

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING**

June 1, 2010

7:00 p.m.

Present at the 7:00 p.m. meeting were:

Chairman: James Bowman

Commissioners Present: Ralph Begleiter
Angela Dressel
Mary Lou McDowell
Kass Sheedy

Staff Present: Roy H. Lopata, Planning and Development Director

Chairman James Bowman called the Planning Commission meeting to order at 7:00 p.m. He informed the Commission and the public that Agenda Item # 2 would be heard first.

1. Review and consideration of the minor subdivision of the properties at 73 and 79 E. Cleveland Avenue to replace the existing three dwelling units on the site with five townhouse apartments. (Originally listed as Item #2)

Mr. Lopata summarized his report to the Planning Commission which reads as follows:

“On April 15, 2010, the Planning and Development Department received an application from Harold G. Prettyman for the minor subdivision of the .573 acre properties he owns at 73/79 E. Cleveland Avenue. The applicant is requesting minor subdivision in order to replace three existing rental units in one single family detached and one duplex building with five townhouse apartment dwellings in a single building group. The existing parcel boundary on the site will also be eliminated through the approval of this plan.

Please see the attached Hillcrest Associates, Inc., minor subdivision plan, supporting letter and building elevation drawings. The Planning and Development Department’s report on the 73/79 E. Cleveland Avenue (Prettyman property) minor subdivision follows:

Property Description and Related Data

1. Location:

73/79 E. Cleveland Avenue; south side of E. Cleveland Avenue.

2. Size:

.573 acres – including E. Cleveland Avenue right-of-way.
.422 acres – less E. Cleveland Avenue right-of-way.

3. Existing Land Use:

73 E. Cleveland Avenue contains a two story single family detached rental dwelling with one asphalt driveway and rear lawn. A small shed is located at the southeast corner of this parcel.

79 E. Cleveland Avenue contains a two-unit residence consisting of a duplex building with a rear gravel parking area. A shared driveway with access to a garage that straddles the adjoining property to the east is located along the eastern property line.

4. Physical Condition of the Site:

The Prettyman property is a developed site that contains two residential buildings with associated parking and several small accessory buildings. The rear of the property is adjacent to the CSX Railroad right-of-way.

In terms of topography, the site is quite level, with a slight slope from a high point at the southeast corner of the property to the northwest.

Regarding soils, according to the United States Department of Agriculture's Natural Resources Conservation Service, the northern three quarters of the site contains Manor-Glenelg-Chester-Urban Land Complex soil and the remainder of the site consists of Matapeake Sassafras-Urban Land Complex soil [not the soil shown on the applicant's "existing conditions" plan]. The Natural Resources Conservation Service indicates "slight" development limitations for these soils for the use proposed.

5. Planning and Zoning:

The existing RM zoning at the site permits the following:

- A. Garden apartments, subject to special requirements.
- B. One family, semidetached dwelling.
- C. Boarding house, rooming house, lodging house, but excluding all forms of fraternities and/or sororities, provided that: The minimum lot area for each eight, or remainder over the multiple of eight residents, shall be the same as the minimum lot area requirements for each dwelling unit in this district.
- D. Nursing home, rest home or home for the aged; subject to special requirements.
- E. Accessory uses and accessory buildings customarily incidental to the uses permitted in this section and located on the same lot, including a private garage, excluding semi-trailers and similar vehicles for storage of property.
- F. Cluster or neo-traditional types of developments, included uses that many not be permitted in this district, as provided in Article XXVII, Site Plan Approval.
- G. One-family detached dwelling.
- H. The taking of nontransient boarders or roomers in a one-family dwelling by a family resident on the premises, is not a use as a matter of right, but is a conditional use subject to special requirements, including the requirement for a rental permit, and provided there are not more than three boarders or roomers in any one-family dwelling.
- I. Church or other place of worship, seminary or convent, parish house, or Sunday school building, and provided, however, that no lot less than 12,500 square feet shall be used for such purposes.
- J. Public and private elementary, junior, and senior high schools.
- K. Municipal park, playground, athletic field, recreation building, and community center operated on a noncommercial basis for recreation purposes.
- L. Municipal utilities, street rights of way, treatment plant.
- M. Temporary building, temporary real estate or construction office.
- N. Utility transmission and distribution lines.
- O. Public transportation bus or transit stops for the loading and unloading of passengers.
- P. One-family town or rowhouse subject to the requirements of Sections 32-13()(1) and 32-13(c)(1).
- Q. Student Homes, with special requirements

RM zoning also permits with a Council granted Special Use Permit the following:

- A. Conversion of a one-family dwelling into dwelling units for two or more families, subject to special requirements.

- B. Substation, electric, and gas facilities, provided that no storage of materials and trucks is allowed. No repair facilities are allowed except within completely enclosed buildings.
- C. Physicians' and dentists' offices, subject to special requirements.
- D. If approved by the council, property in a residential zone adjacent to an area zoned "business" or "industrial" may be used for parking space as an accessory use to a business use, whether said business use be a nonconforming use in the residential zone or a business use in said adjacent area zoned "business" or "industrial."
- E. Police and fire stations, library, museum, and art gallery.
- F. Country club, regulation golf course, including customary accessory uses subject to special requirements.
- G. Professional offices in residential dwellings for the resident-owner of single-family dwellings permitted subject to special requirements.
- H. Customary Home occupations with special requirements.
- I. Public Transit Facilities.
- J. Private (nonprofit) swimming clubs.
- K. Day Care Centers with special requirements.

Please note that apartment uses in RM district require lots of a minimum of one acre in size.

Regarding RM zoning area requirements, except for lot area and minimum open area, the Prettyman property subdivision plan meets all the applicable Zoning Code specifications. Please note in this regard, that on January 21, 2010, the Newark Board of Adjustment approved required variances for lot size and minimum open area.

Regarding comprehensive planning, the Newark Comprehensive Development Plan IV calls for "single family residential (medium density)," land uses at the Prettyman property location. Plan IV defines, "single family residential (medium density)" as a residential district with densities ranging from four to ten dwelling units per acre. Please note in this regard that the Prettyman property minor subdivision calls for 8.73 units per acre.

In terms of the zoning and land uses of nearby properties, the lands immediately to the east and west of the Prettyman property on E. Cleveland Avenue are zoned RM and contain single family detached and semi-detached dwellings. The MI (general industrial) zoned right-of-way of the CSX Railroad is located above a steep embankment just south of the site. A BC zoned property containing the Booketeria used bookstore and a small non-conforming apartment building is located north of the western portion of the Prettyman property, across E. Cleveland Avenue. An RM zoned parcel, with another small apartment building, also lies across E. Cleveland Avenue, north of the eastern side of the site.

Departmental Comments

The City's Management, Planning and Operating Departments have reviewed the Prettyman property minor subdivision plan and have the comments provided below. Where necessary, the subdivision plan should be revised prior to its review by City Council. The Departmental comments are as follows:

1. The Planning and Development Department notes that the proposed Prettyman property minor subdivision plan conforms to the land use recommendations of Comprehensive Development Plan IV and corresponds to the development pattern in the adjacent community.
2. The Planning and Development Department suggests that the Planning Commission consider the following as conditions of subdivision approval.
 - Mechanical equipment or utility hardware on the ground shall be screened from public view with materials harmonious with the proposed

- architectural design or should be located so as not to be visible from adjoining properties or streets;
 - Refuse bins or storage areas shall be screened from public rights-of-way in a manner similar to the requirements for mechanical equipment;
 - Exterior lighting shall be designed as an integral architectural element of the proposed buildings. All such lighting shall be shielded to limit the visual impact on adjoining properties.
3. The Planning and Development Department suggests that appropriate noise attenuation measures shall be included in the portion of the proposed dwelling units adjacent to the CSX Railroad right-of-way.
 4. The Planning and Development Department suggests that in order to separate the site from the adjoining CSX Railroad right-of-way, the landscape plan should be revised to show a six foot solid fence running along the southern boundary of the property.
 5. The Planning and Development Department notes that the applicant will need to supply verification of the shared access and a maintenance agreement with the adjoining property owner concerning the proposed driveway and curb radii. Please note, in this regard, that if necessary the access way may be shifted to the west with the elimination of the extra parking space shown at the eastern end of unit #5.
 6. The Public Works Department notes the following:
 - A DelDOT entrance plan approval will be required through the building permit process.
 - The existing and proposed sanitary sewer and water lines need to be shown on the plan.
 - Through the building permit process, the applicant should meet with the Department to review sediment and erosion control and stormwater requirements. Prior to the plan's review by City Council infiltration test results in the area of the stormwater facility will be required. Verification of the proposed design is necessary to ensure compliance with DNREC's infiltration criteria and related specifications.
 - The Department also has a series of construction improvement plan requirements that the applicant should review prior to submittal of any construction improvement plans for the site.
 7. The Electric Department has the following comment:
 - Electric service is available from E. Cleveland Avenue.
 - A blanket utility easement is required and must be shown on the plans.
 - No trees exceeding 18 ft. in height and maturity shall be planted under existing aerial lines.
 - The applicant is required to pay \$1,500 towards transformer and radio read meters costs prior to the issuance of any building permits for the site.
 8. The Code Enforcement Division indicates that the proposed new structures must meet all applicable City Building and Fire Code requirements. The new homes will be required to be sprinklered.
 9. The Water and Wastewater Department indicates the following:
 - The applicant will be required to pay for all required meters.
 - The STP fee will be required at the issuance of the first certificates of occupancy for the site.
 - A separate water meter will be required for each dwelling unit.
 10. The Parks and Recreation Department indicates the following:

- The Department has reviewed with the applicant the importance of preserving the large Sycamore tree located in front of the existing house on the property. The Department suggests, in this regard, that the applicant conduct the recommended tests to determine the health of the tree and, depending upon the results, take steps for this tree's preservation.
- The construction improvement plan for the site must comply with all applicable City landscape screening and treatment requirements.

Recommendation

Because the Prettyman property minor subdivision plan, with the Departmental recommended conditions, will not have a negative impact on nearby and adjacent properties, because the project with the recommended conditions, conforms to the land use recommendations in Comprehensive Development Plan IV, because the proposal meets all applicable Code requirements, and because the proposed use does not conflict with the development pattern in the nearby area, the Planning and Development Department suggests that, subject to the Departmental conditions, **the Planning Commission recommend that City Council approve the Prettyman property minor subdivision at 73/79 E. Cleveland Avenue, as shown on the Hillcrest Associates, Inc. plan, dated April 15, 2010.**"

Mr. Bowman: Are there any initial questions from Commission members for Roy?

Mr. Begleiter: Roy, would you tell us where the Sycamore tree is on one of the drawings?

Mr. Hal Prettyman: It would be to the right over on this corner, if you are facing it from the street.

Mr. Begleiter: Okay, in front of #1.

[Secretary's note: Mr. Prettyman, members of the Commission and public referred to a PowerPoint presentation prepared by the applicant for his presentation to the Planning Commission].

Mr. Prettyman: 163 Elkton Road, Newark. I am the owner of 73 and 79 E. Cleveland Avenue. I would first like to thank the Planning Commission for the time here this evening and the opportunity to present this unique townhouse style apartment project.

The first slide is an aerial view showing the parcel highlighted in yellow. I was just trying to give you a visual of where it is along Cleveland Avenue. This is N. College right here, Cleveland Avenue, this is the intersection of N. Chapel and you have Olan Thomas Park in this vicinity.

The next slide is a little bit more exact. It shows the two parcels. You see 73 E. Cleveland right here and you see the Sycamore tree right here, and this would be 79 E. Cleveland Avenue right here. You have Herman's Meat Market right here and the Bookateria right about there.

Mr. Begleiter: Can I interrupt for just a minute while you have the slide up? Can you, with your laser pointer, point to the southern boundary of the CSX Railroad?

Mr. Prettyman: This is the railroad running right here. We back right up to that. And, of course, this is the fence that the University of Delaware has on the opposite side.

Mr. Begleiter: Does the UD fence line represent the boundary of the CSX property? I just didn't know whether CSX owns all that property south of your property line or to the fence or not. Roy, do you know?

Mr. Lopata: They probably own that property.

Mr. Prettyman: This is again a tax parcel shot, again showing you the relationship of the sides of the lot compared to a lot of the lots that are along E. Cleveland Avenue.

The next slides are of what currently is on the site. This is 73 E. Cleveland in front, and the next slide is at 79 E. Cleveland. It is a top and bottom duplex. The next is the parking area that is out in the back. And the next is a back yard of 73 E. Cleveland.

The next slide is the site in which we are proposing a single building with parking behind it, screening it from the street. I will eliminate one entrance and meet all applicable Zoning Code specifications for a one-acre site except for lot area and minimum open area which on January 21, 2010, the Newark Board of Adjustment granted variances on both requirements. In other words, even though I have a half acre, I am meeting all the requirements of a one-acre parcel except what I have been granted for as a variance.

What I believe makes this project unique is its high-end quality material, architecture, and the fact that it is maximizing the use of the building and not maximizing the use of the lot. Instead of asking for eight units with four persons each on a half acre, we have designed the building for five units with six persons per unit; also, the fact that I did not apply for a rezoning to BLR, which you have seen several times in front of you, but develop the site with its present zoning of RM. This is something that has been advocated for in the past and something that this body has recommended to Council. There has never been an example to look at until now. So, RM zoning, half acre lots can result in more open space and less density.

Newark is a thriving city with areas that are undergoing change and housing demands have gone from the factory workers at the Continental Diamond Fiber Plant, the NVF Plant, the Curtis Paper Mill Plant, Avon, and Chrysler plant and now we have the University of Delaware. Housing itself has undergone an incredible change over this period of time, not only with amenities, but floor plans, heating and air conditioning systems, sprinkler systems, security systems, video surveillance systems, and insulation Super E houses. The cost to modify some of these old houses is higher than to rebuild. Today's inner city home buyers are looking for no work, low maintenance and convenience. Something this project will be ready to offer.

Not only does this project conform to the land use recommendations in the Comprehensive Development Plan IV, but I believe fits in with the development pattern that the City of Newark is striving to achieve – redevelopment of old outdated housing close to Main Street in the heart of Newark with new upscaled modern housing that will appeal to young professionals and will be ready to convert to home ownership as the student housing demand is met with projects along Main Street and Elkton Road.

Concerning the Planning and Development Department report dated May 20, 2010, where necessary, I am willing to revise the subdivision plan in accordance with the City's Management's comments prior to its review by City Council. I believe that this project has merit and I ask you to recommend to City Council that this project be approved. Thank you for your time and I am prepared to answer any questions.

Mr. Bowman: Are there any questions from the Commission for Mr. Prettyman?

Ms. Dressel: The first thing is, I am very impressed with the façade of your buildings. And, I hope that the façade will continue on all four sides. How many residents do you normally have in the buildings that are there?

Mr. Prettyman: Normally, in those buildings we put approximately 10 people.

Ms. Dressel: 10 altogether.

Mr. Prettyman: If we were to just modify the duplex, you could have more people. It has been a rental property for a long time.

Mr. Begleiter: I also want to add my appreciation to you for this project from a number of fronts. The idea of embarking on the first major improvement to the old factory workers' houses along Cleveland Avenue, I think, is a really courageous move on your part and a bold move and one that the City should be grateful for. The design looks terrific to me. I personally like the fact that you have not put the houses right up against the sidewalk. I like the parking behind the homes. It is a good way to take advantage of the space that no one would want to use anyway in front of the railroad tracks. I like the single building concept with the multiple facades to make it look like they are all separate units, which, of course, they are attached units. So, all of those things are great things.

Roy has recommended in his report that you include in your construction plans sound attenuation in the south wall of the buildings. His recommendation is not particularly specific. Have you discussed or considered what kind of sound attenuation you would put in those buildings. More specifically than that, have you talked about the cost of that and estimated the cost of doing that?

Mr. Prettyman: No to both of those questions. Having dealt with construction and being a little bit familiar with building, I would anticipate what is being addressed there is extra insulation. All of those houses have single paned windows. Insulated windows take out a tremendous amount of sound. I know there is going to be added costs is what I can really tell you right now, but I think the benefit down the road outweighs the cost. It will be an added cost but I don't think it is going to be an exorbitant cost.

Mr. Begleiter: The reason I am asking the question is because this is the first project of its kind along Cleveland Avenue, and I certainly hope not the last. I hope that your outstanding design and proposal will be one that will inspire other owners along Cleveland Avenue to follow suit, but because this is the first one, I wonder if this is an opportunity to set a standard for other developers along Cleveland Avenue in the area of sound attenuation. And as you show on your general development plan, CSX has in its long term plans to double the track through downtown Newark, possibly increasing the number of trains, but in any case, raising the possibility for the first time of having two trains going through Newark at the same moment. So, I want to raise the question of whether it might be more cost effective to initiate a sound barrier system along the railroad track than it is to require or initiate a sound attenuation expense for each building that is constructed along there. Is that something you have given any consideration to?

Mr. Prettyman: Do you mean in the aspect of planning . . . ?

Mr. Begleiter: No, I mean the kind of sound barrier that is in use in virtually every state that I have ever travelled in except Delaware. I don't think I have ever seen them in Delaware. New Jersey has them all along the Turnpike. Maryland has them all around the Baltimore beltway. They are widely in use.

Mr. Lopata: Along the Blue Route in Pennsylvania is probably the closest to us.

Mr. Begleiter: They are high walls. They are designed for sound, not for structure. They are not designed to be structurally supportive of anything. They are basically designed to reflect sound in the direction from which it comes and up rather than to support anything. I have no expertise in this area and I am not suggesting that I do, but as a business person, I think I would want to look into that. It could be less expensive in the long run and perhaps more productive, actually, as well to do something like that rather than to have to put all that extra stuff in each unit of the house. In that connection, I will give you a chance to comment in a second, but, Roy, maybe you would want to comment on the question of your recommendation calling for sound attenuation. Is there a standard that the City of Newark or the State of Delaware has where you would go in and measure it and whatever sound attenuation there is would have to meet such and such a standard in the same way sprinklers have to meet a standard in other structures?

Mr. Lopata: We don't have a standard. I'm sure there is an industry standard. We typically say they should have noise attenuation. You have seen the language that I have used in similar circumstances. Hal touched on the kinds of things we look for. No, there isn't a specific code standard. We don't want it to be ignored but we are not measuring

it. Maybe that is something we need to look at, especially with two railroad lines in the City.

Mr. Begleiter: And especially in this location.

Mr. Lopata: We do have construction along the rail lines, obviously.

Mr. Begleiter: Hal, would you like to comment on that.

Mr. Prettyman: I am like you, I am familiar with beefing up insulation, using different types of materials to bounce sound or absorb sound but I am not familiar with those types of walls you are talking about. I have actually seen them on the Blue Route and around Washington and Baltimore. On the Blue Route, it seems as though you are looking up at the wall from the road.

Mr. Begleiter: Who cares what CSX is looking at . . .

Mr. Prettyman: It is a shame that the train isn't a little lower. It could be an incredibly intimidating wall.

Mr. Begleiter: And from the CSX side, I don't care if the driver of the CSX train doesn't have a great view off to the side. If he can't look into the bedroom windows of these homes, it wouldn't be any tragedy as far as I'm concerned. I would just like to raise that question anyway and just to add one little point to it. I don't know if this is the case or not, but that railroad line is a national security asset and I wonder if some kind of sound attenuation project that begins with the development along this way would be something for which State or Federal assistance would be possible. I would just like to raise that idea. Maybe the City Council could investigate that if this project is recommended for approval.

Mr. Bowman: Ralph, I think you will find that most of those highway sound barriers are erected by the States, maybe with federal assistance, but I think the majority of those are constructed by the highway authorities not by private enterprise.

Mr. Begleiter: I don't know the answer to that. I have no expertise on that.

Mr. Bowman: Does anyone else have any questions for Mr. Prettyman? Would anyone from the public wish to comment on the project. I don't have any written requests. Being none, the discussion is back to the table.

MOTION BY SHEEDY, SECONDED BY MCDOWELL THAT THE PLANNING COMMISSION RECOMMENDS THAT CITY COUNCIL APPROVE THE PRETTYMAN PROPERTY MINOR SUBDIVISION AT 73/79 E. CLEVELAND AVENUE, AS SHOWN ON THE HILLCREST ASSOCIATES, INC. PLAN, DATED APRIL 15, 2010; WITH THE CONDITIONS IN THE PLANNING AND DEVELOPMENT DEPARTMENT REPORT; AND WITH THE ADDED CONDITION THAT COUNCIL CONSIDER EXTERNAL MEANS OF SOUND ATTENUATION AT THE SITE.

Ms. Sheedy: Is what I have suggested within City Council's authority because I agree with Ralph's point?

Mr. Lopata: The operative word in this case in the motion is, "consider."

Mr. Begleiter: We could ask the City to investigate.

Mr. Lopata: In effect the motion asks City Council to could "consider" another condition. They can considerate it or not consider it.

If that type of wall is going to happen, it is going to be a federally funded program. But that doesn't mean we can't begin to raise the issue because it hasn't been raised before.

Mr. Begleiter: That is what I am getting at.

Mr. Bowman: The only question I have is that I hate to see motions cluttered up with stuff that, while it is relevant, isn't really relevant to the motion.

Mr. Lopata: The other point is this discussion will be in the minutes.

Mr. Bowman: If we can carry it in the minutes, would that work just as well?

Mr. Begleiter: We are recommending that City Council require sound attenuation in the building. If we want to go in the direction that you are saying, then we should recommend that they have some standard so that the developer is not left in the unenviable position of having to meet an unspecified standard of sound attenuation. If we are going to make a recommendation, it ought to be specific. So, in that regard, I think it is just as relevant to suggest that other forms of sound attenuation should be considered by City Council.

VOTE: 4-1

AYE: BOWMAN, MCDOWELL, SHEEDY, DRESSEL

NAY: BEGLEITER

ABSENT: BRILL, BROWN

MOTION PASSED

Mr. Lopata: Ralph, you voted no?

Mr. Begleiter: I voted no because if we are going to ask for sound attenuation just as we ask for every other rule on these projects, we have standards for them. You are going to tell the developer the diameter of the pipe has to be to carry the sewer disposal. All I am saying is set a standard. Let's have a standard. That's all. That's why I voted no.

Mr. Bowman: Just to answer that, Ralph, the thing that they would have to look at would be the relevant building codes. I am not familiar enough with the International Building Code at this point to know whether it includes any sound attenuation.

Mr. Begleiter: I'm not either.

2. REVIEW AND CONSIDERATION OF THE MAJOR SUBDIVISION OF THE 20.5809 ACRE PROPERTY AT 1001 OGLETOWN ROAD FOR THE PROPOSED ARMED FORCES RESERVE CENTER.

Mr. Lopata summarized his report to the Planning Commission which reads as follows:

"On March 25, 2010, the Planning and Development Department received an application for the major subdivision of the 20.5809 acre property at 1001 Ogletown Road. The applicants, Wohlsen Construction Company, are applying on behalf of the owners of the property – the U.S. Army Corps of Engineers. The applicants and owners are in the process of demolishing the now vacant Temple-Inland Corporation facilities at the site and are requesting the required major subdivision approval in order to construct an approximately 81,000 square foot armed forces training facility with administrative, educational, assembly, library, learning center, vault, weapons simulator and physical fitness areas for four Army Reserve and two Delaware National Guard Units with a vehicle maintenance shop and storage facility, to be known as the Armed Forces Reserve Center [AFRC].

Please see the attached U.S. Army Corps of Engineers major subdivision plan [please note that the plan has reduced in size for ease of use and, therefore, is not to scale] and supporting materials.

The Planning and Development's report on the AFRC major subdivision follows:

Project Description and Related Data

1. Location:

1001 Ogletown Road; south side of Ogletown Road.

2. Size:

20.5809 acres.

3. Existing Land Use:

Vacant approximately 193,000 sq. ft. warehouse facility and four accessory buildings, and large parking area previously occupied the site.

4. Physical Condition of the Site:

The proposed AFRC site is a relatively level developed property in an industrial/commercial area. A large mowed lawn area with several large trees is located east and northeast of the main buildings on the site. A dense stand of trees, with scrubby underbrush, is located along the site's southern boundary and southern half of its eastern boundary. The site contains two drainage swales, one each along the eastern and southern portion of the property. An abandoned rail spur is also located on the property that connected the old warehouse to the Northeast Corridor rail line.

Regarding soils, according to the United States Department of Agriculture's Natural Resources Conservation Service, AFRC contains Delanco Silt Loam soil. According to the Natural Resources Conservation Service, this soil has "moderate" development limitations for the use proposed.

As part of the U.S. Army's review of this property, a required lengthy environmental assessment was completed by the Corps of Engineers. The Corps concluded that the proposed AFRC, "will have no significant direct, indirect or cumulative adverse affects on the quality of the natural or human environment," at this location.

5. Planning and Zoning:

The AFRC property is zoned MI. MI zoning permits the following:

- A. Any process involving cleaning, distribution, manufacture, processing, production, warehousing, or testing except manufacture of corrosive acids, gelatin, paint, oils, fertilizer, linoleum, cork products, alcohol, bleaching compounds, or soap; tanning or curing of hides, crude oil refining; rubber treatment of manufacturer; ore smelting; blast furnace; garbage or offal reduction or dumping; asphalt manufacturer or refining; abattoir; junk storage; automobile wrecking; and animal rendering.
- B. Oil storage for wholesale purposes, including pipe lines for transportation of oil and refine products accessory to such storage, provided that no storage above the ground in quantity exceeding 10,000 gallons shall be within 50 feet of any lot line, and that in case of storage above the ground in quantity exceeding 100 thousand gallons, all contain and shall be surrounded adequate moats in accordance with oil industry standards of practice and conforming to underwriters regulations.
- C. Railroad and railroad classifications, freight or storage yard, and all appurtenances thereto.
- D. Public transportation facilities, stations and depots, repair garages and storage areas for busses or related public transit vehicles.

- E. Subsidiary retail sales with special requirements.
- F. Warehouse sales with special requirements.
- G. Accessory uses and accessory buildings, including the repair, installation, and servicing of any commodity distributed, manufactured, processed, produced, or warehoused in this district. Such repair, installation, and servicing must be provided totally within enclosed buildings; outdoor parking and storage of vehicles, products, or other related items in a state of disrepair shall not be permitted.

MI zoning also permits, with a Council granted Special Use Permit, the following:

- A. Tower, broadcasting and telecommunications, subject to special requirements.

Regarding MI zoning area requirements, the AFRC subdivision plan meets or can meet all the MI applicable stipulations.

Regarding nearby and adjoining properties, the lands west and south of the site in the City are zoned BC (general commercial) and contain an automobile sales facility, office buildings, and a large indoor sports complex. The property east of the site in New Castle County is zoned “I (industrial)” and is occupied by the FMC manufacturing facility. The lands north of the property, across Ogletown Road, are zoned BC in the City and contain the 84 Lumber retail store and the Alexander’s Home and Garden Center.

In terms of comprehensive planning, Comprehensive Development Plan IV designates the AFRC site within Planning Area No. Eight, and calls for, “manufacturing office/research” and “commercial (auto-oriented),” land uses.

Status of the Site Design

Please note that at this stage in the Newark subdivision review process, applicants need only show the general site design and the architectural character of the project. For the site design, specific details taking into account topographic and other natural features must be included in the construction improvement plan. For architectural character, the applicants must submit at the subdivision plan stage of the process color scale elevations of all proposed buildings, showing the kind, color and texture of materials to be used, proposed signs, lighting and related exterior features. If the construction improvements plan, which is reviewed and approved by the operating departments, does not conform substantially to the approved subdivision site and architectural plan, the construction improvement plan is referred back to City Council for its further review and reapproval. That is, initial Council subdivision plan approval means that the general site concept and more specific architectural design has received City endorsement, with the developer left with some limited flexibility in working out the details of the plan -- within Code determined and approved subdivision set parameters -- to respond in a limited way to changing needs and circumstances. This does not mean, however, that the Planning Commission cannot make site design or related recommendations that City Council could include in the subdivision agreement for the project.

Be that as it may, as the Planning Commission can see from the subdivision plan and submitted artist’s rendition, the AFRC project calls for a large approximately 81,000 square foot L-shaped building with an oversized two story (44 foot high) section facing Ogletown Road and a one-story building wing running perpendicular to that roadway. An approximately 8,000 sq. ft. vehicle maintenance shop – labeled OMS on the plan [operation and maintenance shop], and a small accessory building labeled – UHS on the plan [unheated storage], are both shown to the south of the main building on the site. Accessory parking, a single access way from Ogletown Road and fenced storage facilities are also shown on the site.

As you can see from the utility and drainage plan, a stormwater management facility is shown along the property's eastern boundary. Please consult the landscape plan for proposed site landscaping.

Regarding the proposed building façade, any Planning Commission comments should be based on the review criteria in Subdivision and Development Regulations Appendix XIV(d).

Traffic and Transportation

At the request of the Planning and Development Department, the Delaware Department of Transportation has reviewed the Armed Forces Center plan and has indicated that based on the traffic expected to be generated from the facility that a Traffic Impact Study is not necessary. The Department adds, however, that an area wide fee representing a contribution toward a future study of traffic conditions in the area will be required through DelDOT's review process for the project. In this regard, the applicants should request a letter of "no objection," from DelDOT which will be required to be submitted to the City through the construction improvement plan process.

Regarding the proposed elimination of the two access points for the AFRC facility, DelDOT as well as the Newark Police Department have indicated that if access is to be reduced to one entrance/exit that it should be the existing facility at the western portion of the site since it aligns with the existing left turn turning lane median for westbound traffic on Ogletown Road.

DelDOT also indicates that a 15 ft. wide permanent easement will be required along Ogletown Road to accommodate a required 10 ft. wide multi-use (pedestrian and bicycle) facility. In that regard, of course, under City Code sidewalks are required along all new subdivisions.

Subdivision Advisory Committee

The Subdivision Advisory Committee – consisting of the City's Management, Planning and Operating Departments – has reviewed the AFRC subdivision plan and has the comments below. If necessary, the subdivision plan should be revised prior to its review by City Council. The Subdivision Advisory Committee Comments are as follows:

1. The Planning and Development Department notes that the proposed facility does not conflict with the land use recommendations in Newark Comprehensive Development Plan IV and calls for land uses that are compatible with the existing development pattern in the area.
2. The Planning and Development Department suggests that the Planning Commission consider the following as conditions of subdivision approval:
 - The architectural design for the proposed buildings shall be carried out on all portions of the facilities visible from public rights-of-way;
 - Mechanical equipment and utility hardware shall be screened from public view with materials harmonious with the proposed architectural design or shall be located so as not to be visible from adjoining public rights-of-way;
 - Refuse storage bins shall be screened from public view with materials harmonious with the proposed architectural design; and,
 - Exterior lighting shall be designed as an integral architectural element of the proposed architectural facades. All such lighting to be shielded to limit visual impacts on adjoining properties.
3. The Public Works Department indicates the following:
 - A wetlands report will be required prior to the plan's review by City Council.

- There are a series of construction improvement plan, stormwater and drainage comments that should be reviewed with the Department prior to the submission of the construction improvement plan.
4. The Electric Department indicates the following:
- A blanket utility easement is required on the plan.
 - Depending upon required electrical loads, the applicants may be required to sign an electric service agreement.
 - The applicant will be required to install 2” to 4” conduits and pull strings for the underground high voltage cable and supply 24 cable elbows.
 - Regarding access to the site for electric service, the City is attempting to secure an easement through the adjoining property at 1352 Marrows Road. If the City cannot obtain this easement, the applicants will be required to pay all costs to serve the site from Ogletown Road.
 - Information will be required to be supplied to the Department regarding electric loads so that a properly sized transformer can be purchased by the City to serve the facility.
5. The Code Enforcement Division notes that the plan must conform to all applicable standards and specifications of the City Building Code and all Fire Code requirements. The applicant should consult with the City Fire Marshal as well as Aetna Hose, Hook and Ladder Company regarding Fire Code and related fire equipment access requirements through the construction improvement plan review process.
6. The Water and Wastewater Department indicates that water and sanitary sewer connections should be coordinated with United Water and New Castle County respectively. The proposed laterals will be required to conform to all City specifications.
7. The Parks and Recreation Department notes that the AFRC plan must comply with all the applicable standards and specifications of Article XXV, Landscape Screening and Treatment.

Recommendation

Because the AFRC property major subdivision plan, with the Subdivision Advisory Committee recommended conditions, will not have a negative impact on nearby and adjoining properties, because the project with the recommended conditions conforms to the land use recommendations in Comprehensive Development Plan IV, because the proposal meets or can meet all applicable Code requirements, and because the proposed use corresponds to the development pattern in the nearby area, the Planning and Development Department suggests that, subject to the Subdivision Advisory Committee recommended conditions, **that the Planning Commission recommend that City Council approve the AFRC major subdivision at 1001 Ogletown Road, as shown on the U.S. Army Corps of Engineers plan, dated July 15, 2009.”**

Mr. Bowman: Are there any initial questions for Roy?

Mr. Begleiter: Roy, I think you included in your recommendations that the proposed entry access driveway for this project be changed from the one shown in the plans before us to the western most entrance. Is that still part of your recommendation?

Mr. Lopata: We want that facility to be aligned so that, as we indicated in the report, folks moving west or east on Ogletown Road can get into the facility. That was our major concern. The way it was initially shown, which you have in your packet, people coming into Newark from the east would not be able to turn directly into the facility. We know they are going to have people from the Army and others using this site who will be coming from that direction. I think we have come to a meeting of the minds about that, which I think they will explain to us.

Ms. Sheedy: The Public Works Department indicated that a wetlands report would be required. Roy, is that being driven by this little bit of wetlands that is on the western end of site?

Mr. Lopata: No, that is a technical requirement because of size and scale of the property. But, we know from the environmental impact statement what the wetland status is, but we don't have the actual wetlands document in hand. It is a catch-22 kind of thing.

Ms. Sheedy: So, the EIS concluded that there are no wetlands on the site.

Mr. Lopata: Not "jurisdictional" wetlands, the kind of wetlands that would impact this type of project. There are wet areas, but not the wetlands that make a difference in terms of size. They are very tiny.

[The applicant, Commission and public referred to the PowerPoint slides that the applicant brought for the presentation to the Planning Commission].

Mr. Bill Pioli: 109 Havenwood Lane, Grand Island, New York. Corps of Engineers. I want to thank everyone for giving us this opportunity to make this presentation. Mike Notto is the project engineer, David Faas (sp) is the project manager. Ben Rooney from the real estate office, and our general counsel, Jennifer McGraff. We will be available for questions after the presentation.

In 2005 BRAC became the law of the land. This is process that the military is using resulting from Congressional mandates to close excess military operations and to improve their operations and maintenance on existing facilities. More than 350 facilities across the U.S. were caught up in the first four rounds of BRAC. The most recent round was the 2005 Congressional round which included the closing of two sites and they mandated the opening of one site. The Corps of Engineers through the Louisville District is the Army's construction manager for that program. One key point in the law, as I show on the slide at the bottom, is, and Roy has alluded to it as well, that all construction has to be completed by the end of June of 2011. The reason for that is, basically, the Army has a cascading line of dominos set up so that as places close, places open, units close down, units open up, units come back from overseas, or move overseas and they need their space available at a certain point in time. We have mentioned this to Roy a couple of times and you will see that date has affected our approach and attitude all the way through the project.

BRAC is divided up across the country. The overall impact now is on about 400 installations. This map outlines the BRAC geographical requirements. You will see there is a slot for Pennsylvania, West Virginia, Virginia, Maryland and Delaware. That falls under the 99th Reserve Support Command. They will be the eventual occupants of this site.

What the Army Reserve has been directed to do is to close two facilities here in Newark and construct one. The Army Reserve directed the Corps of Engineers to construct this facility and that is the project that we presented to the Planning Commission. We have facility designed for energy efficiency, meeting good engineering practices and current building guidelines with the goal of qualifying for green construction. Since it is both a military and a federal facility, you can understand that we are being held to some fairly serious Force Protection requirements. These antiterrorism and Force Protection requirements will take priority but you will notice that one thing we didn't do was build up big heavy berms, and you can see this both in the rendering and you'll see it on the site at you go by. We have taken the ATRP (Anti-Terrorism Force Protection Requirements) and built them into standoffs and other buffers so we won't need to put up large fences, bollards or heavy berms that you might see at some other facilities. What we think we have come up with, and what we are quite excited about is an architecturally appealing and a visually attractive building that will serve the community for quite some time into the future.

A major contributor to the architectural appealing and yet safe status of the building was the designer, URS Corporation. They have provided the design support and technical assistance and they will continue to provide that support through the construction of the building. The soon-to-begin construction phase will be managed by the Harrisburg construction office and executed by the Pike Wohlsen Joint Venture. We plan on building

an infrastructure to support a 400 member training facility and the necessary support structures that will have this reserve center fully capable to fulfill its mission from the United States Army.

Regarding schedule, you have heard who is behind all of this activity and what we are planning to do and here we have some historic milestones. By the way, Roy already alluded to that first milestone – the property purchase. We couldn't have done that without the help of the City. Everybody, all the way up the management chain, was very excited about that. That was expeditiously done just about a year ago. Without that move by the City, we couldn't have started the process. It worked fairly fast after the property was acquired in July. The contracting paperwork was set, there was an initial design set, and the contract was awarded in September. After that the Pike Wohlsen Joint Venture went through their initial submissions and got everything ready for us to approve, and we are at the early stages of preparing the site. The clearing and grubbing is underway. We've got some demolition done. And, one of the more important things up there for us was the DNREC permitting issues. We have gone through some hoops that they put in front of us regarding permitting, and that is handling mostly stormwater and the site stormwater runoff or a non-point source runoff. So, they are watching this very closely and we are abiding by all the rules that they have in place for us, and we have satisfied their requirements for a permit as well.

The last date there is our beneficial occupancy date. That is the date that we are targeting. As you will notice, it is late April. I mentioned earlier, we have a June mandatory Congressional deadline. So, we have a little bit of time as "float," but not very much. We are hoping that we keep the pressure on our whole team so we meet this deadline giving us a little bit of a cushion to meet the federally mandated deadline.

As I mentioned, we have an architecturally appealing and what we hope is an attractive project for the City of Newark. We've got an open design and paving and facility placement such that from the road the facility will look unlike a military facility. It is not olive drab. From the drawings we have submitted, you have seen some of the layouts in front of you from the drawing package. That gives you the technical approach that we have got. We've got a little more formal rendering. David Faas brought the rendering which he set up in front on the easel. That is the site picture we used for the ground breaking ceremony, and that is what we show people we are targeting.

I hope that with all the information that we have presented both in drawings and rendering and the presentation that you will agree that we have a well planned, well engineered building that will be an asset for a long time to come for the City of Newark.

In conclusion, several among us here have been in the military or have been able to volunteer to help, like myself, to support our mission overseas. So, this last slide that I wanted to put up was a picture of the American flag, the Army Corps of Engineers flag and in the middle is the Afghanistan flag, and these flags flew over the U.S. Army Corps of Engineers' headquarters in the fall of 2007. One of the missions from this military unit or the National Guard and the Army units that will be here will probably be to support overseas deployments in the future.

I will open the floor to any questions you might have.

Mr. Lopata: Bill, do you want to touch on the access issue?

Mr. Pioli: You will notice on the drawings and on the plans, there are two ingress and egress points. The first one is the primary one. The second part of the site is undeveloped at this time and it is not developed in our plans, but that second westerly ingress and egress point will be used at some point in the future. I am not sure how at this exact point.

Mr. David Faas: 2860 Barkhill Road, York, PA. I am with Pike Wohlsen, the project manager for this job. The two ingresses and egresses you are referring to, the western most one is more conducive. It sits on Rt. 273 where if you are going westbound, you can easily turn into the site. However, that area of the site is not being developed right now. There is one main road into the site and that is off the eastern most entrance. We are reutilizing the

existing entrances to minimizing disturbances and impact to DelDOT and the design of the project. It really doesn't favor using the western most entrance to the site that exists.

Mr. Lopata: I am a little confused. In our phone conversation the other day, I was under the impression that you were going to extend that western most access way through the site to the eastern one and use that and have them function as the one point of access. Maybe I misunderstood that.

Mr. Pioli: One of the reasons that we purchased the site and it was targeted as an available site during the preliminary process was two entrance points both being available to the property with no extra effort on our part to go through permitting.

Mr. Lopata: I'm missing something here. You have the two access ways, so we are not suggesting any extra effort.

Mr. Pioli: No, and in the package of the design, the main entrance point to the site is the eastern most ingress/egress point. The other point doesn't factor into the entrance.

Mr. Lopata: How are people going to get onto the site then?

Ms. Dressel: That is a very dangerous intersection to make a U-turn.

Mr. Lopata: DelDOT is saying the same thing we are saying.

Ms. Dressel: Can I show you on here what I think?

Mr. Lopata: They understand it. They don't want to do it. It already connects. The road is there now. If you are worried about selling off the western property, you can grant a cross easements. If there is some requirement of yours we are missing, please explain it because we want you to get approved.

Mr. Begleiter: Maybe you can explain to us since this is a federal facility how vehicles approaching your proposed location will access it from Interstate 95, one of the most likely places from which they would attempt to access the site. How would they drive into this facility from Interstate 95.

Mr. Faas: Before the meeting, we were speaking with Dawn, ex-military, who was explaining to us a situation. We are talking about a pinch point here. When you come west bound on Rt. 273 and you want to make a left-hand turn, yes, you would have to make a U-turn into the site. The military in their infinite wisdom would go to great lengths to make sure that they don't enter that pinch point and try to access the site. So, as far as military vehicles and personnel, they would try to funnel them from I-95. You can get there from the old Ogletown Road and come the back way and make a right-hand turn and come up through there.

The military is looking at it from a perspective of they don't want to have a pinch point. They don't want people turning there. So, military forces coming from I-95 would go out of their way to make sure that they are making right-hand turns not left-hand turns. Again, I'm not military, but Dawn was speaking to us before this meeting. It made a lot of sense in that they don't want to make the left-hand turns.

Mr. Bowman: Quite frankly, it isn't going to happen that way. It makes absolutely no sense at all on that roadway. Many of us have been in this community for a long, long time. That is a roadway from the City limits all the way out to where it crosses the new construction onto 273. It is a high speed road for starters. People come out of that light at Marrows Road and by the time they get to where you are, they are doing 50 miles an hour. If you bring people in, they are going to come the shortest route – I don't care what orders they get from the military – if they are driving their own private vehicle in there for sure, and they are going to come in heading west and they are going to make a U-turn in that location and we will be scraping them up off the highways. I will guarantee it.

Mr. Lopata: One other problem is that we just went through this Commission and the City Council to approve a Wawa, which may mean nothing to you guys, but it is our local 7-11 type chain, at the corner about 500 ft. to the west of where you are located. And, the State and the City went through a whole lot of gyrations delayed them nine months, which you certainly don't want to have happen to you, so that they would have no left turns into that facility to avoid the same kind of problem you were having here. As a result, they have a signalized left turn at Marrows Road just west of you essentially for the same reason at the same congested roadway that you are on.

Mr. Begleiter: It will also put military vehicles on Marrows Road. That location is not a big deal but half a mile down the road is a residential area, two churches, with children playing, a public school or it will put them on Library Avenue coming north which is already a pedestrian nightmare that we are already dealing with in a variety of other ways at the Newark Free Library itself and at Wyoming Avenue.

Mr. Bowman: If you are coming south on Interstate 95 the shortest distance to this facility is to get off at Route 273 and follow it right to the facility and that is going to require a U-turn, by your layout, into this facility.

Mr. Lopata: Let's continue with the discussion, if the Army can't resolve this this evening, there will be a recommendation from this body. You will recommend whatever you recommend, and the Army will go to Council. The Commission is advisory. Someone in the Army hierarchy needs to explain to us locals why this limitation is so crucial; that is why we are so mystified, frankly. We don't want to hold you up. I know you have other criteria that you have to get this thing built and we want you to get it built.

Mr. Pioli: As I mentioned, those two ingress/egress points were one of the selling points for the property. There is a design that is set. You can see it there. We have had a couple of discussions on the subject and this one being a little more public.

Mr. Bowman: Are there any further questions for the applicant? I have one. On our small drawings here which would be to the rear of the buildings, there are two areas which look like they are fenced – USAR MEP and ARNG MEP. What are those areas?

Mr. Michael Notto: I live in Mechanicsburg, Pennsylvania and represent the Corps. As far as the MEP, that is military equipment parking. That will be all of the Hum-Vs and military vehicles. There is also an engineering unit that will be part of this facility. They will have some heavy engineering equipment – bulldozers and scrapers, etc. It is a requirement that when we build these facilities that the military vehicle parking areas be fences for extra security.

Ms. Dressel: On the picture are they fenced with chain link?

Mr. Notto: Yes.

Mr. Lopata: And they are in the back.

Mr. Begleiter: The future property line shown on your drawing, what is the purpose of that line?

Mr. Notto: When we purchased the property, the Army determined that we only needed approximately 14 acres of real estate to house this facility, and when we were working the purchase of the parcel here, the property owner wanted to sell the whole tract of land so we purchased the entire property. Now that we have gone through our design prior to the preliminary designs that we had shown there, the entire area will be all the Army's property. There will not be a separation in the two parcels.

Mr. Begleiter: The line that is on the drawing that we are looking at today doesn't exist in the actual drawings for this property.

Mr. Notto: That is correct.

Mr. Lopata: They will have to eliminate it in the final submittal that goes to Council.

Mr. Begleiter: Certainly the one that goes to Council should be the accurate drawing. The reason I was asking about that is partly about this access way. That solves that issue. You won't be crossing any future property line or anything like that if you have to use the other access. Thank you for that clarification.

The ATS setback lines shown on the drawing, that is anti-terrorism force protection setback barriers, what are they and are they shown in either the sketch in front of us or the one we had in our packet?

Mr. Pioli: They are shown in the one you have in your packet.

Mr. Begleiter: I don't see three concentric wings of anything on this drawing. Maybe I am missing it. How do they show up in the renderings?

Mr. Notto: Those are actually three definable boundaries that are distances that have been established, and based on the setbacks from access to the facility. If we are constrained by not being able to have those larger outer rings, we have to incorporate more substantial boundary parameters like berms, boulders, or bollards, and things like that. The way the property is set up and the way the building has been located on the tract of land, we do not have to have some of those big items that Bill had mentioned in his presentation.

Mr. Begleiter: They are hypothetical distances.

Mr. Notto: Yes Sir, that is correct.

Mr. Begleiter: Will there be any weapons stored on this facility?

Mr. Pioli: Yes, small arms.

Mr. Begleiter: Is that what will be located in what is identified on these drawing as the vault?

Mr. Pioli: Yes Sir.

Mr. Begleiter: A question for Roy. Do we have other locations in the City of Newark that store weapons?

Mr. Bowman: The Police Station in the building you are sitting in.

Mr. Lopata: Which makes me feel secure, because they have weapons and we have weapons.

Mr. Begleiter: The reason for my asking that question is just whether there are any special City requirements or regulations or anything of that sort that apply to facilities that store weapons.

Mr. Lopata: They have federal regulations.

Mr. Pioli: I think that you are going to find out that the Army's regulations will take care of themselves.

Mr. Begleiter: So, there are no special requirements of that type.

Mr. Lopata: We don't have too many facilities of this type.

Mr. Begleiter: The weapons simulator that is on that is identified on the property, is that a firing range or is it an electronic simulator of some sort?

Mr. Notto: It is an electronic simulator where it can train our soldiers with video games.

Mr. Begleiter: Is there any place on this property where weapons would actually be fired as a matter of training or as a matter of preparation?

Mr. Notto: No, there would not be any weapons fired on the property.

Mr. Begleiter: Will this facility routinely be receiving and discharging shipments of weapons or ammunition?

Mr. Notto: No, not as a matter of our training will we be doing that.

Mr. Begleiter: Will there be daily shipments of ammunition coming and going?

Mr. Notto: No, there will not be.

Mr. Bowman: We will now open the discussion for public comment. There being no public comment, we will bring the item back to the table for a motion and further discussion if need be.

Ms. Dressel: Looking at this we need to make a motion that includes this additional drive or entrance using the furthest west point because there is already a turn lane there for people heading west.

Mr. Lopata: To simply do that is to follow our recommendation because that is what we are recommending. To use language that the Army will understand, we want "TWA," – two way access.

Mr. Begleiter: If there were a solution which the Army paid for and constructed a proper two-way access at the location that they prefer for their ingress and egress, would we object to that.

Mr. Lopata: No. But that is much more expensive.

Mr. Begleiter: That is their problem, not ours. Our point is that we are not fixed on the geographic location.

Mr. Lopata: It is actually further away from the intersection. I think it is implicit in both what the State and what we are saying and it is clear from the record. Our recommendation is that we want to have westbound traffic on Ogletown Road to be able to access the facility essentially the same way that eastbound traffic can. I think all of us agree with that.

Mr. Begleiter: It doesn't have to be through the western most in, right?

Mr. Lopata: If they can figure out another way of doing it that is up to them.

Mr. Bowman: The main concern here is you don't want people going in either direction to have to make a U-turn across traffic to get into this facility.

Mr. Begleiter: My only concern is that if we made the motion to require them to use the western most access that doesn't allow for that other option.

Mr. Bowman: I understand.

Ms. Dressel: Coming out of the site, the only direction people can turn is to the right as well.

Mr. Lopata: That is less of a concern.

Ms. Dressel: It is less of a concern because they can go up to Lowes.

Mr. Lopata: It is easier to use U-turns there.

Ms. Dressel: It is this coming in that is the most dangerous especially right there at Marrows Road.

Mr. Lopata: Again, I go back to the Wawa review. We had lots of talk about the same intersection, essentially, which has been solved. You will not be able to make a left turn from Ogletown Road at the new Wawa that was just approved two weeks ago. By-the-way, the Wawa is very excited about your AFRC facility.

Mr. Bowman: Lots of coffee and lots of sandwiches.

MOTION BY BEGLEITER, SECONDED BY DRESSEL THAT THE PLANNING COMMISSION RECOMMENDS THAT CITY COUNCIL APPROVE THE AFRC MAJOR SUBDIVISION AT 1001 OGLETOWN ROAD, AS SHOWN ON THE U.S. ARMY CORPS OF ENGINEERS PLAN, DATED JULY 15, 2009; WITH THE CONDITIONS IN THE PLANNING AND DEVELOPMENT DEPARTMENT REPORT; AND WITH THE ADDED CONDITION THAT COUNCIL REQUIRE ACCESS TO THE SITE FROM BOTH DIRECTIONS ON STATE ROUTE 273.

VOTE: 5-0

AYE: BOWMAN, MCDOWELL, SHEEDY, DRESSEL, BEGLEITER

NAY: NONE

ABSENT: BRILL, BROWN

MOTION PASSED UNANIMOUSLY

There being no further business the Planning Commission meeting adjourned at 8:00 p.m.

Respectfully Submitted,

Elizabeth Dowell
Secretary, Planning Commission