developer, while enabling the creation of a project that Council desires.

Goal 2 – no change
Goal 3 – no change

Goal 4 – modify language and add new strategies for improvements throughout the City, funding, zoning and growth. Add Goal 3 under Environmental Protection Plan as a new strategy.

Goal 5 – add new goal

Discussion included the need to encourage land use that is in harmony with the road network, sidewalks and pedestrian access, and required studies.

Mr. Justice asked if KCI's responsibilities include fine-tuning the draft Goals and Strategies document, and Ms. Seitz stated she believed that was correct.

Community Design

Goal 1 – review strategies and discuss at September meeting

Goal 2 – modify language

Goal 3 – no change

Discussion included streetscape improvements, wayfinding signage, gateway and Rt. 9 improvements, zoning, and transportation master plan.

Annexation Plan

Goal 1 – no change

Goal 2 – no change

Goal 3 – no change

Infrastructure Plan

Goal 1 – no change

Goal 2 – modify language

Goal 3 – modify language

Goal 4 – no change

Goal 5 – no change

There was discussion on whether or not to include deadlines for strategies.

Transportation Plan

Goal 1 – modify language and add new strategies. Ms. Antonio noted that there is considerable overgrowth along the bike/pedestrian trails and asked who is responsible for safety and maintenance of the trails. She also noted that the trails are not lit and do not have emergency phones. Ms. Seitz will contact Bike Delaware to see if they can advise who is responsible and/or who to contact regarding these issues.

Goal 2 – no change to existing strategies and add new strategies. Mr. Walters noted that signage to direct traffic to Rt. 9 is not visible to semi-tractor trailers. This can cause them to miss the turn to access Rt. 9, which routes them through the City. No language change to the strategy was recommended.

Goal 3 – modify language and review DelDOT project strategies for relevance to the Plan

Goal 4 – no change

Goal 5 – modify language and add new strategies

Historic & Cultural Resources Plan

- Goal 1 – no change
- Goal 2 – no change
- Goal 3 – no change

Economic Development Plan

- Goal 1 – modify language
- Goal 2 – no change
- Goal 3 – no change

Housing Plan

- Goal 1 – modify language
- Goal 2 – move strategy (d) to Goal 3
- Goal 3 – modify language and add strategy (d) from Goal 2
- Goal 4 – strike strategy (d)

Environmental Protection Plan

- Goal 1 – no change
- Goal 2 – no change
- Goal 3 – add new strategy (f) for outreach and information to city residents and businesses
- Goal 4 – no change

Open Space, Park and Recreation Plan

Goal 1 – modify language. During discussion it was noted that residents of Boothurst have stated that at the present time they do not want a park, clubhouse, etc., in their neighborhood.

- Goal 2 – no change
- Goal 3 – no change

During discussion it was agreed to strike strategies recommending the organization of "neighborhood park committees" or "park stewards", and imposing impact fees. Ms. Antonio brought up the issue of the sale and/or use of illegal drugs as health, safety and quality of life issues in the City and asked if those issues should be addressed in the Comprehensive Plan. Mr. Justice indicated that topic was usually not part of a Comprehensive Plan. Mr. Baldini suggested modification to the language in the Code Violations and Crime segment of the Implementation section under Code Violations to address those issues. Ms. Seitz recommended addressing the issue with KCI for guidance, and Mr. Baldini will reach out to Ms. Pfeil.

Mr. Walters departed the meeting at 8:47 pm. There was still a quorum to conduct business.

Intergovernmental Coordination Plan

- Goal 1 – modify language
- Goal 2 – modify language

Mr. Baldini will distribute the Goals and Strategies document to all Commissioners for review. Any concerns will be forwarded to Mr. Baldini and discussed at the September meeting.

There being no further comment or discussion by the Commissioners, Mr. Baldini opened the meeting to public comment.

Alice Jarvis – 15 The Strand, New Castle, DE

Annexation Plan

Ms. Jarvis advised that the Millville Code speaks of “annexation” and “de-annexation” which would apply when a property straddles the boundaries of the city and an adjoining area. She added that the property owner can request to be either annexed into the city or de-annexed from the city.

Transportation/Infrastructure Plans

Ms. Jarvis also noted that Baltimore is utilizing height and length limits to prohibit semi-tractor trailer traffic. Cameras are used to photograph the license plate and any company whose vehicle violates the stated limitations is fined. She suggested the City might wish to consider using a similar tactic on height and/or length to discourage semi-tractor trailer traffic entering New Castle. Mr. Baldini added that sensors could be located in the town, which would fall under the Goal 2 under the Transportation Plan and Goal 4 of the Infrastructure Plan. During discussion, it was noted that often the vehicle GPS is directing semi-tractor trailers into the town.

Suzanne Souder – 50 West 4th Street, New Castle, DE

Transportation Plan

Ms. Souder noted there was an article in the August 26, 2019, News Journal about software to monitor trucks that might prove useful to the Commission.

Downtown Development District

Ms. Souder asked if the Commission had received the current Downtown District Map and noted that the map in The Weekly was not the 2019 version.

Infrastructure Plan

With reference to Goal 1 of the Infrastructure Plan, Ms. Souder noted that Verizon will not bury their wires because they are providing good service with above ground wires. The City does have an agreement with Comcast that if the City buries their wires, Comcast will bury their wires as well. The City will be re-negotiating their franchise with Verizon this year and will try to leverage their agreement with Comcast in the negotiations.

Community Design

Ms. Souder added that here is a pending WILMAPCO study of the Ferry Cut-Off area. She noted that any recommended changes will probably be implemented after the rail-road crossing change is completed.

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There being no further public comment, and no further business to discuss, Mr. Baldini called for a Motion to Adjourn.

A Motion to adjourn the meeting at 9:10 pm was made, seconded and unanimously approved.

Kathy Weirich
Stenographer