

PLANNING AND ZONING COMMISSION
MEETING MINUTES February 19, 2015

1. Chairman Gary Meredith called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Commission Members Meredith, Wichmann, Liddle, Smith and Sharpe were in attendance. Town Solicitor Dennis Schrader, Town Administrative Official Charles McMullen and Town Clerk Donna Schwartz were also present. The meeting was held in the Ocean View Town Hall, 32 West Avenue.

2. **COMMISSION BUSINESS** – None

3. **APPROVAL OF AGENDA**

A motion was made by Mr. Wichmann to approve the agenda, seconded by Mr. Smith. The motion carried unanimously 5/0.

4. **APPROVAL OF MINUTES**

A motion was made by Mr. Wichmann, seconded by Mr. Smith, to approve the December 18, 2014 minutes as presented. The motion carried unanimously 5/0.

5. **OLD BUSINESS** - none

6. **NEW BUSINESS**

- A. The Planning and Zoning Commission of the Town of Ocean View reviewed P-285 a preliminary site plan submitted by Steven J. Collazuol on behalf of the property owners Ann Bennett Collazuol and Steven J. Collazuol in conjunction with application P-285, to subdivide parcels of land into six individual parcels of land, on property zoned R-1 (single family residential) located at 34 Woodland Avenue (PIDN's: 116.000 & 116.001 /Sussex CTM#: 134-12.00-317.00 Parcels A & B)

Mr. McMullen noted that this hearing had originally been scheduled for January but due to some delays in communication was rescheduled for February. He said he provided the comments from Kercher Engineering and himself and had recommended to Mr. Collazoul he review and resubmit an updated site plan, because the submitted site plan was older than Town code allows. Mr. Collazoul declined to take his advice and asked to move forward with the review. Mr. McMullen said he has received two letters from Mr. Collazoul which he has not reviewed because they were received after the plan submission to Planning and Zoning.

Mr. Schrader asked Mr. Collazuol if he had received Mr. Kercher's comments and Mr. McMullen's comments. He indicated that he had received both set of comments.

Mr. McMullen read the overview from Mr. Lober, of Kercher Engineering. "The following comments are for consideration by the Town.

- (1) The creation of a public right-of-way along the southern boundary of the property creates a "side lot line abutting a street" for the adjacent property to the south where a "side lot line" currently exists. A "side lot line abutting a street"

requires the same setback as a front lot line. In this case that setback is 25 feet. The current setback for the side lot line is only 15 feet. Creation of this right-a-way, therefore, creates a more restrictive setback on the adjacent parcel to the south.

The following comments should be addressed with the revised preliminary plan submission:

1. Provide the location and elevation of the datum used for the project survey;
2. Verify that all utilities are shown on the plans with 100 feet of the boundaries of the project;
3. Show the right-a-way and cartway for Woodland Avenue including dimensions on the plans;
4. Include a purpose note on the plans;
5. Provide the source of title on the plans;
6. Provide a wetlands report and delineation;
7. Verify that the site is not located with the FEMA mapped floodplain as shown on the most recently revised maps;
8. Verify that there are no surface water protection areas on-site.

Drainage:

1. The sections shown on the plan for existing drainage swales do not match the topography shown;
2. The culvert under Blue Heron Way is too shallow. Revise the design of the culvert to provide minimum cover above the pipe;
3. Provide a catch basin at the low point of Blue Heron Way to collect runoff from the street and direct it into the culvert. The curb cut above the flared end section of the culvert is unacceptable;
4. No topographic information is provided downstream of the site at the southwest corner. Provide information for the outlet from the existing drainage swales. A positive outfall for the drainage directed to that location must exist.
5. Provide design calculations in accordance with the code for all of the drainage systems on-site, including both open and piped conveyance networks. (Sections 132-6, 132-7, 132-8 & 140-104)

Grading:

1. Provide a detailed grading plan including contour tie-ins to existing grading and sufficient spot grades to clearly depict code compliant grading. (Sections 132-1, 132-2, 132-3, & 140-104)
2. The minimum slope on paved areas and roads is 0.5%. The minimum slope on pervious surfaces is 1%. (Sections 132-2-F, & 140-104)
3. Grading of the bio-swale appears to require disturbance off-site beyond the extent of the easement shown. Easements will be required with the affected property owners for any disturbance on their property during construction and to permit permanent drainage conveyance. (Sections 140-79 & 140-104)

Stormwater Management:

1. Provide a full stormwater management analysis and design report, including design details for all stormwater management facilities in accordance with code requirements. (Section 140-104)

Streets and Sidewalks:

1. Provide the correct street cross section including sidewalk, curb, and pavement.

2. Provide street and sidewalk design in accordance with Chapter 187.

These comments are offered solely based on the preliminary information provided to date. KEI reserves the right to issue new comments based on the revised preliminary plan and final plan submission.”

Mr. McMullen noted for the record that this was a previously approved 5 lot subdivision that for financial reasons failed to meet the sunseting regulations of the Town Code and therefore the application was voided. The lot lines that were created with that subdivision were remanded.

Mr. McMullen then read his overview. He stated this application was previously on the agenda to be heard on January 15, 2015. Due to late developments the applicant requested that the review be rescheduled until February. I provided the overview below along with the overview by the Town engineer to see if the applicant would prefer to revise the site plan before appearing before the Commission. The applicant opted to appear in February.

The applicant, Steven J. Collazuol is requesting that the Commission review a Preliminary Land Development Site Plan which is defined in the Code as *a detailed map showing the proposed layout of a site, parcel, tract, land, property or residential planned community submitted for preliminary approval.* The plan proposes to combine two parcels of land zoned R-1 (Single Family Residential) that will then be subdivided to create six individual lots also zoned R-1.

A concept plan was reviewed by the Commission September 18, 2014 at which time the applicant was advised to move forward with preparation of a preliminary plan compliant with the Code.

Notes regarding requirements for Preliminary Land Development Site Plan:

§140-103-E: Plan Content (*Omitted data underlined in corresponding sub-section*)

- (2) North Point, graphic scale, written scale and date, including the month, day and year that the original drawing was completed, the month, day and year the original was revised, for each revision, and a clear and concise description and location of the changes made in each revision;
- (6) A key map, for the purpose of locating the property being subdivided, drawn at reasonable scale and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within 200 feet of any part of the property. Also the approximate distance to all nearby existing streets shall be shown, and a title, scale and north point shall be indicated;
- (7) Total tract boundaries of the property being developed, showing bearing and distances, and a statement of total acreage of the property;
- (8) Contour lines at vertical intervals of not more than one foot. The datum shall be U.S. Coast Guard and Geodetic Survey (USC&G);
- (9) Location and elevation of the datum used shall be a known established USC&G benchmark;
- (10) All existing water lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, watercourses, easements, rights-of-way, and other significant man-made or natural features within the proposed subdivision and within 100feet outside of the boundaries of the proposed subdivision or land development;

- (11) The location and present use of existing buildings and structures, mature trees standing alone, outer limits of tree masses, woodlands and other existing vegetation, and the location of the floodplain, wetlands and other natural features which may affect the location of proposed streets or buildings; (*floodplain only underlined because all of the proposed parcels will be in an AE-7 flood zone per FEMA maps that are effective March 2015*)
- (13) Proposed development:
- (a) Location and width of all streets and rights of way, with a statement of any conditions governing their use. (*statement noting that the streets are to be dedicated to the Town of Ocean View with a bond as required by Code after inspection and approval by Town engineer*);
 - (b) Suggested street names in conformance with the provisions of Chapter 185 and coordinated with Sussex County 911 Addressing and Mapping Department; (*the street name is required to be approved by Town Council during the site plan approval process*)
 - (c) Utility easement locations;
 - (e) Lot lines with bearings and distances; (*front & rear lines omitted*)
 - (f) Lot numbers and a statement of the total number of lots and parcels;
 - (j) Stormwater management plan, and erosion and sedimentation control plan; (*dated 2006 – older than six months as required by §140-98-D(1) that was adopted 11/18/14 by Ordinance 310 and most likely unavailable to applicant prior to my 1/16/15 email that included this review*)
 - (k) Proposed landscaping and lighting; (*not provided*)
 - (l) Proposed sidewalks and walkways; (*Cross section of sidewalk does not show a 2' grass strip as may be required by §187-09-C*)
 - (m) Demarcation of existing vegetation “to remain” or “to be removed”.
- (16) Purpose note;
- (17) Tax parcel numbers for all subject properties; (*incorrect on cover page*)
- (18) Zoning District designation (existing and proposed)
- (19) Source of title;
- (20) Total site gross and net acreage;
- (23) Calculation of required parking and number of existing and proposed spaces.
- §140-103-F: Supplemental Data – (Omitted data underlined in corresponding sub-section)**
- (1) Preliminary improvement construction plan, containing the following information:
 - (a) A preliminary plan for the surface drainage facilities of the tract to be developed, including stormwater runoff calculations for the watershed and entire property being developed, and showing the proposed method of accommodating the anticipated runoff; all soils mapping and soil data. (*Refer to §140-103-E (13)(j) above*)
 - (2) Wetlands Report – Wetlands delineation and wetlands mitigation plan prepared by a Delaware registered engineer, surveyor, biologist, or other environmental scientist, or other environmental scientist with experience and qualifications in wetlands delineation prepared pursuant to Article II, Chapter 11 (*Required*)
 - (3) Floodplain Delineation and Management Plan – a plan for the management of special flood hazard areas defined under “Flood Damage Reduction” in Chapter 116. (*Refer to §140-103-E (11) above*)

- (5) Source Water Protection – an Environmental Assessment Report prepared pursuant to Article III, Chapter 116 (*Required*)
- (7) Title Search – Title search of the pertinent property that includes at least ownership of the property, easements, deed restrictions, and other similar information (*Required*)

§140-103-G: Additional Information. The Planning and Zoning Commission may request additional information needed to make an informed decision.

§140-103-H: Referrals to other Agencies – Each Preliminary Development Plan shall be referred to the following agencies and departments:

- (1) Sussex Conservation District (SCD) – Required
- (2) Water Provider – Required
- (3) Sewer Provider – Required
- (5) Sussex County 911 Addressing - Required
- (6) State Fire Marshal’s Office (FMO) – Required
- (7) Electricity Provider – Required
- (9) Delaware Department of Natural Resources and Environmental Control (DNREC) – Required

Additional Comments:

- Notes on Sheet 2 of 9
 - ✓ Should indicate that existing structure to be razed prior to recordation of approved Final Development Site Plan;
- Notes on Sheet 3 of 9
 - ✓ Item 4 – provide name of owner on file in Sussex County;
 - ✓ Item 5 – should read Town of Ocean View. This parcel is within the Certificate of Public Convenience and Necessity (CPCN) of the Town of Ocean View. The developer will be required to provide plans to the Town for public water service.
 - ✓ Item 12 – as noted plans do not meet Code and this comment should be updated
 - ✓ Item 13 – clarify
- Delineate each “existing drainage ditch” to show the boundary.
- Entrance sign for residential development should be shown on site plan if proposed;
- Open space requirement should be noted as a requirement on the plan and comply as outlined in §140-71 of the LUDC of the Code;
- Screening, Landscaping, and Shade should be accomplished in accordance with the applicable requirements provided in §140-73 thru §140-75;
- Deed restrictions and covenants to be provided to the Town for review by the Solicitor at such time that they are available and a recorded copy of same should be provided to the Town;
- Swales are within the Town Right-of-way;
- 10’ drainage easements dedicated to the Town of Ocean View are required for each parcel.

It is the opinion of this reviewer that the applicant should be required to revise the preliminary site plan to be compliant with the Town Code and resubmit for further review.

Mr. Schrader asked Mr. McMullen if there was previously a variance with this application. Mr. McMullen replied that he was correct and it had to do with the width of the street. He said, many of the plans submitted by Mr. Collazuol were plans that were part of the previously approved subdivision, there was a site plan signed off on by the Town with the understanding that the additional requirement for the streets be reviewed by Sussex Conservation District, however, what was submitted to SCD based on what was provided to him by Jessica Watson of SCD did not meet what was granted by the Town Board of Adjustment when the variance was granted for the streets. Much of the stormwater management issues were done by a company that is no longer in existence. There is a lot of documentation in here that is aged, which is part of the reason why we require the plans to be no older than 6 months because laws change, and many of the things submitted by Mr. Collazuol may have been compliant at that time, but may not be complaint at this time.

Mr. Collazuol was asked by Mr. Schrader if the plan still required a variance for the roadway. He replied "No." Mr. Collazuol said "It is our intent that it be compliant." Mr. Schrader then asked Mr. Collazuol to tell the Commission what was different between this plan and his previous plan. Mr. Collazuol stated the intent of this plan was to subdivide as it was subdivided six years ago. He said would not be seeking any variances on the minimum street width required by Ocean View. It is the same layout, the road, the same location, the lots are the same, it's been redrawn and they've clarified certain items. Mr. Collazuol said it was his intent to show everything required of the Town, to meet the Town's requirements, and if everyone is satisfied with the name of the street, he will keep that as well. He commented that he would be happy to go point by point over Mr. Loper's letter and Mr. McMullen's letter, however, he noted that it is the same subdivision that was previously approved by this Commission.

Mr. Schrader asked Mr. Collazuol if Soil Conservation District would accept the stormwater management plans that Greenstone prepared previously. Mr. Collazuol indicated he had a document with gave an extension to their Soil Conservation District approval which lasts until 2016. Mrs. Sharpe asked Mr. Collazuol if there are plans for a swimming pool. Mr. Collazuol replied he had thought about redividing the last two lots and decided against it. Mr. Meredith confirmed that Mr. Collazuol is developing six lots. Mr. Liddle expressed concern that both the Town engineer and Mr. McMullen's office both recommended that Mr. Collazuol resubmit a preliminary plan and said he was curious why Mr. Collazuol does not want to. The application was delayed and surely the request could have been done. He asked why Mr. Collazuol was asking the Commission to over look all those items. Mr. Collazuol replied that it was a matter of scheduling by time he got the comments he felt a letter of response to the comments was reasonable. He doesn't believe the comments were significant enough that preliminary approval couldn't be granted tonight and added that, "all the comments would be complied with."

Mr. Schrader asked Mr. Collazuol if he plans to comply with the comments of Mr. Loper and Mr. McMullen. Mr. Collazuol said he did. Mr. Schrader also asked Mr. Collazuol to confirm that the street width is correct and that it will not require a

variance. Again Mr. Collazoul agreed that Mr.Schrader was correct. Mr. McMullen confirmed that both he and Mr. Loper had comments regarding the street and sidewalk. He said, Mr. Collazoul needs to provide a correct street cross-section including sidewalk, curb and pavement, and provide street and sidewalk design in accordance with Chapter 187. Mr. McMullen also noted that the detail Mr. Collazoul has provided shows a curb that is not in compliance with Town code and lacks a grass strip which is also required by Town code. Mr. Schrader questioned the 2103 approval letter by Soil Conservation Mr. Collazoul claims to have. Mr. Collazoul said he understood Mr. Schrader's concern, and agreed to get a new confirmation letter from Soil Conservation and present it to the Board.

Mr. Wichmann stated he was concerned that the documents contained so much outdated data, and he would like to see it updated before being approved. Mr. Schrader said the plan could be approved tonight as a preliminary plan with conditions added. Mr. McMullen asked the Board to include the comments listed by Mr. Lober and himself be added as a condition to the approval. Mr. Liddle stated he was bothered by the fact that Mr. Collazoul seemed opposed to complying with the procedures of a preliminary plan. He asked Mr. Collazoul why he didn't provide the information requested. Mr. Collazoul said he considered them minor issues and the essential part of the plan have not changed.

A motion was made by Mr. Wichmann, seconded by Mrs. Sharpe, to approve the preliminary plan based on everything discussed here and that the plan is in compliance with the things agreed to. The comments of Mr. Loper, Mr. McMullen and all outside agencies will be complied with as required at the time of final site plan. All issues on the final site plan will be addressed as a condition of Council.

7. ADJOURNMENT

A motion was made by Mrs. Sharpe, seconded by Mr. Wichmann, to adjourn the meeting at 7:45pm. The motion carried unanimously 5/0.

Respectfully submitted,
Donna M. Schwartz