

PLANNING AND ZONING COMMISSION
MEETING MINUTES
September 19, 2019

1. Baptist Damiano called the meeting to order at 5:00 p.m. with the Pledge of Allegiance. Commission Members Sigvardson, Nicholson, Liddle, and Amendt were in attendance. Planning & Zoning & Development Director Ken Cimino, Town Engineer James Lober, Town Solicitor Dennis Schrader, and Donna Schwartz were also in attendance. The meeting was held at 32 West Avenue.

2. **APPROVAL OF AGENDA**

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

3. **APPROVAL OF MINUTES**

A motion was made by Mr. Amendt, seconded by Mr. Sigvardson, to approve the July 18, 2019 minutes as presented. The motion carried unanimously 5/0.

4. **NEW BUSINESS**

A. **P-326 81 Central Avenue (PIDN:048.006/CTM#134-2.00-645.00)**

Mariner's Bethel UMC – The Hope Center – Prepared by Becker Morgan Group -
Based upon our review, Mr. Lober had the following comments.

1. The existing zoning of the parcel is R-1. The church qualifies as a “place of worship”, which is a permitted use within the R-1 zoning. There is no separate Institutional zoning category.
2. Provide a purpose note on the plan explaining the proposed uses within the new building.
3. The parking calculation provided assigns the same rate of 1 parking space per 100 sf to the church and the new building. The 1 parking space per 100sf applies to places of worship. Provide an explanation of the proposed uses of the new building so that the most appropriate parking calculation can be applied.
4. Include the maximum allowable lot coverage of 35% within the bulk requirements listed in the site data column.
5. Provide the lot coverage percentage for direct comparison to the maximum 35% permissible by code.
6. Provide the height of all the buildings on site on the plan.
7. Show the location of all proposed mechanical equipment on the plan.

Variations -- At their meeting of January 18, 2018, the Board of Adjustment approved a variance to permit the height of the existing maintenance building, existing pavilion and the proposed Hope Center to exceed the maximum allowable height of 14 ft. for detached accessory structures. The approval permits the maintenance building and the pavilion to be 18 ft. in height and the Hope Center to be 36ft. This approval was contingent upon no living space being proposed within the buildings and the approval of the land development plan for the Hope Center. Add a note to the plan referencing this approval.

Stormwater Management -- 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. Steve Benton spoke to the Commission on behalf of Mariner's Bethel Church saying this is an expansion of their existing building. Mr. Sigvardson asked how many people would be using this building. Mr. Karl Gude replied they have three different services on Sunday mornings. They have a soup kitchen where they serve the homeless meals. They need a place for funeral luncheons and seating for 400. This will provide also a basketball court for the kids to use and could also be used as a social hall.

B. P-327 & P-328 88 & 90 Atlantic Ave/PIDN: 088.000/087.000)

Based upon review, Jim Lober made the following comments.

Lot Consolidation Plan

1. Please correct the deed references for the parcels both in the site data column and in the lot labels.
2. General Note #7 states that the subject parcels are not located within the 100-year flood zone. Based on my review of FEMA FIRM Panel 10005C0511K, I believe this is incorrect. Please provide additional exhibits reflecting the floodplain boundary with respect to the subject parcels to verify the location of the parcels with respect to the floodplain.

Concept Plan

Generally

1. Include the maximum allowable lot coverage of 50% within the bulk requirements listed in the site data column.
2. The site data column lists the impervious cover as 32,806 s.f., however, the lot coverage is listed as 18.3%. I believe this is incorrect. Please provide the correct lot coverage percentage for direct comparison to the maximum 50% permissible by code.
3. Provide the height of the building on the plan.
4. Show the location of all proposed mechanical equipment on the plan.

Floodplain

1. If the subject parcels do indeed lie within the 100-year floodplain boundary, development plans will be required to be designed in accordance with the floodplain regulation requirements included within Chapter 116 of the Town Code.

Variances

1. The plan currently lists a total impervious cover of 32,806 s.f. This equates to a total lot coverage of approximately 60%. The maximum allowable lot coverage

for GB-1 zoning is 50%. The plan will need to be revised to reduce the proposed lot coverage to 50% or less or a variance will need to be obtained to permit the additional lot coverage.

Offsite Stormwater Outfall

1. The off-site stormwater outfall that directs runoff to the Banks Bennett Tax Ditch appears to disturb wetlands and potentially sub-aqueous lands. Provide all permits and approvals required by the United States Army Corps of Engineers and/or the Delaware Department of Natural Resources and Environmental Control for this work.
2. The off-site easement will need to be recorded and the recordation information provided on the plan prior to final plan approval.

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. Steve Fortunato, Becker Morgan, was present to answer any question the Commission may have about their concept plan. He said they plan on building 10,000sqft building with a dental office, retail and office space available. They have planned 50 parking spaces, 47 are required. They are talking to DelDOT and there will be improvements to the entrance.

A motion was made by Mr. Amendt, seconded by Mr. Sigvardson, to combine lots 88 and 90. The motion carried unanimously 5/0.

5. OLD BUSINESS

A. P-314 47 West Avenue (PIDN: 267.000/CTM#: 134-13.00-0013.00)

Revised - Final Plan Review – Stingray Harbor – f.k.a. Canal Ridge

Based upon our review we have the following comments. Please note, comments from previous reviews that have been addressed have been removed for clarity.

Grading

1. Addressed
 - a) In the existing condition, runoff drains onto the subject parcel from the adjoining parcels to the north and south that front on West Avenue. The fill being placed to construct the entrance and tie into grades along West has the potential to block that runoff. Grading needs to be provided on both the north and south sides of the entrance that will accept runoff from the adjoining properties and direct it to the east. Given the narrow area available to provide this conveyance, the Town would like to work together with the engineer to come up with a solution to ensure that this area does not become a problem. Insets of the final solution at a larger scale will need to be provided on the plans so that the details can be conveyed to the contractor.
2. Addressed.

- pc) Grading behind lots 1- 8 does not provide the minimum code required slope of 1% in pervious areas. Provide grading that will direct runoff to points of outfall at a minimum slope of 1%.
- 3. Addressed
 - pc) Grading at the rear of the site where Stingray Harbor Drive ties into Osprey Lane appears to create an undrained sump at station 0+00. Extend the drainage system to this area or provide grading to ensure that the area will drain.
- 4. Addressed
 - pc) It appears that the driveway apron grades have been set with a consistent elevation change of 0.83' over the 10' from the face of curb to the back of the sidewalk. Although this is an acceptable ADA compliant longitudinal slope for this distance, it creates an unacceptable cross slope on the sidewalk at each driveway location. The maximum cross slope on the sidewalk is 2%. The standard cross section provided for the road shows the sidewalk at 2%, however, the grades shown at the driveways don't maintain that cross slope. Revise the grading at the driveways to maintain a maximum of 2% cross slope on the sidewalks.

Drainage

- 1. Addressed, however Section 140-79 B3 requires that all drainage easements be a minimum of 20' wide. Please revise to ensure that all drainage easements are at least 20' wide.
 - pc) Provide easements for all pipes and swales located outside of the right-of-way.
- 2. Addressed
 - pc) Catchbasin I-1 is called out as a 48x48 box. It is not large enough to support SD-1, which is shown as a 48" pipe.
- 3. Addressed
 - pc) Catchbasin I-12 is called out as a 48x48 box. It does not appear that it needs to be that big.
- 4. Addressed
 - pc) Manhole M-1 is called out as a 48" manhole. It appears that it may need to be a 60" manhole.

Record Plan

- 1. Addressed
 - pc) The note for the park still references "canal ridge".
- 2. Addressed
 - pc) The note for the park also mentions the cutting of trails for walking, jogging or biking. Please revise the note to clarify that paths are only permitted within Zone B of the wetland buffer. No paths are permitted with the wetlands or Zone A of the buffer.
- 3. Addressed
 - pc) Please revise the floodplain note to specifically state the special flood hazard zone and the base flood elevation.
- 4. Addressed
 - pc) Please include the proposed lot coverage in the site data column.

Landscape Plan

1. Addressed. Please update note #19 on the landscape plan to reflect the change.
 - pc) The code requirement of 1 tree per 3,000 square feet of developed area applies to the total tract area. Apply the planting rate to the entirety of the 14.07 acres.
2. Addressed. Please add a note to the plan stating that street trees have been provided to the greatest extent possible so as not to interfere with utilities.
 - pc) The code requirement of 1 tree every 30 ft. to provide shade along the streets included in Section 140-75, is in addition to the landscaping requirements in Section 140-74. Provide street trees in accordance with the code.
3. Addressed
 - pc) Street trees should not be planted along the sides of the entrance through the narrow portion of the property that fronts on West Avenue. See comment #1 in the grading section above.
4. Addressed
 - pc) Ensure that the species of street trees proposed are of a type that will not cause damage to the sidewalk due to root growth over time.

Stormwater Management

- 1) Addressed
 - a) The wet pond is required to be aerated. Provide details on the plans for how this will be accomplished.
- 2) Addressed. Please specify the foundation material and thickness in the outlet structure cross section details.
 - a) Provide additional detail for the construction of the concrete wall outlet structure. The final design should be signed and sealed by a structural P.E. The following items should be specifically addressed in the design and on the plans.
 - b) It is not clear how much of the wall will be exposed.
 - c) There is minimal detail provided for rebar reinforcement.
 - d) Ensure that the design accounts for buoyancy given its proximity to potentially saturated soils.
 - e) The footing may need to be stepped for frost protection given the shallow depth at the v-notch.
 - f) The footing may need to be wider to protect against overturning.

Comments from our previous reviews have been addressed as follows

Wetlands

2. Addressed
 - pc) The wetland boundary and buffer have been depicted on the record plan. The buffer-yard averaging has been applied correctly and quantified on the plan. The only outstanding issue regarding the wetland buffer is associated with the road construction within the buffer along the road adjacent to lot 32 and at the turnaround adjacent to lot 23. These areas

do not qualify as “road crossings, such as bridges” that would represent a permissible disturbance within zone B of the wetland buffer. As such, these areas must also be considered to be disturbed and their area accounted for by the buffer yard averaging.

pc) Disturbance is shown within the code required wetland buffer. A minor accounting of the buffer impacts is listed on the plan and an area for buffer mitigation is shown. Additional detail of the areas to be disturbed will need to be provided. Disturbance within the wetland buffers is not permitted for any activity associated with the construction of the dwellings. It is not clear that the entirety of the disturbance that will occur is accounted for. The final plan will need to depict the reconfigured buffer area removing those areas that have been disturbed and including any areas that have been added to achieve the average buffer widths required.

3. Addressed

pc) A buffer management plan has not been submitted as of this date. pc) Provide a buffer management plan as required by Section 116-16.

Streets and Sidewalks

1. Addressed. The Town has received and reviewed the traffic study and found it to be acceptable. pc) It has been noted by the applicant that a traffic study is underway and that it will be forwarded under separate cover when it is complete.

pc) Provide a traffic study as required by the code.

Grading

1. Addressed

pc) A grading plan has been provided. Specific comments regarding the grading are included within the new comments section of this letter.

pc) Provide a grading plan in accordance with code requirements that shows grading in the lot areas that directs runoff away from structures and conveys runoff to sufficient points of outfall.

Record Plan

1. Addressed

pc) A revised record plan was provided addressing this comment. Additional comments regarding the record plan are included in the new comments section of this letter.

pc) Include all of the following items on the record plat

a. Site data column including all required notes, dimensional requirements, etc.

b. Building setback lines and labels

c. All easements including, but not necessarily limited to drainage, swm access, utilities.

d. Final wetland buffer line after application of buffer width averaging.

e. Floodplain area limits

f. Right-of-way label including name, dimension and dedication to public use.

- g. Stormwater management area
- h. Dimensions showing the spacing between buildings.

Agency Referrals

1. The applicant has provided agency approvals from the Fire Marshal, Sussex County, DNREC, Tidewater Utilities and DHSS as required. DelDOT approval is not required for this project as Kent Ave. is a Town road.

Mr. Lober said the comments he noted need attention. Mr. Jeff Clark was present to represent the owners of the property. He stated that the final site plan was the same as the preliminary except for a few things. One of those things was the homes would not be on pilings and they would not need flood insurance

Public comments:

Charlotte Paul, Osprey Lane, asked about the roadway. Mr. Clark showed her on the site plan where the roadway was.

Charles Brzezynski, Osprey Lane, questioned why the roadway needed to connect with Osprey and suggested it be a private road. Mr. Schrader said it must be a public road.

Brenda McIntyre, William Avenue, asked why it couldn't be a cul-de-sac.

Trisha Supik expressed concern about the storm water management system and water going into the canal. Mr. Clark explained how the system is going to work.

Dave Coll, Osprey Lane, talked about the size of the road and the connection to the existing Osprey Lane.

Vince Bertone, West Avenue, asked if the plan was for one tree per 3,000sqft. Mr. Lober replied yes. Mr. Bertone asked if West Avenue was going to be widened. Mr. Lober replied no. Mr. Bertone asked about a fence around his yard. Mr. Clark said it was on the plan.

A motion was made by Mr. Amendt, seconded by Mr. Liddle, to approve the final site plan. The motion carried unanimously 4/0. Mr. Sigvardson abstained.

6. ADJOURNMENT

A motion was made by Mr. Amendt, seconded by Mr. Liddle, to adjourn the meeting at 6:00pm. The motion carried unanimously 5/0.

Respectfully submitted,
Donna M. Schwartz, CMC