

New Castle City Planning Commission Meeting  
Minutes  
New Castle Senior Center  
400 South Street, New Castle, DE  
March 9, 2026 – 7:00 p.m.

Members Present: Margo Reign, Chair  
Brie Rivera  
Kristin Zumar  
Cynthia Batty  
Marc-Anthony Williams  
Stephen Franklin  
Tamara Stoner  
David Majewski

Also Present: Christopher J. Rogers, City Planner  
Lisa Hatfield, City Solicitor  
Dennis Hulme, Woodin + Associates

Ms. Reign called the March 9, 2026, Planning Commission meeting to order at 7:00 p.m. Roll call followed and a quorum to conduct business was declared.

**Minutes**

February 2, 2026 – A motion to approve the minutes of the February 2, 2026, meeting as amended was made by Mr. Majewski. The motion was seconded by Mr. Franklin and was unanimously passed.

Ms. Reign noted that Item 6 on the Agenda (Discussion and Possible vote regarding the Subdivision Plan for Lots 188, 189, 224, 225 and 226 - The Buttonwoods) was withdrawn.

**Public Comment**

Phil Gross

Mr. Gross reiterated comments he made previously regarding the Subdivision Plan for 1004 Gray Street that the project is too dense for that corner. He opined that one (1) or two (2) lots should be removed from the project.

Mr. Gross asked for clarification of Ordinance 562. Ms. Hatfield stated that Ordinance 562 would be discussed later in the meeting.

Norma Harlow

Ms. Harlow thanked the Planning Commission for their concern about her and how the 1004 Subdivision will affect her property. She opined that the development will be an asset to the neighborhood and urged the Commissioners to support it.

**Discussion and Possible vote regarding a recommendation to Council on Ordinance 562 – An Ordinance to Amend the City of New Castle Municipal Code, Chapter 230 (Zoning Code), Regarding Board of Adjustment Hearings.**

Ms. Reign noted her understanding that the primary reason for the change is to make the New Castle City Code consistent with the Delaware Code, and the challenge is that the current rules require that if a meeting is postponed there must be two (2) weeks of public notice and it defers a person's ability to get heard. By being consistent with the Delaware Code, an applicant would get their hearing and a decision quicker. Ms. Hatfield noted that when you must have a meeting within 30 days and it has to be posted 15 days in advance, if anything happens to make scheduling the meeting impossible within that time it is impossible to meet the requirement of the New Castle City Code.

In response to a question from Ms. Batty, Ms. Hatfield stated that "reasonable time" is not defined in the State Code, and the Courts would determine what a "reasonable time" is. Ms. Batty opined that most applicants in the City are too nice to take their issues to court. She further opined that the City's response to almost every project of which she is aware has been so delayed and tardy as to cost the applicants huge amounts of money. Ms. Hatfield stated that pursuant to the current Code Board of Adjustment hearings must be held within 30 days, and opined that not many of them have been delayed. She reiterated that it is almost impossible to meet that requirement if there is any delay, regardless of the reason.

Ms. Batty opined that because the Board of Adjustment meets as needed, changing the Code to state "reasonable time" is not in the best interest of the citizens of New Castle; asserting that everything takes too long and lengthening the time to an indefinite period adds risk to the citizens and to those trying to do projects in the City. She suggested no more than 45 days.

In response to a question from Ms. Reign, Ms. Batty was unsure if projects she referenced were delayed because of the Board of Adjustment or other Commissions; adding that all meetings are part of a successive delay for many projects. Ms. Batty stated that she is aware of five (5) significant projects that were delayed because the City cannot respond quickly enough; but she did not know if any were delayed due to Board of Adjustment scheduling.

Ms. Reign stated that the intent of the Ordinance is to expedite the process.

A discussion of what "reasonable time" is and why there seems to be such delays ensued. In response to a question from Mr. Franklin, Ms. Hatfield stated that she would have to research examples of the timeframe the State uses to define "reasonable". She added that most municipalities follow the State Code, but the Planning Commission could recommend something different to City Council if it so chooses. Ms. Hatfield reminded the Commissioners that every time a meeting is changed it must go through the advertisement process again. She noted that "reasonable" is subjective, but it is typically defined as what you can reasonably do without undue delay.

Ms. Batty suggested making it "reasonable but no more than 45 days".

In response to a question from Ms. Zumar, Ms. Hatfield noted that the 15-day advertising period requirement for the Board of Adjustment is mandated by State Law. Mr. Rogers added that State Law also mandates the same public notification requirements for Public Hearings to make an amendment to Zoning or the Comprehensive Plan, and the current Planning Commission Public Hearing and Regular Meeting were both posted 15 days in advance of the meeting date.

In response to questions from Ms. Stoner, Ms. Hatfield stated that (1) statistics on the number of meetings that are delayed is not kept, and (2) the City Administrator manages the priority for scheduling, and as soon as a Board of Adjustment meeting is requested she immediately emails all parties with a list of available dates within the 30-day timeframe.

Ms. Batty reiterated her suggestion that the timeframe not exceed 45 days. Mr. Majewski concurred that the Commission's recommendation should have a hard time limit. A discussion of the appropriate deadline for scheduling a meeting ensued.

Mr. Franklin concurred with recommending an expanded but defined time limit. Ms. Stoner stated she would prefer to see quantified statistics; but without having that data, she is leaning to having a defined time limit.

Mr. Rogers explained the types of matters that are decided by the Board of Adjustment, noting that Board of Adjustment meetings are held as-needed which adds to the difficulty to schedule them. He added that in his experience the City makes every effort to schedule the meetings expeditiously.

With respect to the time in which to make a Decision on matters before the Board of Adjustment, Ms. Batty stated there is no need to go beyond 45 days. Ms. Hatfield stated that to her knowledge that requirement aligns with the State Code. Mr. Rogers stated that in his experience all Board of Adjustment Decisions are made on the date of the meeting; adding that only very complex matters might require additional time. Ms. Hatfield noted that if additional time is required the applicant can consent to it; adding that a procedure for that is not codified.

Ms. Batty stated that the City is not required to follow the State Code.

**A motion was made by Mr. Majewski to recommend Ordinance 562 back to City Council with the requirement of holding a public hearing within “a reasonable amount of time up to 45 days” and not changing the timeframe to decide an appeal. The motion was seconded by Ms. Batty and a roll-call vote was taken:**

**Ms. Reign – Yes**

**Ms. Rivera – Yes**

**Mr. Majewski – Yes**

**Ms. Batty – Yes**

**Mr. Williams – Yes**

**Ms. Zumar – Yes**

**Ms. Stoner – Yes**

**Mr. Franklin – Yes**

**The motion passed unanimously.**

**Discussion and Possible vote regarding the Subdivision Plan for 1004 Gray Street. 6.**

Mr. Dennis Hulme, Civil Engineer & Surveyor with Woodin + Associates was present representing the Applicant. Mr. Hulme explained that the Final Subdivision Plan is essentially the same as was previously presented to the Planning Commission. He stated that all plans have been approved and/or are pending approval by all agencies.

In response to a question from Ms. Batty, Mr. Rogers stated that the Final Plan did not contain any significant changes. He went on to review AECOM's letter dated February 19, 2026, noting that all items in AECOM's November 18, 2025, letter have been met. If approved by the Planning Commission the Final Plat will be submitted to City Council for approval via Ordinance. It was decided that an Ordinance is necessary since the Final Plat establishes new public facilities by way of sidewalks, curbing, and pavement restorations. Mr. Rogers stated that:

- The Applicant proposed that new sidewalks be installed around the two fronts of the parcel.
- The street will be restored due to the significant number of utility trenches and the sewer line that needs to be installed along the front of the property.
- The Applicant has made significant progress or has received approval from all Agencies.
- AECOM has reviewed and approved the sidewalk and restoration plans.
- The Applicant is very far along with sediment stormwater.
- The Applicant has submitted and is waiting for the signed copies of the Sanitary Sewer Agreement from New Castle County.
- The Applicant has been working closely with the Municipal Service Commission to ensure that the water service is adequate to service the lots and dwellings.
- The City Building Official determined that a Public Improvement Surety and Agreement will not be necessary, and stated that he would rather use the issuance of the Occupancy Permit to ensure that the public improvements have been done to the City's satisfaction as opposed to having the Applicant execute the an agreement and post a surety to guarantee the improvements.
- The Applicant submitted a Final Plat demonstrating compliance with all Planning/Technical comments noted in the February 19, 2026 letter. Mr. Rogers noted that Comments 1-5 are minor plat adjustments either through notations or changing line types.
- The Applicant has proceeded diligently after preliminary plat approval in obtaining feedback and approvals from all agencies, including AECOM.

Mr. Rogers stated that he has no issues to the Planning Commission approving the Final Plan, recommending that if the Planning Commission makes a motion to approve the Final Plat, the motion be conditioned on the items in AECOM's letter dated February 19, 2026, being met.

**A motion was made by Ms. Batty to approve the Final Plat Plan for the 1004 Gray Street subdivision with the condition that items noted in the AECOM letter dated February 19,**

**2026, are met prior to submission to City Council. The motion was seconded by Ms. Zumar and a roll-call vote was taken.**

**Ms. Reign – Yes  
Ms. Rivera – Yes  
Mr. Majewski – Yes  
Ms. Batty – Yes**

**Mr. Williams – Yes  
Ms. Zumar – Yes  
Ms. Stoner – Yes  
Mr. Franklin – Yes**

**The motion passed unanimously.**

**Discussion and Possible vote** regarding the Subdivision Plan for Lots 188, 189, 224, 225 and 226 – The Buttonwoods.

Mr. Rogers explained why this Agenda item was withdrawn; stating that the Applicant proposed a lot on a paper street that did not have direct access to a paved public street that raised concerns, and the lot being created had to pass across another parcel that had frontage on the same paper street. He added that you cannot run a driveway from a paved street to the parcel across someone else's property, and a water lateral or a private sewer lateral cannot be run from the mains in the paved area across someone else's parcel. In response to a question from Ms. Zumar, Mr. Rogers explained a paper street is a right-of-way that is not paved.

**Discussion and Possible vote regarding the Planning Commission Annual Report.**

Ms. Rein stated that the Planning Commission Annual Report would be presented to City Council at the March 10<sup>th</sup> meeting. She reviewed a draft of the Report and made adjustments based on input from the Commissioners.

**Discussion and Possible vote regarding the Election of Planning Commission Officers.**

Ms. Reign stated that new Planning Commissioner Officers should have been voted on in January, and asked for nominations. At Ms. Batty's request the meeting was recessed at 8:05 p.m. so she could discuss the nominations with two of the Commissioners individually. The meeting reconvened at 8:10 p.m.

**A motion to nominate Margo Reign as Chair of the Planning Commission with a term ending December 31, 2026, was made by Mr. Majewski. The motion was seconded by Mr. Franklin and a roll-call vote was taken.**

**Ms. Rivera – Yes  
Mr. Majewski – Yes  
Ms. Batty – No  
Mr. Williams – Yes**

**Ms. Zumar – Yes  
Ms. Stoner – Yes  
Mr. Franklin – Yes  
Ms. Reign – Abstain**

**The motion passed with a vote of six (6) in favor, one (1) opposed, and (1) abstaining.**

**A motion was made by Ms. Reign to nominate Brie Rivera as Vice Chair of the Planning Commission with a term ending December 31, 2026. The motion was seconded by Mr. Majewski and a roll-call vote was taken.**

**Ms. Reign – Yes  
Mr. Majewski – Yes  
Ms. Batty – Yes**

**Mr. Williams – Yes  
Ms. Zumar – Yes  
Ms. Stoner – Yes**

**Mr. Franklin – Yes**

**Ms. Rivera – Abstain**

**The motion passed with a vote of seven (7) in favor and one (1) abstaining.**

The next election of Officers will be held at the January 2027 Planning Commission meeting.

**Review and discussion of the Planning Commission Rules of Procedure.**

Ms. Hatfield explained that reviewing the Rules should be done annually as a matter of course, but the Rules are being reviewed now specifically to address the rules for voting. Currently the Planning Commission is required to have a roll-call vote on every motion. Ms. Hatfield noted that any Commissioner can all for a roll-call if there is a controversy, but it is not necessary to have a roll-call on every motion.

Ms. Hatfield suggested that Article VI.D be amended to state:

Following discussion, the Chair will call for a voice vote on the motion. All votes may be taken by voice vote, requiring Yea's, Nay's and Abstain. Any one (1) member may request a vote by roll call where desired. If a vote is taken by roll call the Chair, Vice-Chair of Clerk will select the voting order and the Chair will vote last. When voting by roll call each Commissioner must state the reasons for their vote for the record. A Commissioner's vote cannot be changed after it is recorded.

In response to a question from Ms. Zumar, Ms. Hatfield recommended that a roll call vote be taken on controversial topics, and the City Solicitor would alert the Commissioners if a roll call vote is required.

Ms. Hatfield reviewed additional changes she would suggest:

Page 1 – Article II B.1.b. *Set and develop the agenda for the meeting*

- b. The Chair sets and develops the agenda.

Page 2 – Article III. A. *Add two (2) subsections to section A*

- 1. In the event elections are delayed for any reason the sitting Chair and Vice-Chair shall remain in that position until the next regularly scheduled meeting at which time elections shall occur.
- 2. In the event that elections shall be delayed for any reason once held the Chair and Vice-Chair will be elected to serve until the next annual organizational meeting to be held in January.

Page 2 – Article III.C. *Add one sentence to Section C*

- If the Vice-Chair vacates office prior to the end of their term a new Vice-Chair shall be elected at the next regularly scheduled meeting.

Page 2 – Article III. *Add a new Section D*

- D. Any election held mid-term shall serve only until the next election at which time they may be re-elected for another term if desired and voted into office.

Page 3 – Article IV.D. *Strike the existing Section D and replacing it with a new Section D*

- D. The meetings of the Planning Commission shall not exceed two and one-half hours (2-1/2) in length, exclusive of the Executive Session. Items unable to be addressed within the 150 minute time frame shall be moved or tabled to the next available meeting time. Notwithstanding the foregoing, the Planning Commission may extend the time of the meeting by a two-thirds (2/3) or greater vote of the Commissioners in attendance. Following the vote, if the quorum is broken the meeting shall be closed.

Page 4 – Article VII. *Add a new Section C*

- C. Any Planning Commission member may request an item be placed on the agenda for the next meeting by sending an email or other written request to the Chair at least ten (10) days prior to the meeting. The Chair shall not be required to add any items for discussion which fall outside the purview of the Commission. The Chair shall not be required to add any request to a particular agenda, but shall make reasonable efforts to accommodate all requests where three (3) or more Commissioners desire such addition.

Ms. Hatfield recommended an additional edit to this Section to allow the Chair to select two (2) or three (3) requests that are within the purview of the Commission to add to the next agenda to avoid over-burdening the Commissioners in any particular meeting. Ms. Hatfield explained that if the Chair delays adding a request to the next agenda and fails to notify the requesting Commissioner of the delay, during the meeting at which the item is not on the agenda the matter will be put to a vote. If a majority of members vote to add the item to the next agenda it will be placed on the next month's agenda. This gives any member the ability to address any request that was not heard. Approval of the Agenda will be added as a discussion item on future agendas to allow for this process.

During discussion, Ms. Hatfield stated that the Chair is permitted to change the order in which Agenda items are discussed. Mr. Rogers noted some scenarios where the Chair may change the order of the Agenda.

The Planning Commission agreed to all changes to the Rules of Procedures as recommended by the City Solicitor and a revised copy of the Rules of Procedures will be submitted at the April Planning Commission meeting.

### **HAC Report**

Mr. Franklin stated that the February HAC meeting was cancelled.

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

Planning Commission Meeting  
March 9, 2026

**A motion to adjourn was made by Ms. Rivera and seconded by Mr. Williams. The motion was unanimously passed and the meeting adjourned 8:35 p.m.**

Respectfully submitted,

Kathleen R. Weirich  
City Stenographer