

New Castle City Planning Commission Meeting
Minutes
January 23, 2023 – 7:00 p.m.
New Castle Senior Center, New Castle, DE

Members Present: Matthew Lovlie, Chair
Brie Rivera, Vice Chair
Cynthia Batty
Margo Reign
Timothy Gibbs
Keaira Faña-Ruiz
Tamara Stoner
Kristin Zumar

Absent: Vera Worthy

Also Present: Chris Rogers, City Planner
Shawn Tucker, Esquire

Mr. Lovlie called the meeting to order at 7:00 p.m. The assembly rose for the Pledge of Allegiance. Roll call followed and a quorum to conduct business was declared.

Minutes

A motion to approve the Minutes of the December 19, 2022, Planning Commission Public Hearing as amended was made by Ms. Rivera, seconded by Ms. Batty and unanimously carried. Ms. Zumar abstained from voting.

A motion to approve the Minutes of the December 19, 2022, Planning Commission Regular Meeting as presented was made by Ms. Batty, seconded by Ms. Rivera and unanimously carried. Ms. Zumar abstained from voting.

Public Comments

Richard Smith – Delaware NAACP State Conference Leadership President

Mr. Smith spoke in favor of the proposed Riveredge development. He noted that the developers have met with the NAACP and are willing to work with them to make the necessary change to benefit the community.

Phil Gross – 1301 13th Street

Mr. Gross stated that his stance on the Riveredge project is slowly changing, noting that Messrs. Tucker and Gangemi have been willing to meet and some headway is being made on some issues. He urged the Planning Commission to limit the number of projects being considered at one time so that projects can move forward in a more manageable way.

Ron Handy – 26 Halcyon Drive

Mr. Handy noted that this is an opportunity for government and communities to work together. He stated that air quality has been an issue and they want to ensure that the people in the

community are safe and healthy. He added that communication is a concern, noting that he was unaware of the CROTA issue until a neighbor called him.

Ordinance 536

Mr. Rogers stated that the packet includes an estimate of tax revenues expected from the proposed development, which would be one component of the Fiscal Impact Analysis that the Planning Commission requested. After review Mr. Rogers sent an email to Mr. Barthel and the Applicant stating that they found the tax revenue estimate to be reasonable. He added that this is one-half of the analysis and the other half is the extent of any additional police services that may be required. Mr. Rogers recommended that the Applicant meet with the Police Chief to discuss what police services would be needed to serve the proposed development.

The Applicant also did a comparison of like units in existing developments to estimate a cost per unit. Mr. Tucker explained how the estimated taxes and impact fees were determined and pressure tested. In response to a question from Ms. Reign, Mr. Tucker also explained the impact fees, noting that they are generally paid to the State or the School District. Mr. Tucker will provide a breakdown of all fees to the Commissioners. Additionally, Mr. Tucker will bring the representative from his office who prepared the breakdown to a future Planning Commission meeting to answer any questions the Commissioners may have.

In response to a question from Ms. Zumar, Mr. Rogers explained that the primary city service that would be impacted would be the Police Department. Mr. Tucker added that a meeting has been scheduled with the Chief of Police on January 27th.

Mr. Tucker updated the Commissioners on several meetings that were held in January, including a meeting with the Chiefs of the Holloway Terrace and Good Will Fire companies. He reported that both Fire Chiefs were fine with the Concept Plan. Holloway Terrace would be the primary responder to the proposed development.

Relative to the Traffic Impact Study, Mr. Tucker stated that Ms. Kline-Eliser obtained counts for intersections that she felt would fall within the DelDOT criteria. The Applicant has also engaged Mr. Drew Boyce, Senior Vice President of Century Engineering and a former DelDOT Director of Planning, to review the Traffic Impact Study and scoping done by Ms. Kline-Eliser and prepare a report summing up her study and confirming the scope. Mr. Tucker expressed his hope that the report would be available for the February Planning Commission meeting.

Mr. Tucker noted that an article about the Flats at Riveredge was printed in the News Journal on January 5th. He stated that in terms of the environment, his client is looking into the possibility of discussing the issue with the State to monitor air quality more often. Additionally, Mr. Tucker communicated with the News Journal to address relevant matters that were omitted from the article

In response to a question from Ms. Zumar, Mr. Tucker explained that the Traffic Study extends beyond Rt. 9 and the DelDOT 50 Peak Hour model methodology was used for the study.

Ms. Jeannette Swain, a member of the audience, noted that there is no public transportation that goes down Lukens Drive, and there is only one way in and out; opining that these things need to be addressed. Mr. Tucker stated that he would respond to Ms. Swain's concerns after the meeting.

Mr. Rogers asked if Mr. Tucker had received a written statement from the Fire Chiefs of Holloway Terrance or Good Will.

Mr. Lovlie confirmed that the Traffic Impact Study and additional information on financials would be received prior to the February Planning Commission meeting. Mr. Tucker reminded the Commissioners that after the Concept Plan is finalized the Commission will receive a full Site Plan for review.

In response to a question from Ms. Zumar, Mr. Tucker explained that any service fees for trash pick-up would be built into the rental, and a fee simple owner would receive an annual bill. Mr. Tucker also explained how taxes would be paid.

Mr. Rogers suggested that after the Fiscal Impact Analysis is received the Applicant explain their ideas on fee simple subdivision vs renting all of the units to help the Commissioners understand how they intend to sell or rent the units.

Special Projects

Ms. Batty made a presentation of the number and types of businesses currently in the industrial park, including: the business name, the business type, the number of employees, and the potential for customer visits to businesses within the industrial park. Ms. Batty shows 30 businesses in the industrial park. Of the businesses for which Ms. Batty was able to obtain employee data, the number of employees ranges from three to 550.

Unknown # of employees:	10
0-50 employees:	12
51-200 employees:	4
201-550 employees:	3

The Charter School of New Castle employs approximately 76 individuals and the number of students is estimated to be approximately 325. Ms. Batty took this information from the Census report data that was provided to her by Ms. Reign. Ms. Reign will forward a copy of the report to Mr. Rogers for review.

Mr. Rogers explained the types of businesses that are permitted in the IOP zone.

2020 Comprehensive Plan

Mr. Rogers explained that the Comprehensive Plan must be reviewed by the Planning Commission every five years to determine if the Goals and Strategies are still valid, and every 10 years the Comprehensive Plan must be fully reviewed and formally readopted. He explained that the review is typically discussed over several meetings to review the goals and objectives of each

element. Mr. Rogers added that an annual report is also done for City Council on a fiscal year basis.

Comments from Commission Members

Ordinance 537

As a follow-up to Mr. Novack's concern for his business being grandfathered in if Ordinance 537 is approved, Mr. Rogers explained that the business would continue as a non-conforming use, and opined that he did not think the City would provide written confirmation of the non-conforming use. He added that non-conformities run with the land.

Planning Commission Role

Sea Level Rise – Ms. Batty asked what the Planning Commission's role is relative to sea level rise. Mr. Lovlie stated that he did not think the Planning Commission had any role in sea level rise, but added that it would be good to have representation at meetings.

6th & Delaware Street Intersection – Ms. Batty opined that the Planning Commission should have input regarding the intersection at 6th and Delaware Streets. Mr. Lovlie will reach out to a representative of DelDOT and update the Commissioners at the February meeting.

Tree Planting – Ms. Batty suggested that the City plant trees throughout the city and not just in the Historic District. She opined that there are grants available for planting trees. It was noted that there also might be funding for removing invasive species.

Mr. Lovlie noted that the City will be holding several events for residents to learn more about the various organizations in the city, and requested Commissioners who may be interested in participating on behalf of the Planning Commission to let him know. Ms. Batty volunteered to create the materials.

There being no further business to discuss Mr. Lovlie called for a Motion to adjourn.

A Motion to adjourn was made by Ms. Rivera, seconded by Ms. Zumar, and unanimously carried and the meeting adjourned at 8:40 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer