

New Castle City Planning Commission Meeting
Minutes
1 Municipal Boulevard, New Castle, DE
March 25, 2024 – 7:00 p.m.

Members Present: Margo Reign, Chair
Brie Rivera
Cynthia Batty
Kristin Zumar
Timothy Gibbs

Absent: Keaira Faña-Ruiz
David Majewski
Very Worthy
Tamara Stoner

Also Present: Christopher Rogers, City Planner

Ms. Reign called the Planning Commission meeting to order at 7:00 p.m. Roll call followed and a quorum to conduct business was declared.

Minutes

A motion to approve the minutes of the February 26, 2024, regular meeting as presented was made by Ms. Zumar, seconded by Ms. Rivera and unanimously carried.

Public Comment

There were no comments from the public.

Subdivision Plan – 12 Arbutus Avenue; Lots 144-146 Buttonwoods

Mr. Chris Feathers, property owner, was in attendance. Mr. Feathers stated that the property was downgraded to R-2 last year, and he is proposing that the original lot lines be put back in place in order to create three 50' x 146' lots and construct stacked duplex units on each lot. The laterals for sewer are in place for each of the lots. The duplex units will be rental properties.

Mr. Rogers reviewed his Comment Letter of March 20, 2024.

- Comment #1 should be removed.
- Comment #8 – Maximum building bulk of 35% should be added to the Site Plan.
- If unknown at this time Comment #7 regarding building height should be removed.
- It is suggested that Minor Plan Revision Notes be made to the Site Plan.
- Comment #13 – Prior to the Planning Commission Chair signing the plat, the applicant should provide evidence of water and sewer availability and plan approval from the City Municipal Services Commission and the County Department of Public Works, respectively. Mr. Feathers noted that he is working with MSC on water and electric.
- Comment #14 – Mr. Bergstrom, City Building Official, will work with MSC and/or Public Works to have the road repaired as necessary per the City.

Mr. Rogers responded to questions from the Commissioners and Mr. Feathers.

A motion to approve the Subdivision Plan conditioned on the items in AECOM's March 20, 2024, letter being addressed prior to the Planning Commission Chair signing the Subdivision Plan was made by Ms. Rivera, seconded by Ms. Zumar and unanimously carried.

Subdivision Plan – 600 and 610 Tremont Street, and 610-611 Deemer Place

James Landon, Esquire, was present representing the property owner. Mr. Landon gave background on the property, noting that the purpose of the subdivision is to create seven lots around existing semi-detached and single-family detached dwellings.

Mr. Rogers reviewed his Comment Letter of March 21, 2024.

- The Board of Adjustment granted 11 variances for the subdivision plan.
- Comment #5 – Mr. Rogers will work with P.E.L.S.A. regarding this item.
- Comment #6 – The Public Water and Sewer note should refer to the City Municipal Services Commission for water and New Castle County for sewer.
- Comment #7 – There is a note on the Plan confirming that each existing dwelling/new lot is already individually metered for water and sewer usage.

A motion to approve the Subdivision Plan Seldon Scranton Deemer II, 600 and 610 Tremont Street and 610-611 Deemer Place conditioned on the items in AECOM's March 21, 2024, letter being addressed prior to the Planning Commission Chair signing the Subdivision Plan was made by Ms. Zumar, seconded by Mr. Gibbs, and unanimously carried.

Site Plan – Crozier Fine Arts Storage Facility, Proposed Addition

Scott Forsythe of Frederick Ward Associates was present representing Iron Mountain Information Management, the parent company of Crozier Fine Arts Storage in the Centerpoint Industrial Park. Mr. Forsythe explained the proposed 16,163 square foot addition to the existing building and responded to questions from the Commissioners. The applicant is working with MSC to re-route the existing fire and domestic water lines and add a waterline stub. The existing private sanitary lateral to the building will be re-located.

Mr. Rogers reviewed his Comment Letter of March 20, 2024.

- The proposed use is permitted within the I District and is consistent with zoned regulations relative to setbacks, maximum building bulk and building height.
- Existing and proposed parking is consistent with the zoning ordinance.
- No landscaping is required; however the applicant will be replacing trees and bushes that will be removed as a result of construction.
- Comment #6 – The owner and engineer certifications, respectively, should refer to the City of New Castle requirements.
- Comment #9 – The County has provided documentation that they are coordinating approvals with the Conservation District.

Messrs. Rogers and Forsythe responded to questions from the Commissioners.

A motion to approve the Crozier Fine Arts Facility Site Plan conditioned on AECOM's March 20, 2024, letter being addressed prior to the Planning Commission Chair signing the Site Plan was made by Mr. Gibbs, seconded by Ms. Batty, and unanimously carried.

Site Plan – 427 West 7th Street; Multi-Family Apartment Development

William Wendling, Civil Engineer with MidAtlantic Engineering Partners was present representing the applicant. Mr. Wendling explained items that were addressed based on AECOM's November 27, 2023 Comment Letter. Mr. Rogers clarified that two issues must be resolved with City Council: (1) Disposition of access to the County Pump Station, and (2) Extinguishment of the cross-access utility easement. If City Council approves these matters, the Subdivision embedded in the Site Plan will be brought back to the Planning Commission for consideration.

Three parcels are being created: (1) one parcel that will contain the apartment dwellings; (2) one parcel in the rear consisting of mostly wetlands; and (3) a parcel created around the pump station. Mr. Walton further explained the matter of the pump station, noting that the applicant has proposed an easement in lieu of a transfer.

Messrs. Rogers, Wendling and Walton responded to questions from the Commissioners. Mr. Rogers explained how the wetlands parcel will be accessed and maintained. He stated that AECOM is satisfied with the way it is moving forward with the condition that an easement to access the wetlands parcel be provided across the parcel containing the apartments. A non-profit LLC will be established for maintenance and management of the wetlands parcel that will be funded by the applicant.

Mr. Rogers reviewed his Comment Letter of March 22, 2024.

- AECOM found the responses provided by the applicant in response to the November 27th letter to be satisfactory.
- A more natural retaining finish was provided.
- AECOM is recommending the Site Plan be signed subsequent to the issue with the pump station is resolved and the subdivision is approved.
- Fourteen 2-1/2 caliper trees were added to the Site Plan.
- Two benches in the front have been added to the Site Plan.
- AECOM is satisfied that the issue with the wetlands can be resolved.
- AECOM is satisfied that sufficient progress with other agency approvals has been made to grant conditional approval of the Site Plan.
- Add a note to the Site Plan stating that the proposed streetscape improvements and the finished retaining wall shall be in place prior to the issuance of the Certification of Occupancy by the City.

A motion was made by Ms. Batty to approve the Site Plan conditioned on the following items being addressed prior to the Planning Commission Chair signing the Site Plan:

- Items #3 and #4 of AECOM's letter of March 22, 2024.

- A Subdivision Plan being approved by the Planning Commission.
- The Applicant and City Council coming to a satisfactory resolution regarding access to the County Sewage Pump Station.
- The cross-access and utility easement being extinguished by City Council.
- A blanket access easement being provided across the lot containing the apartment buildings to the lot containing the wetlands.
- The blanket easement should provide access to the owners, heirs, and assigns of the wetlands parcel as well as providing access to the City.

The motion was seconded by Ms. Rivera and unanimously carried.

Discussion of Powers and Duties of the Planning Commission as stated in Title 22 of the Delaware Code and Chapter 58 of the City of New Castle City Code

Mr. Walton explained the powers and duties of the Planning Commission:

- Develop the Comprehensive Plan and recommend it to City Council. The Comprehensive Plan is the municipal constitution. Once adopted, the Comprehensive Plan has the force of law.
- Review development proposals to ensure they meet the requirements of the town. Reasonable constitutional conditions may be placed on the approval of Subdivisions and Site Plans.

Mr. Walton responded to questions/comments from the Commissioners. During discussion having Mr. Walton give a presentation to the Planning Commission and City Council on constitutional/unconstitutional conditions was suggested. Ms. Reign will coordinate with Council President Souder on a date. In addition, Mr. Rogers will reach out to the Delaware State Housing Authority about having a representative give a presentation to the Planning Commission.

Comments From Commission Members

Ms. Batty

Ms. Batty gave an update of the Historic Area Commission (HAC) meeting:

- The gas riser issue was discussed. It was formally recommended to City Council that Exelon be enjoined from communicating anything about the project to residents that is not approved by City Council.
- Incorrect information being given by realtors to potential homeowners in the Historic District was discussed.

Ms. Batty asked that the Agenda and documentation be provided to the Commissioners sooner than it is currently being provided. Ms. Zumar suggested one week in advance would be sufficient. Mr. Rogers agreed that a formal deadline for submittals to him is needed. Mr. Walton recommended that "Discussion of Planning Commission Policies and Procedures" be added as a future Agenda item.

There being no further business to discuss, Ms. Reign called for a motion to adjourn.

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A motion to adjourn was made by Ms. Zumar, seconded by Ms. Rivera and unanimously carried, and the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer