

Town of Cheswold
Planning Commission Meeting Minutes
January 9, 2014
Cheswold Fire Hall Conference Room

- I. Chairperson Coker called the meeting to order at 7:07 pm.**
- ii. Pledge to the Flag**
- III. Observed Moment of Silence**
- IV. Confirmed Proper Meeting Notice was Posted**
- V. Roll Call of Commissioners to ensure a quorum**

<u>Present</u>	<u>Absent</u>
Martha Scott	Barry Jones
Albert Lambertson	
Alan Roth	
Dennis Coker	

Chairperson Coker acknowledged a quorum has been confirmed. Mr. Coker acknowledged the presence of Mayor Tinari and Land Use Administrator Theon Callender. Tom Wilkes of Remington, Vernick & Beach is in attendance. Mr. Coker thanked Ruthann Purchase for volunteering to take meeting minutes.

VI. Review of Agenda; motion to accept as presented or as amended

Commissioner Lambertson made a motion to amend the agenda to include a discussion of the Saratoga Affidavit; Commissioner Scott seconded. Motion unanimously carried. Commissioner Lambertson made a motion to accept the agenda as amended; Commissioner Scott seconded. Motion unanimously carried.

VII. Review of previous meeting minutes; motion to accept as presented or amended

Corrections to the December 12, 2013 minutes: Section VII; change 'seconded by Commissioner Scott' to 'seconded by Commissioner Roth'. Section IX; change 'Commissioner Scott seconded' to 'Commissioner Roth seconded'. Change 'Councilperson Callender' to 'Land Use Administrator Callender'. Section VIII, a. Re-zoning Process; Commissioner Roth stated he was miss-quoted but could not provide his exact words. Commissioner Roth clarified that his comment was looking for consistency in the way the rezoning process works in the comprehensive plan. Commissioner Scott made a motion to accept the December 12, 2013 meeting minutes as corrected; Commissioner Roth seconded. Motion unanimously carried.

VIII. Family Dollar; Preliminary Plan Review

Chairperson Coker welcomed Mr. Robert (Bob) Rauch of Robert D. Rauch & Associates, Mr. Casey Rauch of Robert D. Rauch, Mr. Chris Salemi of Hunt Real Estate and Mr. Mike McManamey of Hunt Real Estate presenters of the Family Dollar preliminary plan. The applicant has submitted a Single Lot Subdivision Plan Application and Preliminary Site Plan for a proposed 8,320 square foot Family Dollar Store located on Main Street including associated parking areas and storm water management facility.

Tom Wilkes, the town's engineer, handed out his comments after having reviewed a copy of subdivision plan application and the preliminary site plan.

Robert and Casey Rauch began their presentation addressing the items detailed in Mr. Wilkes comments. Questions were addressed concerning storm water management, parking space size, proposed signage, utility connections and sub-dividing vs. lot line revision. Other regulatory approvals such as DeIDOT and Kent Soil Conservation were discussed.

Robert Rauch commented they could easily take Mr. Wilkes comments into consideration and have no problem with any of it except the parking questions.

Casey Rauch commented that modifying the parking spaces would impact the sizing of the storm water management area. Mr. Rauch states that parking space width is not hard to change but the depth is our problem and he would review this comment for compliance.

Mr. Coker questioned the wide aisle width. Mr. Salemi of Hunt Real Estate answered the extra width was required for delivery trucks.

Commissioner Roth asked what plan is there to connect to the utilities because they seem to be on the far side of the street. Casey Rauch answered the utilities are actually on both sides of Rt. 42 and will be extended prior to the deceleration lane construction required by DeIDOT.

Commissioner Roth asked if there would be protection for toddlers at the drainage area. Robert Rauch answered the drainage swales would be dry unless it is raining. Mr. Wilkes said there is a note on the plans indicating the retention areas would be fenced. Robert Rauch answered if there were a pool they would be fenced; 2.5 feet of depth does not require fencing. Mr. Rauch additionally commented the objective is for the 10 year storm to drain in 24 hours and the plan accomplishes that.

Robert Rauch stated the signage will include a monument sign at the entrance and on the building itself; all is consistent with Family dollar. The building signage is actually part of the building itself and is very different from most. Mr. Coker commented our ordinance does not permit a building sign in excess of 32 square feet. Mr. Rauch answered that the building sign has been reduced. Mrs. Callender stated she has already received an oversize sign variance from Mr. Lester Cole of Robert D. Rauch & Associates.

Mr. Salemi commented the building design was quite unique and had never been used in Delaware.

Chris Salemi stated concerning the subdivision they will purchase the Family Dollar parcel from the owner. The remaining subdivided parcel will have an entrance from lot three of the Central Delaware Business Park. Mr. Wilkes clarified that the subdivided parcel has yet to be recorded. Robert Rauch stated they are waiting for final approval for Family Dollar before subdivision is presented and asked how would you (the Commission) all like to handle it? Is it appropriate to review the subdivision with this or wait and review it separately? Mr. Wilkes answered it was presented as one preliminary plan, but if the commission wants to handle it as two separate actions, they can. Robert Rauch then asked if the subdivision could be handled as a lot line revision instead of a subdivision. Mr. Coker said lets proceed as a lot line revision and see if we have any stumbling blocks. We have not acted in that manner previously, but we can consider it. There is simply a decrease in one lot and an increase in the other. Robert Rauch added one of their problems is that in the purchase of the property there are contractual obligations to consider. Mr. Wilkes commented he would like to see the revised property lines right away before we could make a decision and when that comes in we can make both decisions at the same time because the two plans are dependent on one another.

Casey Rauch said they would be back to the Commission with all of the final permits and approvals from other agencies including adjustments the Commission has requested.

Commissioner Lambertson made a motion to approve the Family Dollar preliminary plan pending the inclusion of Mr. Wilke's comments; Commissioner Scott seconded. Motion was unanimously carried.

IX. Cheswold Town Hall Parking Lot; plan review

Mr. Wilkes presented the preliminary plan and led the discussion comparing existing conditions to the proposed construction plan. Mr. Wilkes explains that due to the lack of a drainage system to tie into onsite storm water storage is the only alternative. Mr. Coker asks if channeling storm water to adjacent property would create a problem. Mr. Wilkes replies that if the site were undeveloped the run off would follow the proposed route and currently the flow goes both ways across the lot. Commissioner Roth asked if the current drainage was assessed. Mr. Wilkes replied his firm had run a DURMM (Delaware Urban Runoff Management Model) model and they had considered the soil type for infiltration.

Mr. Wilkes explained the landscaping list and key for the buffer areas between town hall and the residential areas. This same list and key would be used for the drainage areas.

Mr. Wilkes explained a lighting plan needs to be developed addressing glare and/or lighting overflow. He stated we have to decide how long we want the lights to be on. Mr. Coker asked

if pedestal lighting would be an option. Mr. Wilkes said the lighting would be the town's decision; he would provide lighting catalogues for guidance. Mr. Wilkes suggested the town consider how they pay for current lighting needs in the town.

In summary, Mr. Wilkes stated he would add one more handicapped access parking space, finalize lighting plan to include at least 3 units in parking lot after lighting catalogues were reviewed. Mr. Wilkes respectfully requested a preliminary plan approval and stated he would request a final plan approval when he received comments for Kent Soil Conservation.

Commissioner Roth made a motion for the Town of Cheswold Parking Lot preliminary plan approval to include minor revisions; Commissioner Lambertson seconded. Motion unanimously carried.

X. Review Saratoga Affidavit; agenda amendment

Mrs. Callender, Cheswold Land Use Administrator, supplied the commission with an affidavit which would return the property known as the Saratoga subdivision to a single parcel of land. This action has been requested by the new owner of the property. Mrs. Callender explained if upon recommendation for approval to Town Council the affidavit would require a notarized signature and be recorded by Kent County. The county tax office would also record the transaction. Mrs. Callender also stated the intended use of the new owner is agricultural.

Commissioner Roth made a motion that the Planning Commission recommend to the Cheswold Town Council approval for the affidavit returning the Saratoga Farm subdivision to a single parcel of land; commissioner Lambertson seconded. Motion unanimously carried.

XI. Review Land Use Ordinance Revision Log

a. Re-zoning process

Mr. Wilkes began this discussion by stating only time the town would initiate rezoning is when current zoning is inconsistent with current comprehensive plan. He goes on to say if the town wants to rezone a parcel they would make an offer in writing and see if the parcel owner responds.

Mr. Coker stated there are a couple of properties which upon review are non-compliant with our comprehensive plan. The goal is to have a process in place when a re-zoning may be required.

Several examples were discussed and it was agreed to table this issue until more information is obtained. All agreed our land use ordinance still is in need of a thorough review.

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XII. New Business

Mayor Tinari would like the planning commission to review the impact fee schedules.

XIII. Motion to Adjourn

Commissioner Scott made a motion to adjourn at 9:16 pm; Commissioner Roth seconded.
Motion unanimously carried.

Respectfully Submitted,

Dennis J. Coker, Chairperson
Cheswold Planning Commission