

PLANNING AND ZONING COMMISSION
MEETING MINUTES
February 21, 2019

1. Vice Chairman Baptist Damiano called the meeting to order at 6:00 p.m. with the Pledge of Allegiance. Commission Members Damiano, Nicholson, Liddle, and Sigvardson were in attendance. Planning & Zoning & Development Director Ken Cimino, Engineer James Lober, Town Solicitor Dennis Schrader, and Town Clerk Donna Schwartz were also in attendance. The meeting was held at 32 West Avenue. Mr. Amendt was not present.

2. **REORGANIZATION OF MEMBERS**

Mr. Dennis Schrader swore-in new member Mark W. Nicholson.

A motion was made by Mr. Nicholson, seconded by Mr. Sigvardson, to nominate Baptist Damiano as Chair of the commission. The motion carried 4/0.

A motion was made by Mr. Damiano, seconded by Mr. Sigvardson, to nominate Mr. Amendt as co-chair of the commission. The motion carried 4/0.

3. **APPROVAL OF AGENDA**

A motion was made by Mr. Liddle, seconded by Mr. Sigvardson, to approve the agenda. The motion carried unanimously 4/0.

4. **APPROVAL OF MINUTES**

A motion was made by Mr. Liddle, seconded by Mr. Sigvardson, to approve the January 24, 2019 minutes as presented. The motion carried unanimously 4/0.

5. **NEW BUSINESS**

A. **P-322 3 Town Road (PIDN: 284.080/Sussex CTM: 134-13.00-1100.00)**

Application P-322 is a Concept Land Development Site Plan submitted by Lisa Daisey-DiFebo with the permission of the property owners, Ronald A. & Joyce E. Gay, in order to establish a general business on property zoned GB-1 (General Business District 1) located at 3 Town Road (PIDN:284.080 / Sussex CTM# 134-13.00-1100.00).

Mr. James Lober read his overview. He made the following comments:

Floodplain

1. Section 116-5-E2 of the Town Code – development in areas with base flood elevations but no floodways states:

(a) For development activities in a flood hazard area with base flood elevations but no designated floodways, the applicant shall develop hydrologic and hydraulic analyses and technical data reflecting the proposed activity and shall submit such technical data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

(b) The proposed development activity may be permitted if the analyses demonstrate that the cumulative effect of the proposed development activity, when combined with all other existing and potential flood hazard area encroachments will not increase the base flood elevation more than 1.0 foot at any point.

He said until items (a) and (b) have been satisfied, no plan for development on-site can be considered code compliant.

2. Upon FEMA approval, any plan for the site will be required to comply with all applicable aspects of Sections 116-4 and 116-5 of the Town Code.

3. Mr. Lober stated, we are under the impression that FEMA approval for this site was previously acquired for a similar project. If that is indeed the case please provide copies of the correspondence from FEMA.

Generally

1. The plan states that the proposed use is “Juice Bar” or any allowable use with adequate parking. A specific use needs to be specified so that the plan can be appropriately reviewed for code compliance. Parking is not the only use-specific code requirement. For purposes of this review, it has been assumed that the proposed use is the Juice Bar that will be characterized as a retail use that does not qualify as a restaurant due to the number of seats being less than the minimum 10 required for a restaurant. Moving forward please remove any references to alternative used and specify a single proposed use for the project.

2. Provide plans in accordance with the requirements of Town code section 140-100.

3. Specify on the plan how the dumpster area will be screened.

Grading

1. Provide grading in accordance with the requirements within section 116-5-C.

2. Ensure that grading within the handicap parking space and van accessible area are ADA compliant. As currently depicted on the plan, Ada compliant access to the building is only provided for one side of the handicap parking space. Provide a paved surface that provides ADA compliant access to the building from both sides of the handicap parking space.

3. Provide grading along the curb in the parking area that directs runoff to the stormwater management facility.

Stormwater Management

1. Provide stormwater management in accordance with the Delaware Sediment and Stormwater Regulations. Provide copies of all stormwater management design calculations and plans. The Town will require approval of the stormwater management design from the Sussex Conservation District prior to final plan approval.

Mr. Julian Pelligrini, with the Pelsa Company, was present representing Lisa Daisey DiFebo. He stated the building was only 1,400sqft and to be used as a “Juicebox” retail restaurant. They would like to have concept plan approval tonight. Ms. DiFebo also spoke to the

Commission. She stated that she has three locations in the area. The building is a simple box shaped building. Ms, DiFebo said they serve healthy drinks and all service is inside and to-go. The house has a small porch and a total of 10 seats. Mr. Lober noted that there was no porch indicated on the drawing and this should be corrected on future site plans.

Mr. Joel Antonelli, Town Road, spoke in favor of the project saying he feels it is a good fit.

A motion was made by Mr. Liddle, seconded by Mr. Sigvardson, to approve as a concept plan. The motion carried unanimously 4/0.

5. ADJOURNMENT

A motion was made by Mr. Liddle, seconded by Mr. Sigvardson, to adjourn the meeting at 6:12pm. The motion carried unanimously 4/0.

Respectfully submitted,
Donna M. Schwartz, CMC