

**CITY OF NEWARK  
DELAWARE**

**PLANNING COMMISSION  
MEETING**

**May 1, 2007**

**7:30 p.m.**

Present at the 7:30 p.m. meeting were:

**Acting Chairman:** James Bowman

**Commissioners:** Ralph Begleiter  
Angela Dressel  
Chris Hamilton  
Mary Lou McDowell  
Joe Russell

**Staff Present:** Roy H. Lopata, Planning Director

Acting Chairman James Bowman called the Planning Commission meeting to order at 7:30 p.m. He told the Planning Commission and the public that a resignation letter had been received from Jim Soles.

MOTION BY BEGLEITER, SECONDED BY McDOWELL TO THANK DR. SOLES FROM THE MEMBERS OF THE COMMISSION FOR HIS SERVICE AND LONGTIME DEDICATION TO THE COMMISSION AND THE CITY OF NEWARK.

VOTE: 6-0

AYE: BEGLEITER, BOWMAN, DRESSEL, HAMILTON, McDOWELL, RUSSELL

NAY: NONE

MOTION PASSED UNANIMOUSLY

**1. THE MINUTES OF THE APRIL 3, 2007 PLANNING COMMISSION MEETING.**

The minutes of the April 3, 2007 Planning Commission meeting were accepted as received.

James Bowman: We have a request from the presenters tonight to reverse the order of items two and three on our agenda. The Chair will entertain a motion to do that.

MOTION BY BEGLEITER, SECONDED BY McDOWELL TO REVERSE THE ORDER OF AGENDA ITEMS TWO AND THREE.

VOTE: 6-0

AYE: BEGLEITER, BOWMAN, DRESSEL, HAMILTON, McDOWELL, RUSSELL

MOTION PASSED UNANIMOUSLY

**3. REVIEW AND CONSIDERATION OF A REZONING FROM BC (GENERAL COMMERCIAL) TO BB (CENTRAL BUSINESS DISTRICT), MINOR SUBDIVISION, AND A SPECIAL USE PERMIT OF THE .26 ACRE PROPERTY AT 209 E. MAIN STREET FOR AN APPROXIMATELY 2,400 SQUARE FOOT COMMERCIAL AND THREE APARTMENT UNIT DEVELOPMENT TO BE KNOWN AS "BELA PLACE."**

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

“On March 22, 2007, the Planning Department received applications from Gahunia, L.L.C. for the rezoning and minor subdivision of their .26 acre property at 209 E. Main Street. The applicants are requesting rezoning from the existing BC (general commercial) to BB (central business district) and subdivision approval to construct a 2,434 square foot commercial and three apartment unit mixed use building. The applicants have also applied for the BB zoning required special use permit for upper floor apartments in this district. The project is to be known at “Bela Place.”

Please see the attached Landmark Engineering rezoning, minor subdivision and special use permit plans; color building elevations; and supporting letter.

The Planning Department’s report on the Bela Place project follows:

**Project Description and Related Data**

1. Location:

209 E. Main Street; south side of E. Main Street, approximately 45 feet from the S. Chapel and E. Main Streets intersection.

2. Size:

.26 acres (11,325.6 square feet).

3. Existing Land Use:

Vacant; formerly developed site containing a gasoline service station.

4. Physical Condition of the Site:

The Bela Place property is a developed and now vacant site. The gasoline service station that had been at this location for many years was recently demolished.

In terms of topography this is a level parcel. Two relatively high points on the property are located on its southeast and southwest corners.

Regarding soils, according to the United States Department of Agriculture’s Natural Resources Conservation Service, the Bela Place site consists of Matapeake-Sassafras-Urban Land soil. According to the Natural Resources Conservation Service this is a disturbed and developed soil that does not have limitations for the use proposed.

5. Planning and Zoning:

The Bela Place site is zoned BC. BC is the City’s general commercial zone that permits the following:

- A. Auction
- B. Automobile, truck, rentals, retail, and wholesale sales with special requirements
- C. Crating service
- D. Frozen food locker
- E. Ice Manufacture
- F. Sign painting and manufacture
- G. Warehousing with special requirements
- H. Wholesale sales with special requirements
- I. Photo developing and finishing
- J. Veterinary hospital
- K. Cleaning and dyeing plants
- L. Commercial laundries/dry cleaners
- M. Laundromats

- N. Outdoor commercial recreational facilities with special requirements
- O. Swimming club, private or commercial
- P. Social club, fraternal, social service, union and civic organizations, except on ground floor locations
- Q. Studio for artists, designers, photographers, musicians, and sculptors
- R. Offices for professional services and administrative activities
- S. Personal service establishments
- T. Finance institutions, banks, loan companies
- U. Retail and specialty stores
- V. Repair and servicing, indoor and off-site, of any article for sale, which is permitted in this district
- W. Related indoor storage facilities are permitted as an accessory use to any of the permitted uses in this district
- X. Accessory uses and accessory buildings
- Y. Restaurants, bakery-restaurants, and delicatessens
- Z. Public parking garage and parking lot
  - a. Parking off-street
  - b. Public transportation facilities, including bus or transit stops for the loading and unloading of passengers; station and depots
  - c. Street, right-of-way
  - d. Utility transmission and distribution lines
  - e. Water tower, water reservoir, water storage tank, pumping station, and sewer
  - f. Retail food stores up to 5,000 square feet in maximum floor area, limited to bakeries confectionery, candy, gourmet shops, small convenience grocery, and meat sales facilities. Goods produced on the premises shall be sold only on the premises

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

- A. Automobile repair and/or service station, paint and/or body shop with special requirements
- B. Self-service car wash establishment with special requirements
- C. Automobile/motor vehicle repair with special requirements
- D. Automatic car wash establishment with special requirements
- E. Used car lots
- F. Retail food stores
- G. Fast-food and cafeteria style restaurants with special requirements
- H. Drive-in restaurants, with special requirements
- I. Drive-in and curb service for other than eating establishments.
- J. Substation, electric, gas, and telephone central office with special requirements
- K. Tower, broadcasting and telecommunications with special requirements
- L. Police and fire stations
- M. Library, museum and art gallery
- N. Church, or other place of worship, seminary or convent, parish house, or Sunday school building
- O. Instructional, business or trade schools
- P. Motels and hotels
- Q. Commercial indoor recreation and indoor theaters
- R. Adult bookstore/adult entertainment center with special requirements
- S. Restaurants with alcoholic beverages

The requested BB zone permits the following:

- A. Retail and specialty stores
- B. Retail food stores up to 5,000 square feet in maximum floor area, with special conditions
- C. Restaurants, bakery and delicatessens
- D. Banks and finance institutions
- E. Offices for professional services and administrative activities
- F. Personal service establishments
- G. Studios for artists, designers, photographers, musicians, and sculptors

- H. Repair and servicing, indoor and off-site of any article for sale, which is permitted in this district
- I. Related indoor storage facilities as accessory uses with special requirements
- J. Accessory uses and accessory buildings
- K. Public parking garage and parking lot
- L. Public transit facilities
- M. Social club, fraternal, social service, union and civic organizations, except on ground floor locations
- N. Photo developing and finishing

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

- A. Retail food stores with more than 5,000 square feet in area
- B. Drive-in and curb service for other than eating establishments
- C. Fast-food restaurants with special requirements
- D. Motels and hotels
- E. Commercial in-door recreation and in-door theaters
- F. Instructional, business or trade schools
- G. Electric gas and telephone central offices and telephone central offices and substations with special requirements
- H. Tower, broadcasting or telecommunications on existing buildings or structures with special requirements
- I. Police and fire stations
- J. Library, museum and art gallery
- K. Church or other place of worship
- L. Restaurant, cafeteria style
- M. Apartments, except on ground floor locations, with special requirements
- N. Restaurants with alcoholic beverages, with special requirements

Regarding the requested BB zoning area requirements, the Bela Place plan meets or can meet all of the applicable BC zoning area requirements.

Regarding adjacent and nearby properties, the Bela Place site is adjacent on the east and on the south to the BB zoned mixed use (commercial and upper floor residential) Main Street Court subdivision. The front portion of Main Street Court, immediately adjacent to Bela Place, contains six upper floor apartments and approximately 4,900 square feet of first floor commercial space; the Main Street Court property to the rear (south) of Bela Place contains off-street parking for that development. The property to the west of the site on E. Main Street is zoned BC and contains the small Season's Pizza Restaurant.

The BC zoned Bike Line retail store is located across E. Main Street from the Bela Place site. The BC zoned St. John's Roman Catholic Church lies across E. Main Street just northwest of the site. Other BB zoned commercial/residential mixed use developments (Pomeroy Station and Astra Plaza) also are located across E. Main Street further northwest and northeast of Bela Place respectively.

Regarding comprehensive planning, the recently updated Comprehensive Plan calls for "commercial (auto oriented)" uses at the Bela Place location. In addition, the Downtown Newark Economic Enhancement Strategy portion of the Comprehensive Plan includes the Bela Place site within a "mixed use redevelopment" downtown district. The Strategy defines "mixed use redevelopment" as an area that: ". . . would be an ideal mixed use area, with various complexes integrating convenience retail, services, offices and housing (both student and non-student housing). Commercial uses – retail, services and offices – should be oriented toward Main Street. Housing is also an appropriate use for projects along the Main Street corridor." Obviously, the proposed Bela Place rezoning and minor subdivision conforms to the land use recommendations in the City's comprehensive planning for the location.

## **Status of the Site Design**

Please note that at this stage in the Newark subdivision and review process for projects fronting on Main Street, applicants are required to show the general site design and architectural character of the project. For the site design, specific details taking into account topographical and other project 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; and, in addition, contextual color scale elevations showing the front Main Street facades of all buildings immediately adjacent to the property. If the construction improvement 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 must be referred back to City Council for further review and approval. That is, initial Council subdivision plan approval means that the general site concept and the 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 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 plan and agreement for the project.

Be that as it may, as you can see from the Bela Place subdivision plan, supporting letter, and applicants' color building elevation drawings, the applicants propose to construct a three-story building with an approximately 2,400 square foot footprint. The first floor is intended to be leased to small commercial establishments with three two-floor apartments occupying the upper floors of Bela Place.

As suggested in our downtown Subdivision and Development Regulations Design Review Appendix, the bulk of the parking on the site will be located to the rear of the building with the facility fronting on Main Street in a typical downtown configuration. A decorative brick wall is proposed to screen the small area of parking at the east of the site adjoining Main Street.

As described the supporting letter and illustrated in the building elevations, the proposed Bela Place building facades will consist of a two-story brick façade with a mansard type roof with window dormers for the upper floor. To evaluate this proposed architectural design, the Planning Commission may wish to consult the design review criteria in Municipal Code Chapter 27, Subdivision and Development Regulations Appendix XIII(d).

Please note, in this regard, that on a voluntary basis, the applicant reviewed the proposed building elevation drawings with the Downtown Newark Partnership's Design Review Committee and the Committee indicated that the plan either meets or exceeds the guidelines that the Committee has developed for downtown building design. In summary, the Committee noted that the Bela Place project, "is a very good example of what we want for Main Street."

Regarding landscaping, the Commission should consult the attached proposed landscape plan for Bela Place.

## **Departmental Comments**

The City's Management, Planning and Operating Departments have reviewed the Bela Place development project and have the comments provided below. If necessary, the plan should be revised as indicated prior to its review by City Council.

1. The Planning Department notes that the proposed mixed retail and upper floor residential use on the site corresponds to the recent pattern of City approvals in the immediate area along E. Main Street. Moreover, as noted above, the Bela Place plan corresponds to the City's comprehensive planning for this downtown location.

2. The Planning Department notes that the subdivision plan should show a subdivision identification sign.
3. The Planning Department suggests that the Planning Commission recommend as subdivision site design conditions the following:
  - A. The architectural design of the proposed structure shall be consistent on all building elevations visible from public ways.
  - B. Storage areas, mechanical and all utility hardware shall be screened from view from all public ways and nearby properties in a manner consistent with the proposed architectural design [note #6 should be revised in this regard].
4. The Electric Department indicates that service is available from Main Street. The applicant will be required to pay for transformers and radio read meters; the amount will be determined, through the building permit process, depending upon proposed electrical load.
5. The Water and Wastewater Department indicates that the plan needs to be revised to show proposed water and sanitary sewer service. If existing services are not to be used, they need to be capped off at the main. The applicant will be required to pay for water meters as well as the required STP fee.
6. The Public Works Department notes that the applicant will be responsible for residential and commercial refuse collection from the site. The Department also notes that the western E. Main Street curb cut will be required to be raised to its full height.
7. In addition, the Public Works Department indicates that, although no stormwater quantity management is required for the proposed use and that from a stormwater quality standpoint, the run-off from the site will certainly be less impactful than from the old gasoline service station at this location, the Department has a series of technical stormwater management and drainage suggestions to review with the applicant prior to the plan's consideration with City Council.
8. Regarding landscaping, the Parks and Recreation Department has the following comments:
  - A. Note #2 on the Landscape Plan should be revised to refer to a two-year landscape planting warranty.
  - B. The Leyland Cypress trees shown on the southern border should be replaced with a more "upright" tree species such as Gray Gleam Scopulorum Junipers.
  - C. The two large trees shown in the front of the building are not labeled; the Department would suggest Burkwood Viburnum at this location.
9. The Building Department indicates that Bela Place will be required to meet all Building and Fire Code requirements. The applicants should note window opening limitations that may impact the west side of the structure, based on fire separation distances in the Building Code.

### **Recommendation**

The Planning Department believes the proposed rezoning, minor subdivision and special use permit of the Bela Place site conforms to the land use guidelines in the Newark Comprehensive Plan. In addition, the plan corresponds to the development pattern in the immediate neighborhood of the site. The Department also believes that, with the Subdivision Advisory Committee recommended conditions and suggestions, the Bela Place rezoning, minor subdivision and special use permit plan will not have a negative impact on adjoining and nearby properties.

The Planning Department, therefore, suggests that **the Planning Commission make the following recommendations to City Council:**

- 1. That City Council approve the rezoning of the .260 acre property at 209 E. Main Street from BC (general commercial) to BB (central business district) as shown on the attached Planning Department Exhibit A, dated May 1, 2007; and,**
- 2. That City Council approve the Bela Place minor subdivision plan, as shown on the Landmark Engineering plan, dated February 27, 2007, as further revised, with the City Departmental recommended conditions; and,**
- 3. That City Council approve the Bela Place special use permit for apartments in a BB district, as shown on the Landmark Engineering plan, dated February 27, 2007, as further revised.”**

Mr. Bowman: Are there any questions for Mr. Lopata from the members of the Commission? If not, I will turn it over to the applicants.

[Secretary's note: The applicant and public referred to visuals brought by the applicants for their presentation to the Planning Commission].

Mr. Mark Sisk: I am an attorney. I practice in Newark and Wilmington. It is my pleasure to be here tonight with Gahunia, LLC. I appreciate the Commission's courtesy and Mr. Lang's courtesy as well in letting us go first. We think this will be somewhat less lengthy than your next project just because of the scope of that project.

Gahunia, LLC is an entity formed by Dr. Singh. Dr. Singh has an office adjacent to mine at 295 E. Main Street. He is a physician. He has had an office at that location for 30 years in the City of Newark. So, this isn't Wal-Mart. This is our friend, neighbor and local physician, Dr. Singh, whose family real estate entity purchased this parcel about a year ago. You all recall what was on that parcel about a year ago – a building that was in a state of disrepair. There were some cars being repaired there. I think there was a little bit of gas being sold there, but it was not an attractive building. It is now gone. We have made progress getting that far.

I am going to have Joe Charma and Dan Hoffman talk a little bit about design but just to give you the big picture, there are pictures of the project location and layout here, a picture of your front elevation and a picture of the side elevation.

We are certainly happy to answer specific questions and concerns, but I think Mr. Lopata's report has summed it up well. We think the Departmental recommendations are in order and are prepared to proceed. Perhaps Mr. Charma would like to make some comments about the design at this point.

Mr. Joe Charma: I am with Landmark Engineering at 100 W. Commons Blvd. in New Castle, Delaware. I am pleased to be here tonight to be on this project team to present this project. This project really embodies the heart of the Downtown Design Guidelines. The building replaces a building that was somewhat dated. It was a service station and an auto repair facility. The new building is pulled near the street with much improved landscaping and the opportunities for hiding parking. Most of the parking is behind the building. One thing I want to point out is in order to help preserve the streetscape there is a four foot high wall that will really screen that traffic. The landscaping will soften the wall. It will be a really attractive addition. The wall helps to bring the buildings together where there is a space between the buildings for parking. It tends to join the street façade, if you will.

The site is about a quarter of an acre. It started out as about 81% impervious and that is what it ended up as. We have requested from the Public Works Department a stormwater quantity waiver. I believe that that waiver, from the Departmental comments, has been granted. There are a few recommendations from Public Works that we will go through during the construction improvement plan stage as we proceed through this project.

At this time I will turn the presentation over to Dan to talk about the building.

Mr. Dan Hoffman: I am an associate with DCI Architects in Wilmington. We presented this to the Design Review Committee a couple of weeks ago. As everyone said, their position was pretty favorable on the project. The building has a 2,400 square foot “foot print.” The first floor would be retail, and then the second and third floors would be occupied by three two-story townhouse apartment units. To fit it in on Main Street there is the brick façade. To bring the scale of the building down on the Main Street, we went with the mansard design to hide the third floor; to bring it into scope with the other buildings that are in that area – the Newark Lumber building next door, the church on the corner across the street, and the Pomeroy Station around the corner. As Joe said, we have extended the brick wall onto Main Street to hide the parking areas. The entrances have a really slight recess on them – one of the Design review comments. We did not want to recess them too far because we did not want to lose that much square footage.

Mr. Bowman: I will bring the item back to the table. Does the Commission have any questions for the applicants’ representatives?

Mr. Ralph Begleiter: First, I want to congratulate both the site design and the building design on this project. I think this is the first project that we have received officially that actually does include the utilities shown on the elevation. I am delighted to see that. Maybe it will encourage developers to propose to do something about them. I think having just been through the Design Guidelines presentation, I think it is a good example of how a developer can keep the scale and scope nicely in line with the rest of Main Street. So, congratulations for that.

As you indicated, this used to be a gas station. I would like to know if the developers have received any kind of certification that will be sure to satisfy the developers as well as the City in the future about any residues that might be below the ground on that property. I am sure the tanks have been removed, but what about oil residue.

Mr. Sisk: I know there is a process and I know that we would not be as far along if the process had not been complied with.

Mr. Charma: I do not have a copy of letter of closure, but the tanks have been removed. There was some minor remediation. I don’t think they had any leakage from the tanks. I think the site is clean. Again, as Mr. Sisk said, we would not be this far if there were any issues with the departments.

Mr. Begleiter: Hopefully, the owner would not want to be faced with some future problem of oil fumes seeping up to the residences, or something like that.

Mr. Charma, I would like to ask you about the site design. Please tell me the rationale for locating the building as you did on the site.

Mr. Charma: First of all, keeping with the streetscape pulling the building as close to the street as we can is desirable for a downtown venue. It is as close as it can be. There is a utility pole there and there are overhead lines there. We have to maintain that distance back from the pole.

Mr. Begleiter: If the pole weren’t there, of course, you might be able to do something different.

Mr. Charma: You would be able to come a little closer. Where the building is situated in the northwest corner of the site, I am trying to keep this entrance as far away from the corner as I can because traffic does back up. There is a traffic signal on the corner. There is a turn lane here. It is desirable to keep the access point as far away from the intersection as possible. That is as far away as we can get it from the intersection. That kind of drove where the building is sitting in terms of the east/west direction.

Mr. Begleiter: We are looking at an adjacent corner property that is a very small lot. The access to that lot is already screwed up beyond anybody’s recognition. There is already a

driveway closer to the corner than anything could possibly be on the lot you are proposing, and there is a one-story building on that lot that is skewed toward the intersection. It is not fronting on Main Street. It is not fronting on Chapel. It is fronting on the corner. If you put a three-story building adjacent to it, that corner lot is going to become even smaller – not physically, of course, but in its streetscape appearance. It is going to look like it is dwarfed like it does in your drawing. So, I want to ask a hypothetical question. What if you took a mirror image of your design and flipped it so that the three-story building is adjacent to the two-story building, which already exists on the east side of the property line and the driveway, tree and wall that you have nicely placed there, would be adjacent to the one-story building keeping that corner lot and your property as open as possible, what would be the drawbacks to doing that? Did you consider that?

Mr. Charma: I would consider traffic and access a paramount consideration when locating a building on site. Obviously, we have to go to DelDOT to obtain an entrance permit. I am sure if we had the driveway on the other side they would say move the driveway further away from the intersection. They would be doing the opposite. They are not so concerned about how the building sits in relationship to another building.

Mr. Begleiter: But, we are.

Mr. Charma: Across the street you have a church about 40 feet tall or higher. On the corner you have Astra Plaza that is about one and a half stories. So, I don't think it is going to look so out of place.

Mr. Begleiter: My concern about the driveway was that it is already there at Season's. If DelDOT says you can't have a driveway, you can say there is already a driveway there. It would, in terms of that usage, that problem is not solvable at this point.

Mr. Lopata: Ralph, after you mentioned this briefly before the meeting, and as I was looking at the plan, I anticipated Joe saying this. That left turn lane is the biggest problem there. It is one of our busiest intersections. This is a two-way access. From a design standpoint, you may be right; but from a traffic standpoint, you may be wrong.

Mr. Begleiter: You have to weigh those two things.

Mr. Lopata: I think you have to weigh it as a Commission.

Mr. Begleiter: So, we can weigh those. I was just wondering if there was any other consideration other than that, but apparently there isn't. I won't ask the question about whether the utilities could be put underground because I think I know the answer to that. That would be awfully desirable and it would allow you to move your building closer to the street. Those are the only questions I have.

Ms. Angela Dressel: I want to echo Ralph's comments about the buildings. I was struck after going through the Downtown Guidelines two weeks ago by how everything was connected. All of the buildings seemed to be very close together and one of the guidelines was requesting very little space between buildings. When I saw this, I was struck by the fact that there is so much space on this drawing. So, I was glad to hear your suggestion of doing a flip-flop because I think that would then give us more of the look that was set forth to the Commission and the City Council in the Downtown Guidelines because it would be a continuous façade of the buildings. I understand that there are concerns with the parking and the entrance and exit, however, I am asking again if it is possible to look at that or maybe do something with the four foot wall to have it continue from the two-story building a little bit just so that there wouldn't be that sudden stop of the building. So, it would continue that downtown look we are trying to achieve.

Mr. Charma: What we might do with that wall is we might be able to build it as a false front with a couple of openings in it to kind of bring it up a little higher. There are a couple things architecturally we might be able to do with it to add some interest and to unify that a little better. More importantly, I have to go back in history a little bit and tell you why we are here. This is really relevant to your discussion about where the entrance is. Initially, the applicant was seeking a Board of Adjustment variance and the plan was to renovate the old

building, a new façade, clean it up, keep the gas pumps and operate it as a specialty type convenience store that pumps gas as an ancillary use. We went to the Board of Adjustment. Everyone loved that idea but they were hung up on traffic and the fact that you had this access going on here and you had the turn lane. They did not like it at all. Frankly, that is why that attempt failed. So, we said we obviously had to address the access issues.

The applicant said that if I can't use this building, I purchased this property; I need to do something else. We can look at what we can do to the wall. Again, I think that when the trees reach maturity and you get some other things going on there; I think it is going to have a nice look. I am almost certain that DelDOT would prefer that we have as much distance from the intersection as possible so we don't interfere with the left turn lane.

Mr. Bowman: I think we have to keep in mind that that block of Main Street from about the beginning of the shopping center down to this corner is a relatively open block. The buildings are not set close together like they are on the next block of Main Street. There is no building at all from entrance of the shopping center closest to McDonalds at that end of the street. On this side of the street it is also relatively open. This is not out of character with that particular block.

Mr. Begleiter: That is a long way off, though.

Mr. Lopata: I guess I think it is also important to remember the original nature of this site. Pulling the building forward sets a trend, I think.

Mr. Begleiter: Look at the flip-flop idea one more time at your drawing. If you flip the building, it will also take that ugly utility pole out from the center of your building and put the property right on the line where the edge of the building is between that and the driveway, so it would look much, much nicer from the streetscape than it does now. That is what I think.

Ms. Mary Lou McDowell: If you did that would you have to do some type of traffic study to see what two driveways next to each other would mean. I just see some potential for some accidents there with people trying to pull out of both at the same time or somebody trying to pull in one when someone in the further back one is trying to pull out. It just seems like there is more potential for collisions.

Mr. Charma: We just received comments from DelDOT on the Millyard project that they did not like an entrance 29 feet away from another entrance. 29 feet is pretty significant. They did not like that. If we flip this, and put the entrance right next to that and interfering with that left turn lane, I don't think that is probably a good course. In my years of experience I think it is probably going to go down in flames.

Mr. Bowman: Are there any other questions from the members of the Commission? If not, we will open it to members of the public.

Mrs. Jean White: 103 Radcliffe Drive. I would just like to start with a point of information. Someone asked -- what was here before the gas station -- which was, of course, here for a long time. I would like this back. I am going to pass this out. In the 1920's, as you will see, the house that then existed behind the gas station and was moved to 1998 and was moved to Wrightstown Commons. There may be some people in this room that watched that move between midnight and 4:00 a.m. That was originally the house that S.B. Wright built in the 1890's and was there and when the property was bought by the Mobil Station the house was moved back.

First a disclosure. Many of you were at the workshop on April 17<sup>th</sup> concerning these design guidelines and possibly somebody noticed that among the members of the working group was my name. I attend nearly all of the Design Committee meetings but am not on the Design Committee. However, I asked if I could be a part of the sub-committee that worked on the design guidelines because I thought I could make contributions. I was allowed to be on the sub-committee. I attended all nine sub-committee meetings and would like to think that I made contributions in a number of areas, but as I am not a designated member of the Design Committee itself, when this

came to the special meeting where the applicants presented the plan (in audible), according to the guidelines. I attended it, but I was not allowed to speak. The reason I am telling you this is that if I was an actual member of the Design Committee, it would be inappropriate for me now to give my own personal opinions because that would be out of turn, but I am speaking as a general member of the public.

I think here we have classic infill construction and the change from BC (general business) to BB (central business) is a change that I completely support. As mentioned, the applicant had originally brought this to the Board of Adjustment meeting hoping to get parking waivers from the requirements for both the pumps and the convenience store that he hoped to be put in. That was denied on the basis of what the application called for, but there were many comments made about the fact that the sale of gasoline was no longer a good use at the site. So, the applicant has graciously accepted that ruling, and I think is to be commended from moving forth with a different plan, which is the type that is before you.

I feel that there are many good things about this plan. I would have preferred that this be a two story building with one for apartments on the second floor. The applicant has three two story apartments. If you took at the first floor of that third apartment, that space could have been divided up so you could create bedrooms for the other two apartments so you get two three bedroom apartments. I realize that the applicant has a right to put a three-story building, but I actually think it would look better considering the two-story building on the one side and the one-story building on the other to have that. I would ask Mr. Hoffman what the height of the building is going to be.

Mr. Hoffman: 35 feet to the top of the mansard.

Mrs. White: I really like the treatment of the front of the building, and I want to commend the architect and those who worked with him. I think there are a lot of good attributes to it. I have three questions. One relates to one that has already been asked from the table about whether there was any gasoline contamination from the tanks. This is not a City responsibility but a DNREC responsibility. DNREC knows where all the gas stations, dry cleaners and all the kinds of things that leak are. For example, the dry cleaner that used to be at Astra Plaza leaked dry cleaning fluid that was actually detected in the ground water all the way to where University Courtyard was. Any letter would come from DNREC. Presumably, that work was done, but there should be a letter. Before it goes to City Council, there should be a letter that describes it.

The second question was, will you need to dig up the street in order to put a larger water main for the sprinkler system since it is already paved with the new paving and the answer to that it yes.

Will the custom slightly recessed entrance enter from the sidewalk where you just walk right in where we do most of the stores on Main Street such as National 5 & 10 or will it be like the Capano building where you have to go up steps? I am hoping it will be a direct access in.

Mrs. White: Thank you. It will. I want to say in spite of some very good comments from the table in terms of should the building be sited on one side or the other. I personally feel it is in the right position because I did use the gas station on occasion, not that often, but it was convenient when I had broken my ankle. Let me tell you, when that gas station was there, you would enter on one side and then you would leave on the other, in general. With that left third turning lane, it was almost impossible to get out. It was a very difficult thing with cars coming along. In spite of the considerations that have been raised, I feel that this entrance/exit is better where it is further away from the intersection because those cars are coming along and wanting to make that left turn. I support where it is now.

The final comment I want to make is this building, which I think looks excellent from the front and does have the brick around all four sides particularly because it is going to be three stories, is going to be very visible particularly from S. Chapel Street. I just took a picture from the back. The dotted black lines are not to scale. As you are

coming along S. Chapel on that first block going north, you are going to see the back of the building very prominently as well as the west side. Therefore, I am wondering whether there are things that can be done in addition to what has already been done having be brick that can dress up the building or make it more attractive from the back. For example, even with brick work there are brick patterns that can be put above windows or lots of things available in terms brick work itself. That part is not going to be filled in. A lot of our buildings on Main Street, we never see the back. This is important because of what is next to it and because the parking lot for the Main Street Court will remain open. Thank you very much.

Mr. Begleiter: Mr. Chairman, I have a question for Mrs. White. You gave us a photograph of a 1929 building on that lot. Do you know the height of that building, and that is a three word answer, either I don't know or "X" feet.

Mrs. White: Can I say something?

Mr. Begleiter: No, do you know the height of the building?

Mrs. White: I don't know the height of the building.

Mr. Begleiter: Okay, thank you.

Mr. Bowman: Let us bring it back to the Commission again. Does anybody else have any comments or questions for Roy or for the applicant? If not, the Chairman will entertain a motion on the issue.

Mr. Begleiter: I would like to make a brief statement before the motion, but then I would like to move approval of the project with some conditions. The statement is, is there a way for the developers of a property like this with the City's endorsement and formal approval to gain a driveway easement through that panhandle of the Burger King lot from Chapel Street to the parking area behind this building. Is there such a procedure?

Mr. Lopata: It is called a cross easement and the property owners have to agree. It is very difficult for the City to require that unless there are some clear public safety reasons to do so. It is like eminent domain. You have to be able to say that we need to have this access in this area because not doing it this way, for example, is clearly unsafe. Mrs. White's comments are a perfect example of it. There was a gas station at this location for many years with two entrance/exits on Main Street that were difficult to use. This plan could be argued that it is actually improving it.

Mr. Begleiter: You can't have it both ways. Either you can say the gas station existed before and it had two driveways. And, having that driveway close to Season's was terrible and, therefore, we can't have it that way. And then also say, oh, but the driveway existed there all these years so we can't say it is unsafe.

Mr. Lopata: I do not think that is what I said. What I was trying to say was that it would be difficult to indicate that this plan is not an improvement over what was there before.

Mr. Begleiter: But, an access easement would be even more of an improvement and even safer.

Mr. Lopata: Unless I am misunderstanding you, Ralph, if you are suggesting the City require that they do that . . .

Mr. Begleiter: I am asking whether there is a procedure for that.

Mr. Lopata: There is a procedure for it. You would make the recommendation that we do that but, in my experience it is very difficult to do that unless you can show that this proposed means of egress and ingress to the site is clearly unsafe. Then you could say we are turning down the project unless and until you get an agreement with your neighbor. For example, on a very high speed thoroughfare, and let me add as a caveat the City, theoretically in this example, already had already established a policy of requiring

developers to seek parking area linkage ahead of time. That may be something we ought to do. Our Comprehensive Plan is rolling around in 2008 and perhaps that it is something we ought to think about especially, frankly, more so on Elkton Road than here because the traffic is so slow here. We had that discussion on the Millyard project. We don't have that as a policy at the moment other than informally because we all think reducing curb cuts is a good thing. So, in the general I agree with you, in the specific I do not think we can do something in this case.

Mr. Chris Hamilton: I am not sure it would be an improvement anyway. If you try to go out the Burger King side on Chapel Street and make a left . . .

Mr. Begleiter: You wouldn't be able to; you would have a right turn only just as you do on Main Street.

MOTION BY BEGLEITER, SECONDED BY HAMILTON THAT THE PLANNING COMMISSION RECOMMEND THAT:

- A. CITY COUNCIL APPROVE THE REZONING OF THE .260 ACRE PROPERTY AT 209 E. MAIN STREET FROM BC (GENERAL COMMERCIAL) TO BB (CENTRAL BUSINESS DISTRICT) AS SHOWN ON THE ATTACHED PLANNING DEPARTMENT EXHIBIT A, DATED MAY 1, 2007; AND,
- B. CITY COUNCIL APPROVE THE BELA PLACE MINOR SUBDIVISION PLAN, AS SHOWN ON THE LANDMARK ENGINEERING PLAN, DATED FEBRUARY 27, 2007, AS FURTHER REVISED, WITH THE CITY DEPARTMENTAL RECOMMENDED CONDITIONS; AND,
- C. CITY COUNCIL APPROVE THE BELA PLACE SPECIAL USE PERMIT FOR APARTMENTS IN A BB DISTRICT, AS SHOWN ON THE LANDMARK ENGINEERING PLAN, DATED FEBRUARY 27, 2007, AS FURTHER REVISED.

AMENDMENT TO MOTION BY BEGLEITER, SECONDED BY DRESSEL THAT:

BEFORE THE PROJECT IS REVIEWED BY CITY COUNCIL, THE DEVELOPER SHALL PROVIDE WRITTEN DOCUMENTATION FROM THE APPROPRIATE STATE ENVIRONMENTAL AGENCY CERTIFYING THAT THE SITE IS IN FULL COMPLIANCE WITH ALL RELEVANT REGULATIONS REGARDING CLEANUP OF ABANDONED GASOLINE SERVICE STATIONS AND THEIR APPURTENANCES.

VOTE ON AMENDMENT: 5-1

AYE: BEGLEITER, DRESSEL, HAMILTON, McDOWELL, RUSSELL

NAY: BOWMAN

AMENDMENT PASSED

AMENDMENT TO MOTION BY BEGLEITER, SECONDED BY RUSSELL THAT:

BEFORE THE PROJECT IS REVIEWED BY CITY COUNCIL, THE DEVELOPER SHALL ATTEMPT TO ACQUIRE AN ACCESS AGREEMENT WITH THE ADJOINING PROPERTY OWNERS OF MAIN STREET COURT AND BURGER KING TO PROVIDE ACCESS TO THE BELA PLACE SITE THROUGH THESE PROPERTIES TO SOUTH CHAPEL STREET, AND, THEREBY ELIMINATING ACCESS TO BELA PLACE FROM MAIN STREET.

VOTE ON AMENDMENT: 1-5

AYE: BEGLEITER,

NAY: BOWMAN, DRESSEL, HAMILTON, McDOWELL, RUSSELL

AMENDMENT TO MOTION FAILED

AMENDMENT TO MOTION BY BEGLEITER, SECONDED BY DRESSEL THAT:

THE SUBDIVISION PLAN BE REVISED PRIOR TO ITS REVIEW BY CITY COUNCIL, TO RELOCATE THE BUILDING TO THE NORTHEAST CORNER OF THE SITE SO THAT ITS THREE STORY HEIGHT IS BESIDE THE ADJOINING TWO STORY BUILDING ON MAIN STREET IN ORDER TO BETTER COMPLY WITH THE DNP DESIGN COMMITTEE'S DESIGN GUIDELINES.

VOTE ON AMENDMENT: 2-4

AYE: BEGLEITER, DRESSEL,

NAY: BOWMAN, HAMILTON, McDOWELL, RUSSELL

AMENDMENT TO MOTION FAILED

AMENDMENT TO MOTION BY DRESSEL, SECONDED BY RUSSELL THAT:

THE SUBDIVISION PLAN BE REVISED, PRIOR TO ITS REVIEW BY CITY COUNCIL, TO SHOW AN INCREASE IN THE HEIGHT OF THE PROPOSED BRICK WALL SEPARATING THE PARKING AREA FROM MAIN STREET SO THAT IT MORE CLOSELY COMPLEMENTS THE ADJOINING TWO STORY BUILDING.

VOTE ON AMENDMENT: 5-1

AYE: DRESSEL, BEGLEITER, HAMILTON, McDOWELL, RUSSELL

NAY: BOWMAN

AMENDMENT TO MOTION PASSES

VOTE ON AMENDED MOTION: 6-0

AYE: BEGLEITER, BOWMAN, DRESSEL, HAMILTON, McDOWELL, RUSSELL

NAY: NONE

AMENDED MOTION PASSED UNANIMOUSLY

**2. REVIEW AND CONSIDERATION OF THE ANNEXATION OF THE 44.4 ACRE "WILSON FARM" PROPERTY SOUTH OF THE CSX RAILROAD RIGHT-OF-WAY AND WEST OF CASHO MILL ROAD, INCLUDING THESE RIGHTS-OF-WAY, WITH AC (ADULT COMMUNITY) AND OFD (OPEN FLOODWAY DISTRICT) ZONING; MAJOR SUBDIVISION FOR 86 ADULT COMMUNITY CONDOMINIUMS; AND A SPECIAL USE PERMIT FOR CONSTRUCTION WITHIN THE 100 YEAR FLOODPLAIN; FOR A PROJECT TO BE KNOWN AS "SAW MILL PLACE."**

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

"On January 31, 2007, the Planning Department received applications and supporting materials for the annexation, major subdivision and a special use permit for the development of the 39.10 acre "Wilson Farm" property on the west side of Casho Mill Road, south of the CSX Railroad right-of-way, and east of the Christina Creek. The applicants, the Lang Development Group, L.L.C., are requesting AC (adult community) zoning for the developable portion of the site. OFD (Open Floodway District) zoning will be assigned by the City to the 100 year Christina Creek floodplain portion of the property and RD (single family, semi-detached) zoning will be assigned to the open space areas outside the 100 year floodplain. All of the floodplain and RD zoned open space

lands will be dedicated to the City as public open space. The applicants propose to construct 86 adult community condominiums in a project to be known as Saw Mill Place. As part of this annexation, the adjoining rights-of-way of the CSX Railroad and of Casho Mill Road will also be annexed [for a total annexation of 44.40 acres]. A Council approved special use permit will also be required for the proposed sanitary sewer main connection requiring some construction within the 100 year floodplain.

A previous development plan for the site calling for, at first 84, and subsequently 82 townhouses, was reviewed by the Planning Commission on September 6, 2005 and January 3, 2006. The Commission recommended in favor of the project. Eventually, a revised plan calling for 72 townhouses and one single family dwelling (the old Wilson farmhouse) was withdrawn by the applicant on September 25, 2006, immediately prior to its review by City Council.

Please see the attached Saw Mill Place Landmark Engineers, Inc., annexation, major subdivision and special use permit plan, supporting letter; and building elevation drawings.

The Planning Department’s Saw Mill Place report follows:

**Project Description and Related Data**

1. Location:

West side of Casho Mill Road, south of the CSX Railroad right-of-way, east of, and, in part, straddling, the Christina Creek. Portions of the site adjoin the Westfield single-family subdivision, the Christina Mills Apartments, and the Casho Mill professional offices. Please also note that a very small triangular piece of the property is located east of Casho Mill Road, just south of a home on Westfield Drive. This property will also be annexed as part of this project.

2. Size:

|                               |                   |
|-------------------------------|-------------------|
| OFD zone (open space):        | 22.72 acres       |
| AC zone:                      | 13.69 acres       |
| RD zone (open space):         | 2.69 acres        |
| CSX Railroad right-of-way:    | 3.34 acres        |
| Casho Mill Road right-of-way: | <u>1.96 acres</u> |
| Total Site:                   | 44.40 acres       |

3. Existing Land Use:

The Saw Mill Place property contains the old Wilson family farmhouse, large and small barns and an additional single-family type dwelling. Most of the farmland portion of the site, adjoining Casho Mill Road, has most recently been used as cow pasture. In the past, however, parts of the property have been farmed. The site currently consists primarily of open, vacant farm and pastureland. According to a Historic Resource Survey, submitted by the previous applicants, the Wilson farmhouse meets some of the criteria used by historic preservation planners for listing and preservation as an historic property.

4. Physical Condition of the Site:

The primarily vacant and relatively level Saw Mill Place property slopes, in general, from east to west, toward the Christina Creek. The western section of the site, within the Christina Creek floodplain, is largely wooded, with a wide variety of tree types and scrubby underbrush. Portions of the now vacant pastureland have also returned to woodlands. The old farmstead buildings are located in the central portion of the site proposed to be developed.

The main branch of the Christina Creek runs just west of the northern portion of the Saw Mill Place property. The southern and the southwestern parts of the site straddle the creek. A small tributary to the creek, draining lands north and northeast of the site north of the CSX Railroad right-of-way, runs from northeast to southwest through the northeastern portion of the property. A small pond is located west of the to-be-developed portion of the site. According to the submitted wetlands delineation plan – submitted separately to the Public Works Department – most of the floodplain area on the site is also wetlands. Wetlands are also found outside the floodplain along the site’s northern border near the CSX Railroad.

In terms of soils, according to the U.S. Department of Agriculture’s Natural Resources Conservation Service, the site contains the soils listed below. The Natural Resources Conservation Service’s soils’ suitability ratings for the development proposed are also shown.

| <u>Soil</u>                 | <u>Location</u>                 | <u>Rating</u>                                  |
|-----------------------------|---------------------------------|------------------------------------------------|
| Made and Urban Land<br>[Ma] | At CSX right-of-way             | Disturbed Soil<br>-no limitations<br>indicated |
| Keyport Silt Loam<br>[KeA]  | North Central; East Central     | Moderate - Severe                              |
| Keyport Silt Loam<br>[KeB2] | East Central                    | Moderate – Severe                              |
| Hatboro Silt Loam<br>[Ha]   | West Central;<br>South boundary | Severe                                         |
| Elkton Silt Loam<br>[EmA]   | North edge of Westfield         | Severe                                         |
| Codorus Silt Loam<br>[Co]   | Northwest; West Central         | Severe                                         |
| Comus Silt Loam<br>[Cu]     | West at Creek                   | Severe                                         |

Please note that most of the “severe” rated soils are located in areas on the site proposed to be dedicated to the City for open space. In addition, regarding “severe” rated soils, where construction is proposed, according to the Natural Resources Conservation Service, “a rating of severe does not mean that soils cannot be used for the intended use. However, it does mean that severe limitations exist that must be taken into account with proper design and operation.” As a result, the applicants will be required to submit, through the construction improvement plan review process, appropriate engineering methodology and design criteria for any construction in areas with severely rated soils.

5. Planning and Zoning:

The Saw Mill Place site is zoned “SR (suburban reserve)” in New Castle County. According to the County, the Suburban Reserve District, “is intended to be served with sewer and water in the future and rezoned to Suburban (S) when sewer construction is imminent.” Since County sewer service is adjacent to the site, the “Suburban (S)” zoning applicable for the location would permit, in general, single-family homes on lots with a minimum size of 20,000 square feet.

The requested AC zoning would permit the following in the City:

- A. Adult community garden apartments, with special requirements.
- B. Nursing homes and related uses with special requirements.
- C. Hospitals
- E. Accessory uses
- F. Municipal utilities
- G. Parks, playgrounds, and community centers operated on a noncommercial basis.
- H. Street rights-of-ways.
- I. Utility transmission and distribution lines.
- J. Public Transportation, bus and transit stops.
- K. Physicians and dentists offices with special requirements.

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

- A. Adult community high rise apartment dwellings (above three stories and not exceed seven stories), with special requirements.
- B. Electric and gas substations.
- C. Police, fire stations, libraries, museums and art galleries.
- D. Public transportation, bus or transit shelters and off-street parking facilities.

The assigned OFD zoning is the City’s restrictive floodplain zone category that does not permit above ground construction. The balance of the site’s dedicated and preserved open space is zoned RD to match the residential zoning of nearby single family subdivisions; no development, of course, will be permitted at these locations.

In terms of zoning of adjacent and nearby properties, the lands west of the northern portion of the site are owned by the Dupont Company and are zoned “I (industrial)” in New Castle County. The lands to the south of the Dupont property, west of Saw Mill Place, are zoned OFD in Newark and were dedicated to the City as part of the Christina Mills apartments project. These apartments, zoned RM (garden apartments), lie south of the City owned lands, south and west of Saw Mill Place. The BLR (business limited residential) zoned Casho Mill Road professional office facility is located south of the site. RD (single family, semi-detached) zoned single family homes are located east of the southern half of Saw Mill Place, on either side of Casho Mill Road. The County portion of the Towne Court apartment complex, zoned “NCap (apartments),” lies west of the northern section of Saw Mill Place. The MI zoned CSX Railroad right-of-way is located just north of the site, with the RD zoned single family Barksdale Estates development further to the north across the railroad property.

Regarding comprehensive planning, the recently updated Newark Adjacent Areas Land Use Plan calls for “single family residential (medium density)” and “stream valley uses” at the Saw Mill Place site. The Plan also makes reference to, “multi-family residential uses,” intended for the possible annexation of the County portion of Towne Court Apartments. The Plan specifically notes that the, “Wilson Farm [the Saw Mill Place site] is one of the last significant open/stream valley areas in or near the City that has excellent parkland potential that could be explored, either through purchase, if authorized by Council, or as part of land dedication through development of part of the site.”

Regarding “single family residential (medium density),” land uses proposed for the developable portion of the site, the Plan defines that use as consisting of, “areas occupied by one family, either detached, semi-detached or town houses, with overall densities of four to ten dwelling units per acre.” Please note, in this regard, that the Saw Mill Place plan calls for 2.39 units per acre, and the AC zoning requested by the applicants would allow a maximum of 9 units per acre.

### **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 improvement 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 you can see from the Saw Mill Place subdivision plan and supporting letter, the applicants propose to construct 86 age-restricted condominiums with the units arranged along several private internal roadways, with one point of Casho Mill access. Of the 39.10 acres of Wilson Farm property proposed to be annexed, 25.41 acres will be set aside as public open space, including 22.72 acres of lands zoned OFD and located within the 100 year floodplain of the Christina Creek. In other words, 65% of the site will become dedicated public open space.

Regarding the types of housing units proposed, as shown on the subdivision plan and described in the supporting letter, Saw Mill Place is to consist of 32 townhouse condominiums; five “courtyard” buildings with six condominiums each; and three multi-story eight units per building condominiums -- for a total of 86 age restricted units.

A clubhouse and pool for community residents is shown at the access way to the site. The applicants also include in the plan and note in the supporting letter that they propose to relocate a historic portion of the old farmhouse to the east side of the site. The building façade will be preserved and the structure will serve as a maintenance and storage facility.

Several Saw Mill Place access ways are provided linking the public open space to the developed portions of the site and the internal roadways. Community access to the open space will also be possible directly from Casho Mill Road to the non-floodplain portion of the lands to be dedicated to the City at the north end of the site adjacent to the CSX Railroad right-of-way. A one-half mile pedestrian pathway is also shown winding from two locations in Saw Mill Place through the public open space. In addition, a storm water management facility is located at the southern end of the site.

The detailed landscape plan shows a mixture of trees and shrubs along the perimeter of the site on Casho Mill Road and street trees along the internal roadways. Several existing trees and hedgerow trees on the site are proposed to be saved and integrated into the landscape plan. A landscape buffer, utilizing existing trees where possible, will separate Saw Mill Place from the homes in the Westfield subdivision.

Three sets of building elevation drawings are attached illustrating each building type. Note that the “Motor Court” homes are the “Courtyard/Patio” homes referenced on the subdivision plan and in the supporting letter. To evaluate these proposed architectural designs, the Planning Commission may wish to consult the design review criteria in Municipal Code, Chapter 27, Subdivision and Development Regulations, Appendix XIV, section (d).

### **Fiscal Impact**

The Planning Department has evaluated the impact of the proposed Saw Mill Place annexation and major subdivision on Newark’s municipal finances. The estimates are based on the Planning Department’s Fiscal Impact Model. The Model projects the Saw Mill Place property’s fiscal impact; that is, total annual municipal revenues generated less the cost of municipal services provided. The Planning Department’s estimates of net revenues follow:

|                             | <u><b>Net Revenue</b></u> |
|-----------------------------|---------------------------|
| First Year                  | \$252,934                 |
| Second Year                 | \$294,166                 |
| Third Year (and thereafter) | \$166,036                 |

The difference between the net revenue shown in the first two years and later years results from the initial impact of the real estate transfer tax. Please note, as well, that we have assumed a two year build out for the project.

**Traffic and Transportation**

The Planning Department forwarded an initial version of the original Wilson Farm development (“Casho Crossing”) annexation and subdivision plan calling for 120 town houses to the Delaware Department of Transportation (DelDOT) for the Department’s review and comment. Based upon its review of a town house development of the size indicated at that location, the Department indicated that a traffic impact study was not necessary for Casho Crossing. DelDOT has now reviewed the Saw Mill Place adult community development for the same site and notes that the total number of weekday vehicle trips per day expected to be generated from the new plan (a range of 324 to 509) continues to be much less than the Department’s threshold for a traffic impact study (2,100 trips per day). In this regard, the Commission may recall that the City’s recent amendments to the Subdivision and Development Regulations stipulate that the Newark’s traffic impact study requirements correspond to the applicable DelDOT specifications.

The Planning Department notes that DelDOT approval will be required for access to the Casho Mill Road site.

**Subdivision Advisory Committee**

The City’s Subdivision Advisory Committee -- consisting of the Management, Planning and Operating Departments – has reviewed the Saw Mill Place annexation, major subdivision and special use permit plan and has the comments outlined below. If necessary, the plan should be revised as indicated prior to its review by City Council.

1. The Planning Department notes that, in addition to conforming to the land use guidelines in the Newark Adjacent Areas Land Use Plan, the proposed AC zoning provides an appropriate set of transitional land uses – a mixed of three-story garden apartment style condominiums and smaller attached townhouse condominiums – located between the single-family development north of the site across the CSX Railroad and the apartment developments east of Saw Mill Place at Towne Court and southwest of the property at Christina Mills. The proposed subdivision, of course, will also add to the City’s stock of housing available for older Newarkers.
2. The Planning Department notes that through the approval of this annexation and proposed development at the Wilson Farm site, the City will add substantially to its holdings of important, now fully protected, and public Christina Creek stream valley floodplain lands.
3. The Planning Department suggests that the subdivision agreement for the site should specify that the architectural design for all proposed units should be carried out on all portions of buildings visible from public rights-of-way.
4. The Planning Department notes that a six foot high chain link fence should be installed at the north end of the property separating the RD zoned open space from the CSX Railroad right-of-way.
5. The Planning Department suggests that the applicant voluntarily agree to deed restrict the site so as not to permit the rental of any dwelling units to more than two unrelated tenants and to limit the taking of boarders or roomers by an owner occupant family to no more than one boarder or roomer.

6. The Planning Department suggests that as a condition of approval that the applicants agree that the relocation and any required reconstruction/rehabilitation of the historic portion of the Wilson Farmhouse be conducted in consultation with the State Historic Preservation Office. In addition, once relocated, the Wilson farmhouse should be added to the City's list of protected historic properties.
7. The Electric Department indicates that electric service will be available from Casho Mill Road. Underground service to the site and any utility pole relocations will be at the cost of the applicant. The Department notes that a \$65 fee will also be charged through the building permit process for radio read remote meters for each unit. All street lighting within Saw Mill Place will be installed by the developer and maintained by the condominium association.
8. The Water and Wastewater Department indicates that water and sanitary sewer service can be made available to the site.
9. As noted above, the applicant will be required to provide information concerning soils rated "severe" through the construction improvement plan review process.
10. Regarding the landscape plan, the Parks and Recreation Department indicates that in order to limit "monoculture," several of the proposed Red Maples and Pin Oak street trees should be replaced with Sugar Maples and Sargent Cherry trees. "Tree wrap," should also be removed from the deciduous tree planting detail and the wording, "if wire cage is on root ball, remove the top one-third to one-half after tree is placed in hole," should be added to the deciduous and evergreen planting detail. A new Note #7 should be added requiring that the developer work with the Department to propose a tree preservation protection plan through the construction improvement process. The Department also notes that all areas of the proposed public open space requiring mowing will be the developer's responsibility until these areas are dedicated to the City. In addition, all existing barbed wire fencing along Casho Mill Road in lands dedicated to the City should be replaced with post and rail, with appropriate pedestrian access. This area along the roadway should also be cleared of all plant materials as directed by the Department.
11. The Police Department has raised a concern about the need for additional visitor parking spaces. If the Commission agrees, the applicant should examine the possibility of some site reconfiguration to accommodate additional off-street spaces.
12. The Building Department indicates that any building permits for the site will be required to meet the applicable requirements in the International Residential Building Code, including the requirement for fire suppression systems within all proposed units.
13. Regarding drainage and stormwater management, the Public Works Department continues to review with the applicant's engineers their plans for the site. Prior to Saw Mill Place's review by City Council, all technical matters concerning this issue will need to be resolved.

### **Recommendation**

Because the proposed annexation with AC and OFD zoning conforms to the City's comprehensive planning for the area, because it also corresponds to the development pattern of nearby communities, because it will not have a negative impact on neighboring properties, and because the site is surrounded on three sides by lands within the City, the Planning Department believes that the Wilson Farm site should be annexed as requested. The Planning Department also notes that the proposed Saw Mill Place major subdivision and special use permit development plan, with the substantial dedication of attractive and environmentally sensitive Christiana Creek floodplain lands for passive open space and community use, with the Subdivision Advisory Committee conditions, will add to the City's supply of housing for older Newarkers and the City's inventory of protected open space. The Planning Department suggests that the Commission recommend that City Council:

- A. Approve the Saw Mill Place annexation with OFD, AC and RD zoning, as shown on the attached Planning Department Exhibit A, dated May 1, 2007;**
- B. Recommend that City Council approve the Landmark Engineering Inc., Saw Mill Place major subdivision plan, dated January 11, 2007, as revised, with all revisions specified in the Planning Department report and as otherwise suggested by the Planning Commission; and,**
- C. Recommend that City Council approve the special use permit for construction of the sanitary sewer main in the 100 year floodplain of the Christina Creek as shown on the Landmark Engineering Inc., special use permit plan for Saw Mill Place, dated January 11, 2007, as revised.”**

[Secretary’s note: The applicant and the public referred to visuals brought by the applicant for his presentation to the Planning Commission].

Mr. Lopata: I would also like to note that we passed out copies of an e-mail received yesterday from University Professor Bernie Herman, a professor of material culture, regarding preserving the Wilson Farmhouse at its present location.

Mr. Jeff Lang: We are here this evening to talk about a project that we refer to as the Wilson Farm. We are in the process of proposing to rename it Saw Mill Place. Tonight Joe Charma is here, from Landmark Engineering, who is doing the engineering for the project. Karen Devenney, Chris Locke, Mike Sisler, Dan Hoffman from DCI will be working with us on the architecture, Bob Edwards who is working with us on the Twin Lakes project and Gene Wilson and Jim Brown who have been working with me on the acquisition of the property.

As Roy pointed out, the project is about 40 acres in size of which we are proposing to develop an age restricted project with 86 units. There are multiple designs within the project as far as the site. As you look at the site development, what we have done down the street at Villa’s at Twin Lakes project, we had one building type. After working on that project and thinking about the opportunity here for the age restrictive alternatives for the senior community, we have developed a different project design which, basically, shows you the entrance to the site. We have three big houses in the beginning of the site, we have townhouse units in the middle of the site, and then we have a courtyard unit house design in the back of the site. We think this is a great addition to the offerings available to the senior community. The project schedule if approved here and at Council we are hoping to commence sales efforts in the fall with construction possibly late this year or early next year. There will be a two year build out. We have seen a tremendous amount of interest in this product type directly down the street.

Here are a couple of pictures of the different types of units. This is the big house which has three buildings with eight units in each. It is a condominium building. It has been very warmly received by the community at Twin Lakes. We also have the courtyard building, which is actually six units. You drive into it into a common shared drive court. You have garages off of that court with two units on each side and two units in the back. The other project type proposal is a townhouse type building. The idea with this site is to carry stone and stucco and a little bit of siding at the beginning of the site and as you move farther back into the site your units may get a little bit bigger and your design would be a little bit different maybe enhancing more of the stone and stucco and eliminating the siding as you move farther back in, giving different product price points and different offerings for the seniors. What we found up a Twin Lakes is that all our buildings are the same to some extent and some seniors want different offerings so the townhouse and courtyard buildings give us that opportunity.

Within the site we have designed a clubhouse at the front of the site. The clubhouse will have a pool and a fitness center very similar to what we have done at Twin Lakes. We also have designed a very extensive walking trail and have worked with the Parks Department in creating the design of the walking trail so it will wind back through the wetlands area or the floodplain area.

The value for the City of Newark -- we feel that it is an additional offering for the senior community which we think is a great advantage. The senior age restricted market does not tax the local school district and obviously the road system due to the fact that seniors, in theory, would drive less and the additional tax and utility revenue as Roy demonstrated in his revenue study.

Market considerations -- obviously, the 86 units are less than three per acre on the total acreage for the site. We believe that given the demand at Twin Lakes, we think that the project will be very well received. In the short period of time that we have had our sales trailer there, we have had over 150 couples come to that project already. We are going to begin site work in the next week. We hope to turn over the first building by the end of the year. We feel that there is a continuing demand for this type of product, and we think that this site is a good opportunity to be able to give another offering for the senior community.

There are some issues with the older house on the property. There were two studies done by the previous applicant, and we, basically, took a look at the property ourselves and have proposed to relocate what is deemed to be the historic portion of this building to another site on the property about 250 feet away. We feel that it is a more logical location for that. The house sits right in the logical place for proper utilization of this property. Our idea is to move it from here up to here and obviously create an ability to really use it better on the site from a location perspective. We looked and talked about the ability to reuse it as a structure for inhabitation potentially redoing the house for senior community use. It really doesn't lay out very well. It is an older house. I have a couple of pictures to look at. That is the existing house on the right, smaller rooms which are typical with an older house, different floor levels, some low ceilings, and a basement which is really just a stone basement with a dirt floor. We have reached out to the State Historic Preservation Office and spoke to Joan Laravee, and she is willing to make a site visit in the next couple of weeks to look at the building. I am going to be sending her pictures and we are going to work in cooperation with her to successfully relocate this house. We have also met with a group that has moved a number of older houses and structures in Wilmington. He has taken a look at the property, with Mr. Wilson's assistance. We have tried to identify what is the older portion of the building and what we can do to keep it in one piece and move it to a logical location on the site.

In summary, obviously we feel that this is a nice piece of property that could be very well utilized for residential needs. One of the main needs that we continue to see in the Newark area is an opportunity for the seniors to stay in our area. As we talked about when we were working on the Twin Lakes project, there are a multitude of seniors living in Cover Bridge Farms, Fairfield, Oaklands, and Nottingham Green. There are not many opportunities in the Newark area. Many of them are moving to Pennsylvania or the beach, but they would much rather live in this community here around the University with all the cultural benefits of the University.

We think the site lends very well to the redevelopment. There are a number of units that have a beautiful view out to the green open space. We would obviously like to see, in cooperation with the City, the ability to utilize that open space for a nice walking trail for the residents here and, obviously, for other residents that would like to use it from the surrounding communities.

Mr. Bowman: Are there any questions for the representatives of the developer from the members of the Commission?

Mr. Begleiter: Mr. Chairman, can we specify a little more precisely the location of the farmhouse? On this drawing, it appears to be located touching the last courtyard unit, lower right-hand corner. The only piece of the development that it touches in your proposal is one of the six units around the last set of courtyards.

Mr. Lang: You have road, you have lights, and you have utilities. You would have to change those two wings of those two units.

Mr. Begleiter: I just wanted to know where exactly it was located.

Ms. Dressel: Having driven Casho Mill Road at rush hour and being right there at the railroad tracks and the underpass, I guess I am having a little bit of a struggle understanding how adding that many more cars is not going to impact the travel along Casho Mill taking a left turn out.

Mr. Joe Charma: Landmark Engineering, 100 W. Commons Blvd. Yes, we were concerned about that also. We are well aware of the previous applicant's issues, but as Mr. Lopata pointed out very clearly, DelDOT has examined this condition and we are not talking about any significant amount of traffic. Actually, peak hour traffic – and these are DelDOT numbers – for attached senior housing is the a.m. peak is seven trips (cars) the p.m. is 10. That is total cars during the peak hours. That doesn't mean they are all coming in and out. About 40% are coming in and 60% are going out. Now you are talking about four and six cars. We are not talking about any kind of significant traffic. Consider that they were detached housing as if they were all single family age restricted housing. The a.m. peak would go to 26 peak hour trips and the p.m. peak would go to 47. But, again, if we know the product that we are building at the time when we were working our preliminary numbers, they are looking for ranges. We feel that these numbers are accurate. They are going to be very low trip numbers. In addition to that, the traffic patterns of senior housing developments, the peak hours really don't coincide with the peak hours of the adjacent roadways. The p.m. peak is the one where you have the most traffic. On the adjacent roadway is normally four to six. The ITE Manual that governs all these projections, they indicate that the p.m. peak could be in a range from 1:00 p.m. to 6:00 p.m. So, you have five hours to get ten cars out. Queuing is the issue. I don't think it is going to be as much of a problem as it is perceived to be.

Ms. Cathy Matson: 1301 Casho Mill Road. I am the lot which, if this plan goes through, will be immediately adjacent to the moved farmhouse. It will be immediately behind my back yard. I teach at the University of Delaware. I have been in the area for seventeen years and in this house for seventeen years. I have a number of concerns. This is the second time around for this property and the plan is significantly different. In many respects much better than some of the issues that came up before. I think we learned a lot from first time around. Are we calling this an adult community?

Mr. Lopata: That is a euphemism for 55 and over.

Ms. Matson: I think that is one of the improvements – the character of the community. I like what I see with the landscaping that is proposed. I have some questions, however, and some of these questions Roy has heard before. One is about the number of units. There are 86 units being proposed in this plan. They are all crushed up against Casho Mill very close up against the road. It is wonderful to have all of that green space behind them but there is going to be significant congestion of cars going in and out, I would project, along the one road that will weave as a ribbon through this project. I would like to know why there has to be 86 and why we can't go lower than 86 units. We talked about this with the other proposal, and that was reduced to 72 or 73, I believe, when we finally had the couple of meetings and got that number reduced. I understand all of the regulations about what is allowable. I am wondering about what is wise to build in that small of an area. Secondly, traffic. Again, I understand the numbers that are being presented. I looked over those numbers myself. I happen to think that the numbers are not at all accurate. If you stood looking out my living room window at rush hour, I think you would come up with a very different scenario of numbers. But, my greater concern is not so much the number of cars going back and forth and how many will exit and enter into the Towne Court area or the newly developed Wilson Farm area. My concerns have a lot more to do with at that point where people are coming out of that development onto Casho Mill or off Casho Mill into the development and that queuing you referred to. How are people going to make a left-hand turn across those lanes on Casho Mill into this development when we've got traffic coming through under the bridge from the other side whizzing past coming from the other direction but also cuing up, stacking up behind those people waiting to make that left-hand turn. I am wondering why there has not been consideration of putting a light in there. This time around, very clearly drawn on the plans, a crosswalk, but I would really like to know what people's thinking is about a light there to help ease the potential of accidents at that spot, and for putting a sidewalk in. Another new thing is the sidewalk being planned to go all the way down that developed area. How is that going to blend and work out with this traffic issue?

Another issue is the landscaping – the trees. One of the things that you see visually on the plan is a lot of landscaping, a lot of trees and bushes and expectations for a modicum of privacy between each of the units to be created with landscaping. However, if you read the written report – I am on page 8 out of 10 – there is also some wording there about what is going to be taken out. I think it goes beyond the dead shrubberies and the low lying things that are between the trees. There is also some talk in there about replacing, especially the Pin Oaks with Sugar Maples and Sergeant Cherry trees. I am very concerned about pulling out a whole lot of trees.

Mr. Lopata: These are proposed trees. The Parks Department is suggesting these new trees instead of Pin Oaks -- that they use Sugar Maples and Sergeant Cherry trees. There will be some trees torn down, but that paragraph has nothing to do with that.

Ms. Matson: There is a row of a number of properties, mine being one of them, where we have a number of mature very large trees right behind us. I would like clarification on what is going to be taken out and what is going to remain.

Mr. Lopata: They are on the plan, and I can show you the plan.

Ms. Matson: Okay, but I want it stated tonight so that everybody sitting at the table up there is clear about what kind of landscaping is actually being proposed before this goes to City Council so we all know. I need to know that because my property is also along the private road. I would like to know what is being done with the private road. We heard a lot with the previous plan about how that will be built in. I don't see anything in this current plan. I didn't hear anything tonight about what happened with that roadway, half of which is mine, by-the-way. The previous owners of the property that I am on ceded part use, half use, of that roadway where my property is adjacent to the Wilson family, and I need to know how that is going to be settled, how that will revert to me and what will be filled in or built up.

Next, the buffer along the front on Casho Mill between the sidewalk and what you are calling the big house, the one that will front Casho Mill, can you explain a little better what is going to happen there. On the plan that I have it looks a little empty. I would like to know what you are going to do there.

Is the half mile walkway going to be open to the public and will we use that same entrance, that one down by the railroad bridge, to access it when we walk on it?

Regarding moving the old farmhouse -- I am going to try not to get passionate here. I am a historian. I know Bernie Herman well. Bernie and I have talked about this a lot. I feel very, very strongly that to try to move this old farmhouse is a major mistake. I think it is a practical mistake. I think, physically, it will be very difficult to move an old structure without some sort of damage ensuing. I feel, in terms of being a historian, moving any structure from its original site to another one damages the historical integrity and culture that stands behind that property. You are moving it off of a stone base and a dirt basement which means that will have to stay behind. It won't be recreated, and they are going to set it on firm ground. That itself destroys the integrity of a historically preserved property. I think we need to address that. In the printed report I was just referring to as, "moving the house to become a focal point of the community," which I applaud in principle but I don't know what that means, how an old house moved from one place to another to pretty much near my backyard is going to become a focal point for the community. What is it going to be used for? Will it just sit there as an old house? As any historic property allows, will people be able to tour it? Will it become listed on registers and, therefore, become a part of the much wider Newark community not just the 55 and old community that will live there.

Mr. Lopata: We are suggesting that it be listed on the City's list of historic properties.

Ms. Matson: In which case, City people have to have access to it.

Mr. Lopata: That would not necessarily follow, but it would be listed. There are lots of properties that are listed that are private.

Ms. Matson: Then that answers that part of my question, but I would still like to know what this means, a focal point of the community? I did hear people say tonight about checking more closely into the feasibility of even moving this. But, I think there is the pragmatic, the physical and the historical characteristics of this building that would be very much violated by trying to move it from one place to the other. The collateral question is what do we gain by doing that? Why can't it stay where it is and have this community built up around it? That was being proposed before and it seemed to me that it was something that could have been carried over into this project. Thanks.

Mr. Robert Bennett: 117 Dallas Avenue, Newark. The Newark Planning Department has suggested in its review of the proposed development of Saw Mill Place that the relocation and any required construction and rehabilitation of the historic portion of the Wilson farmhouse be conducted in consultation with the State Historic Preservation Office. The applicants have proposed to, "relocate a historic portion of the farmhouse to the east side of the site. The building façade will be preserved and the structure will serve as a maintenance and storage facility." While I fully support the suggested consultation with the State Historic Preservation Office to whose authority I would concede any of my own views, I wish to raise the chief perspectives and concerns I have regarding the Lang Development Group proposal regarding the farmhouse. I had an opportunity about 15 years ago to accompany Ms. Lorraine Fleming of the Delaware Nature Society in a visit with the late Mrs. Wilson and experienced the farmhouse. What interested me most was not the exterior house but the remarkable interior stairway of which kind I had only seen before in New Castle, Delaware. Also of interest to me was the juxtaposition within the house of its old portion and its tasteful more present day addition; the latter providing, by contrast, an enhanced prospective on the architecture of the two time periods. I would hope that the members of the Planning Commission could receive a guided tour of the site by professional historical preservationists. The Lang proposal to move the historic portion of the old farmhouse and preserve the building façade while converting the interior to a maintenance and storage facility would seem, whether purposely or not, to trivialize the notion of preservation and the importance that historical markers have in understanding of the relative strengths and weaknesses gains and losses that our current way of living presents. The Lang proposal treats the structure like a house on a monopoly board and seems less honest and less appropriate option to one that declares that the Wilson farm is not of sufficient importance to the City of Newark's historical heritage to be preserved. If it is worth preserving, I wonder whether the Wilson Farm as it currently and with appropriate maintenance might serve as a commons where the members of this adult community might gather. Thank you.

Wade Catts: 310 Arbour Drive. By profession I am an historian and an archeologist. I work for a consulting firm similar to the cultural resources consulting firm that was hired to do the earlier study that Roy has shared with you. I am, actually, pleased to know that he has provided you with that because that document provided a number of other statements that I would like to at least give you some background and understanding as to what that document was intending to do. This is primarily in regards to the Wilson farmhouse.

The farmhouse was evaluated under Chapter 40 Article XV of the Unified Development Code for New Castle County. The reason being that until this property is annexed into, or if it is annexed into the City, it is still part of New Castle County, therefore, those apply. Out of 14 criteria, which are possible under the New Castle County Code for Historic Properties, this property meets four of those. This doesn't mean that it is any higher or lower in ranking. It simply means that it meets four of those. I might also back up and say that I serve on the New Castle County Preservation Review Board. What I am saying is not in that capacity as a member of that Board. It is simply that I understand how that Code works. Under criterion B, the property as it was outlined in the report, the property retains its buildings, landscape features and settings as a farm complex among the dense development of Newark. It has significant character, interest or value as an example of the agricultural development and heritage of the county. Under Criterion D, the Wilson farm exemplifies the economic heritage of the community through its continuous agricultural use. Under Criterion E, the farmhouse at the Wilson farm property does embody distinguishing characteristics of an architectural style. The east wing of the farmhouse, which is identified in the document, is a log section built prior to 1811, has distinguishing characteristics of a late 18<sup>th</sup> Century Federal Style house while the 1 ½ story main block of the house has

characteristics of early 19<sup>th</sup> Century Federal Style house identified also as circa 1830, with a hall parlor plan that was later enlarged and modified to a side hall plan. Finally, under Criterion L, the property is associated with the Casho brothers and family who were important to the community of Newark from the period of circa 1840 to about 1900. They were the operators of the Casho Machine Company under a variety of names. It was agricultural implements works, which also sat on that property. While none of those buildings are still in existence, they probably will be retained, I believe, in the open space which is being proposed now. The recommendations in that report suggested for the Wilson farm provided by that consultant was that it was determined that an attempt to move the house could occur without causing significant damage to the 18<sup>th</sup> Century portion of the house that remains. At this time when they made this recommendation in May of 2006, it is the recommendation of the consulting firm that the farmhouse be retains in situ with a buffer zone established around it preserving as much of the existing vegetation as possible. Their second recommendation was that our (inaudible) photo documentation of the site and its structure occur prior to the proposed development. The documentation should then be placed on file at local libraries, historical societies, etc. That is the basis for what that recommendation was made for and the purpose behind that study was to provide you as a Planning Commission with as much information for planning for that property as you can.

The following will be my viewpoint. I would like to thank Mr. Bennett and Dr. Matson as well for their comments. It should be, I think, pointed out that the historical resources on the Wilson tract are like natural resources. They are finite. Once you remove them, once you do something to them, they cannot be replaced. Further, the pre-1811 log section is rare as an architectural survivor in Newark and in New Castle County. I did not say unique, I said rare. There are still log buildings still left, but this one is very rare. You don't get them very often. Other subdivisions in Newark and the County have conserved historic farmhouses within their settings. I would draw your attention to communities such as Fairfield, Nottingham Manor, Meadowood I and Meadowood II, Eastburn Acres and Harmony Hills among others. These properties have continued to contribute to a sense of place within their community. Over a year ago when this property first came before the Planning Commission – or when I saw it – it was under a different title with a different developer. There was a great deal of concern raised regarding the retention of a number of mature trees on the property. Something that Dr. Matson has brought up again tonight. From what I can see under the current plan, not all of those trees and the retention of those mature trees have been addressed. The correspondence I have seen regarding this proposal between the developer and the City has been somewhat inconsistent on what is exactly proposed for the house and other outbuildings and what will happen there. The moving of the house, because it is inconvenient to the development, removing “non-historical or the less historical portions of the building” and relocating it so they can be used as a storage facility are highly problematic as apparently you have also heard and apparently, Dr. Herman has also mentioned. The plan dated March 26<sup>th</sup> that I have seen says that the plan is to maintain the older portion of the house. If that is true, the older portion of the house is the pre-circa 1811 log section. However, later in that same document it says the plan is to preserve the mid 1800's section which would, apparently, be the 1830's section. So, that is the frame section. I am a little concerned about which section we exactly are talking about. Lopping off the non-historical parts of the house may be difficult to do as you have heard and I think as Dr. Herman has pointed out. What part of the house that has been added onto for nearly 200 years would you consider to be non-historic? The additive process on a historic property is not unusual. You have houses that are added onto in order for people to survive and live in them.

I would respectfully suggest or ask the Planning Commission to table this proposal as to such time as the applicant can offer a detailed plan or options that retain the farmhouse in place, also until the State Historic Preservation Office has had an opportunity to weigh in and also to more fully incorporate the farmhouse in its present location into this proposed development, which was previously approved by this Planning Commission, or at least provide really compelling reasons that it cannot or needs to be relocated. I would also ask the Commission to impose conditions upon the applicant so that adequate plans for reuse and renovation are in place prior to the granting of the approvals for the development. Conditions might include adequate documentation such as drawings, floor plans, etc., of the structures slated for demolition prior to that demolition, construction of the Wilson farmhouse undertaken by a structural engineer experienced in historic properties, the

erection of historical markers or other adequate or commemorations, so that the history of the Wilson property, the former Casho Machine Company and the role of that company in the history of Newark are presented to the public, perhaps in the green space or open space that is proposed or on the walking trails which have been pointed out as being so important to have. I would also like to respectfully remind the Commission that the City of Newark is currently preparing to celebrate its 250<sup>th</sup> birthday or anniversary. The Wilson farmhouse, part of the Casho Brothers holdings which were so important in the history of Newark and the people who owned this prior to that including the Reverend McCreary who was the reverend at the Head of Christiana Church. These are people who had a history in the piece of ground.

There are a few historic places remaining within the City's boundaries that convey the important role that agriculture and milling and other industries played in the growth of the history of Newark. Careful consideration of the house as a fine age historic resource and the conservation and reuse of the house as part of the proposed development are significant issues for the Planning Commission and will affect future generations of Newarkers. Thank you.

Mr. Lopata: In light of one of the comments made, just so you folks know, I may have mentioned this in another context; we have an informal arrangement with Dr. Ames – another professor at the University – regarding any demolition in the City of Newark. When a demolition is proposed we notify him and his group comes and does photography and documentation of the building if he feels it is worthy of doing that -- historic or otherwise. That is something we have been doing for quite sometime. That would not occur, of course, unless this project was annexed.

Mrs. White: 103 Radcliffe Drive. I have a question to start off with for Mr. Lang and that is, have you acquired the materials of the previous developer who came before the Planning Commission in September, 2005, and January, 2006, such as the wetlands delineation and the very massive geotechnical survey? Are you doing your own wetlands delineation or have you acquired them from the previous developer?

At the January 3, 2006 Planning Commission meeting where the previous developer came for the second time, I had voiced the view that the whole development and streets thereof cried out for names of either local natural ecological elements or for historic names. Well, for once, I am not going to criticize the names. You have used historic names both for the development and for the streets.

There are many, many things that can be addressed and commented on in this plan. You have heard some of those comments and I only will speak to a couple. The first is that there are too many units – 86. After those two other Planning Commissions, the plan was to come to Council on September 25, 2006, and at that time it had 73 units. One was the farmhouse and 72 others. The second point that I wanted to make is, that you of the Planning Commission have not been provided with at least one and possibly two important basic entities needed for you to familiarize yourself with this. The previous developer had an existing plan. My understanding in talking with the Planning Department is that there was not an existing plan that you were given. In fact, the other existing plan was even redone because it didn't have everything. Is there an existing features blueprint?

Mr. Charma: No, it wasn't, but the existing features are shown on the subdivision plan.

Mrs. White: It is very difficult, for example, to see where the buildings are located. The new buildings that you hope to put in are obliterating and obscuring the buildings you have. Even I, who studied the first nine blueprints, the second nine blueprints, the third nine blueprints that came nine months ago, even I who am very familiar with this find it very difficult to find them, and I think on something this size you should have had an existing site blueprint that the Planning Commission could have studied well ahead of time rather than just seeing it here.

Secondly, did you on the Planning Commission get ahead of time a copy of this historic research survey that was done at the request of the Planning Commission?

Mr. Lopata: I provided excerpts in light of Mr. Herman's email.

Mrs. White: Did you give the 42 pages?

Mr. Lopata: No. I gave the excerpts from the conclusion. As I explained to you previously at some length, I do not think it is appropriate to provide documentation paid for by another developer. If the Commission wants another study done, that will be Mr. Lang's problem. But, that is why I did not provide it.

Eventually, I felt that it was important because it seemed to become an issue that I did give excerpts from the conclusion, which I think are summarized quite well already this evening. There is plenty of other background material.

Mrs. White: I think in your report you mentioned it and said that it could be requested. But, it isn't just the conclusion it's the whole description of the buildings, the farmhouse, the history and everything that gives a sense of all the history that has happened on this site. I think that it is very important that the Planning Commission can get these copies so they can read through and see why the whole property and the building itself is very important to the history of Newark and so on. Just a little summary of a couple of lines is not sufficient to get that sense. So there is this cultural resource survey and it is actually in the offices of the Planning Department as one of several places that it exists.

The other thing that can be said about it on page 16 is that it meets four criteria B, D, E and L as one of the previous speakers said. There seems to be an implication that it didn't meet all the criteria, it just meets some of it. It is my understanding that from the County a building can be designated as worthy of preservation if it meets just one of them. So, it is not necessary to meet all the way up to L. This meets four, but you don't have to meet all or even ten or five. It can be one. So, this makes it an important building to be preserved.

I urge you to save the Wilson farmhouse at its original and present location. Part of the historic aspect of a historic building is not just the materials of the building itself, but it is the original site that it is on. Moving to another location, even close by, violates that part of its authenticity. One part of the Historic Resource Report is the recommendation that the farmhouse be retained in situ where the buffer zone established around it preserving as much of the existing vegetation as possible. The president of Lang Development Group states in his cover letter that "After review we decided to relocate and maintain the older portion of the historic house to an area of the property that will allow it to be enjoyed by the immediate community and other City residents as well." Let me voice my Sinicism that probably the real reason the developer wishes to move "part" of the Wilson farmhouse is that it interferes with the developer's plan to maximize the number of units and to put several six-unit so-called motor court homes in the farmhouse area, that the farmhouse is in the way. If the developer really cares about the historic nature of the site and is not just playing lip service to it by naming the development and by the names given to street for its historic importance, he will redesign the plan to keep the Wilson farmhouse where it is now and renovate it to be used as a single family home not to become a maintenance and storage facility as the Planning Department report says. If the developer of Phillips Mill – as you know that is on Nottingham Road right above Delrem – can restore and rehabilitate three historic buildings on the place that is being done currently and save the fourth, a barn to be converted to condominiums, surely this developer with proper assistance can rehabilitate one historic building. Furthermore, the first developer managed to come up with a plan to save the Wilson farmhouse – I am not saying this should be the plan – but I just want to illustrate that last September, this was the plan to come that was withdrawn and the Wilson farmhouse was to be kept on the site, rehabilitated, and become a single family home. So, I am just making the point that this is possible.

So, I have a suggestion of what can be done. The Lang Development Group wishes to give three choices of housing to future residents that would come. These are, the big house similar to the Villas at Twin Lakes, townhomes and motor court homes of which there were pictures presented on the PowerPoint. I suggest a fourth option to be given and that is to have four or five single family homes, one of which would be the Wilson farmhouse and the others could be nearby such as 1 ½ story cottages similar to the 55 and older community as you are going almost into Middletown on Route 301 across from Middletown Chevrolet.

It is called Spring Mill. It is a 55 and older community. They really blend into the landscape very nicely. To do this, one would reduce the number of units from the 86; perhaps take out two of the motor courts. That would get it down to 74. Keep the Wilson farmhouse where it is with the beautiful vista where it is now and in the room that has been created put a couple of other smaller single family homes so you get a sub-community of four or five single family homes, and you have your other choices of other homes as well. You would have to change a little bit the "Portman Road" alignment to allow that to happen. So, then the Wilson farmhouse would serve as one of the options of a single family home and a very historic one. I also want to remind people that a 55 and older communities only need to have 80% of its occupants of that age. They can have 20% of others. I can give some examples of this other places around the community. Therefore, that particular home could have a family and probably will happen at the Village of Phillips Mill. It is likely that will happen there, too.

In conclusion, I urge the Planning Commission to table this so that the Planning Commission will be given an existing site plan that can be studied in more detail which includes all the many different aspects besides even the buildings, the contours and so on, that they be given a copy of this Historic Resource Survey, which is in the City Planning Department Offices and that the Lang Development Group revise its plan to save the Wilson farmhouse at its current site and hopefully to become a single family home, also to require that all buildings that would be demolished like the barns be documented very carefully before any demolition would occur. Thank you for your attention.

Mr. Bowman: The applicants now have the opportunity to answer some of the questions.

Mr. Lang: I think one of the discussion points that I want to talk about is that we don't really draw this once and send it in to everybody and say here's what we are going to do guys. We spend a great deal of time looking at the site. We try to incorporate all the constraints that exist in a development project. Obviously, you have what type of product you are going to build, how is it going to work, how is it going to fit on the site, you have all of the engineering issues that you have to go through, you have stormwater management issues and you have green technology. A tremendous amount of work gets done on that end. We have redesigned this site probably two or three times just to make a site that works within the green technologies that are being introduced and our stormwater. Even the historic or the seemingly historic structure that exists on this site, Mr. Wilson grew up in that house. He has been through that house a number of times. We have looked at the house. If you go down and look at the house, it is pretty hard to figure out because it has been built on and on and on. I own a house on Main Street two doors up from the Deer Park. It is an old three story Victorian. You can see the winding staircase, the same staircase that exists in this house. It is a beautiful old house, but you can actually see the substance there. This Wilson house has been added on to. It has siding all over it. You have to tear the siding all off. Yes, there are some logs in the wall of the house. That is great and what we are going to try to do is expose that and try to relocate it to a different area. Yes, we could leave it there, but what is the difference if we move it 250 feet over here. Many houses have been moved successfully throughout the country. This house may not have been in this place when it was built originally. It might have been moved because the millrace may have been moved. We don't even know. We are arguing about whether we are going to move it 250 feet.

The other thing that bothers me about this whole conversation is that it seems like we don't have any concern about the community. We have done a number of projects in and around this community. We saved the Farm and Home building on Main Street. We saved the structure and built around it. We have done all the redevelopment at the Mill of White Clay Creek. We could have knocked all the buildings down. We saved the old Mill buildings. We documented it all. We did a huge historical structures report. There are many, many buildings there. We have our office in an old pump house building that we renovated. We could have torn all that stuff down. It is easier to tear it down. I, actually, was out at our Twin Lakes site with our site contractor arguing about what trees he wants to take down. I met with Tom Zaleski and our guy out there and said don't take any of these big trees down. Do you know how long it is going to be to have these trees grow? We try to make a very concise and comprehensive effort and propose something that works that we are going to tell you we are going to do. If we say we are going to save that house, we are

going to save that house. We are going to move it and we are going to make it work. And, we will do that. Some people will say they are going to save that tree and the tree dies. We are not going to do that, we are going to move it and we are going to make it work at the site we talked about and we will document it and we will get it back to the old beams that are there and we will work with the people necessary to get it to work. It is not just one of those things that the house is there and why don't you chop that little piece off. Joe will tell you all the reasons why; because the grade doesn't work; because the grade needs to be here so the stormwater will run off; the house is too low so all the water will run in the house and the house is going to flood. The house floods now anyway. The house is wet. It is in a state of disrepair. If something doesn't get done to it in the next year or two and if we don't move forward with some project, that house won't even be here. The other house burnt. That house could burn. A tree could fall on that house. Water could get in that house. Houses that are vacant don't last very long. So, that house has been vacant for four or five years. So, you are trying to deal with a timetable and trying to protect it. I don't own the property, Mr. Wilson owns the property. Obviously, if it doesn't with us, he is going to work with another developer. Four, five or six years from now maybe you guys are going to want to save a house that isn't going to be there any more.

Mr. Joe Charma: First of all, I would like to address some of the comments that were made by some of the speakers. The questions of a historic nature, I am going to refer to Mr. Locke. He is going to speak about the house and the historic preservation.

First of all Mrs. Matson -- I want to thank her about her kind words about this plan having character and being a better plan than the previous applicants. There have been a lot of comments about the density of the project and too many units referring back to 73 townhouses. 73 townhouses as a typical townhouse development would be a much higher traffic generator in terms of traffic than an age restricted housing. That is a documented fact. These are based on actual studies, traffic counts that people do. They send all their information to the Institute of Traffic Engineers and they crank it out in a formula, summarize it and put it in two books that are this thick. So, they are not made up numbers. It is real stuff. The numbers that I was referring to with respect to the traffic is the traffic coming out of the development, not the traffic that is on Casho Mill. Casho Mill traffic is what it is and the reason it is what it is because of the underpass. It is traffic calming at its finest form. That is what the underpass does.

Back to the density issue. If you look at the gross density of that for 86 units on 39 acres, that is 2.2 dwelling units per acre. The Code says nine. Mr. Lopata indicated that the Comprehensive Plan is four to ten. So it is less than the Comprehensive Plan. I will take that a step further. The net density is when you take out the preserved lands. You just look at just what you are developing. So, you look at a much smaller piece. That goes up to 6.28. Still, clearly, that number is less than the allowable nine units per acre. When you look at this site and look at all the green on there, the dark green is all preserved woods that are never going to be touched because they are in the floodplain. When you are talking about the 500 year floodplain, which does show up on your plan, everything is out of that 500 year floodplain and tucked into this small little enclave. So, if you look at the open space, all the green on that plan represents out of 39 acres, it is 33.8 acres. This represents 86% open area. So in terms of low impact design, this is the poster child. By Code we could go higher with the density. We could have gone with bigger buildings. We could have gone with high-rise buildings. We didn't do that. We went with something that was in character with the area that is mentioned in Mr. Lopata's report as transitioning from the commercial area and the apartments in the area to the residential area that is on the other side of the CSX tracks. Too many units is not a correct statement.

Mr. Lang: Twin Lakes is a very similar sized project acreage wise of developable acreage. We have about 14 to 15 acres of developable land there. We have 88 units. Another project that was approved recently is the project of Fountainview. It is about the same size -- about 14 or 15 acres. They have 240 units on that site?

Mr. Lopata: There are 224 apartments and 25 townhouses.

Mr. Lang: So, they have 250 units on 14 or 15 acres across town. We have 88 on 15 acres down the street and we are proposing 86 units on 14 acres here. We are trying to keep in

continuity with what we think is the demand and desire of the community vs. something that was approved. And Joe pointed out that we could have come in with a different proposal. The entire part of an adjoining parcel right here is all three story apartment buildings. We could have proposed three story units. None of these are one or two story units. So, we don't have a high degree of density when you compare it to Towne Court next door or other comparable projects in town.

Mr. Charma: One of Ms. Matson's comments was, why are the units so close to Casho Mill Road? Again, I will offer that the land plan is really governed by where the 500 year floodplain is. I might add, as Jeff pointed out earlier, this plan is several versions of the original plan. We went through the Subdivision Advisory Committee comments, all the Departmental comments, and we completely redid the plan based on recommendations from the departments. The area that is developed is really what is developable. It is not the density that it could be at. That is why the units are where they are with respect to Casho Mill Road. In the Big House, there are only eight units in each of those buildings. The only building that is close to Casho Mill Road is this one building here, just south of the entrance. Those units back up to Casho Mill Road. The end of this unit is exposed to Casho Mill Road. And, again, I might add that Ms. Matson questioned what was going on in that area between the units and the road. There is a berm proposed. You can see that on the site plan. The contours are indicating that there is a berm. The landscaping plan is indicating that there is significant landscape screening that is going to be installed on that berm. We, as much as everyone else, want privacy for the residents. The large area that you see between the green on this and Casho Mill Road is right-of-way. DelDOT has already taken a large piece of right-of-way (80 feet wide). We can't really do anything in that.

Mr. Lang: The area along Casho Mill Road outside our site is DelDOT's property. I asked Mr. Charma why when he was laying the buildings out why there was so much extra space. Well, this is all DelDOT land. It is land that they maintain, very similar to how the City will maintain this land over here when we give it to the City. Assuming we get approved, this will be City land, which the City will maintain and this is DelDOT land which DelDOT will maintain and the land that is inside the developable area will be maintained by the condominium association.

Ms. Matson: (inaudible)

Mr. Lang: I understand that. You can call us and we will be happy to have a joint meeting with DelDOT to talk about how they are going to improve that. If they agree to that, I will be happy to do that.

Mr. Charma: That is a good point. They don't like to do it, but they have in the past in right-of-way allowed under agreement that they will allow a developer to plant in a right-of-way as long as the developer is willing to maintain it. They have done that in median areas, particularly if you have a divided entry and you want to plant some trees on a median. They are afraid of being stuck with maintenance. That is something we could investigate.

You question about why there can't be a light at the proposed intersection with Thorn Lane. That is not something for us to decide. There are specific warrants in the Manual of Uniform Traffic Control Devices that if you meet the warrants, a light will be installed. It is not likely that we meet the warrants that I am talking about. There are about eight different warrants and you can meet any one of them to warrant a signal. Again, that is something, as our plan progresses through the approval process, I am sure that DelDOT will look at. I don't think a light was recommended under the prior applicant's plan, and they had a much higher density.

Mr. Lopata: They had a much higher traffic impact.

Mr. Charma: The sidewalk -- we intend on adding a piece of sidewalk across the front of the property which would connect to the existing sidewalk that is there to provide a nice walkway all the way down. That is a really nice place to walk. That would also be integrated into the community so you could actually walk through there.

The roadway adjacent to your property is pretty much going to remain the way it is. We don't really have any intention of doing anything to it.

Mr. Lopata: It is not going to be used as a roadway.

Ms. Matson: (inaudible).

Mr. Bowman: Ms. Matson, we need your comments on the record. If you are going to comment, you need to go to the microphone.

Mr. Lopata: You and I have talked about your oil delivery before. That is something you are going to have to work out.

Mr. Charma: The question was, would the half mile walkway be opened to the public, and the answer would be yes. Most of it will be in the City public open space so you will be able to walk that track and go around through the community.

On to Mrs. White's comments. Regarding previous information, wetlands studies, and things like that. Yes, we have received some of that information. That information was provided to us by the Wilson's. We have used that information. We hired a wetlands consultant to verify the line just to be sure it was where it was supposed to be. They did, in fact, verify the line. They verified the other conditions. The soils information that was referred to as extensive soils information; there was some preliminary information and very preliminary reports. I just, late today, talked with the geotechnical engineer. We will, as part of our project, because the nature of our project changed a little bit, we will do our own sub-surface investigation to gather that information, site specifically based on our project. The existing conditions plan -- I would be happy to provide this to the Commission at any time, and I will provide a copy for the City Council. That currently is not a requirement, but the Planning Director has asked me on another project to provide that. When we get into projects that are getting complex in nature, sometimes people have a difficult time of trying to figure out what is proposed and what is existing. I will be happy to provide that plan or sit down with anyone. I will make myself available to go over the plan and discuss whatever issues you may have.

Mr. Chris Locke: Lang Development Group. I have the honor of addressing some of the historical issues about the house. I will be as brief as possible. Many times when we look at buildings, we get very emotional. We sometimes confuse whether a building is historic or nostalgic. The gentleman from the County referenced the CRCG report. It is a very detailed report. The items he listed, if you read it carefully, are dealing with the historical significance of the property not the house. If you look at all the other criteria that are listed there, the house is not listed as an historical feature. I think that is important when you look at that. I think it is also important to note that the last two major parks that the County has done, there have been historical homes on those parks. I do not know the names of those parks, but I can give you locations. One is in Hockessin off of Valley Road; the other one is down at Glasgow. There were historical homes there and they were relocated. So, if it is acceptable for the County to do it, I think it should be acceptable for us.

Jeff has already talked about Lang Developments commitment . . .

Mr. Catts: I want to make a statement. I'm sorry.

Mr. Lopata: They have the record.

Mr. Catts: There is an incorrect statement that was just made.

Mr. Lopata: The Commission has the material in front of them.

Mr. Bowman: That is correct.

Mr. Catts: Criterion E does deal with the house.

Mr. Locke: Jeff has already talked about Lang Development's commitment to historic preservation. I must say, I have been realtor, I've been a lawyer and now I am with a real estate developer. I think I have hit all the professions that have the lowest public opinion except a politician. I will say that this developer is definitely committed to the community and committed to doing what is best with the community. I would not be with the company if I did not think that.

The examination of the State's Historic Register in Dover does not identify any of the buildings within this area as a historic building. We are willing to work with the State Preservation Office in regards to the relocation of the building.

The CRCG, if you look at it, does not recommend against relocating the building. What it is saying in that paragraph is that an examination has to be done as to the feasibility of the relocation of that building. The National Trust for Historic Preservation considered the foremost group in historic preservation in this country states on its own website, and I quote, "Although it is a delicate and complicated process, Americans have been moving buildings since the 1700's." If you research it further, you can even go back to the survey of London dated 1598 that talks about homes being relocated in the city of London. There is a Dr. Zimmerman in Germany who can even go back to 984 where castle and towers have been relocated. So, this is not something new. This is not something that has not been done in the past.

The National Trust for Historic Preservation, though they are not a proponent of relocation – I want to make that clear – does understand that the reality of the situation is that sometimes relocation is necessary to save a historic structure. They list the following steps: First, contact your State Historic Preservation Office. We have done that and they agree the house is not on their historic value list and would work with us to relocate the home; Next, chose a new site compatible with style of house and as near both in location and appearance to the original site. We have done that. We are moving the new site only around 250 to 280 feet from the existing site. Nobody knows whether that was the original site of where the house is located right now. Third, contact neighborhoods in the area to get public comments. That is what we are doing tonight. Fourth, avoid a new site that would require a long distance of movement. That is what we have done. We have kept it on the property as is. Fifth, hire a reputable experience company. We have contacted a local company who has moved homes in the City of Wilmington and there are over 300 companies in the United States that does this kind of work. It is quite an industry. And, then the last thing that the National Trust for Historic Preservation states is to make a thorough documentation of the house. We have already agreed to do that.

Mr. Herman states that there are not many of these buildings left in our corner of the world. What buildings are we talking about? Are we talking about the building that was done in 1811, 1880, 1930's or the 1950's? When you look at that building it is kind of hard to decide what is what. The building is in such disrepair that it is very hard to distinguish the building's historical nature. There is literally running water going down in the basement of the house. It is not a habitable house. If County inspectors came in, they would condemn that property and probably knock it down. One has to balance the value of the structure to the new structure. The value of the existing building historically is minimal because it does not meet State, County or Federal criteria. Mr. Herman further states that if moving the building is the only option, then we need to know more. Fair enough. One thing I have learned is that moving this house is not a challenge to those in this type of industry. Moves such as this occur daily across the United States and around the globe. Relocating structures in the world is the oldest and largest recycling industry that we have. Relocation preserves the structure, prevents wasteful demolition, reduces material to landfill and, in this case, will provide affordable housing to our residents.

There are many ways to relocate a house. We are only relocating this house 280 feet. We will have an experienced team in conjunction with the Delaware Preservation Office to relocate this house. What I want to do, so the Commission can get a sense of what we are talking about, these are copies of information regarding relocation. You will see that what we are moving pales in comparison to some of the structures that have been moved of historical significance. One, that some of you may be familiar with is the (inaudible)

farmhouse. This was moved three miles. It is 85 feet long and weighed 210 ton. We are moving the Wilson Farmhouse 280 feet.

There are quite a few benefits for relocation. Currently, no one is enjoying this structure. It is tucked way back in the woods. No one probably knows its there. It is like the old high school trophy we have that is tucked away in a box. I would say 98% of Newark doesn't even know that the house exists. Secondly, by relocating the house, we will be able to rehabilitate the historic portion of the house to its necessary form removing the additions that were put on in the 1920's and the 1950's to show the original house as it looked in the early to mid 1800's. Currently, there is no protection for this house. Mr. Wilson could go right now go to the County and get a demolition permit. It is in his right to do that. By relocating the house it will be added to the list of historic protected properties for the City of Newark. By relocating it, it will allow the new community as well as all of Newark to enjoy it and value its beauty. And rather than keeping that trophy in a box, we will be able to put it on a fireplace mantle for all to see. So, in conclusion, as the Rockville, Illinois, Historic District Commission stated, "The loss of structures important to local history is a loss of value to the entire community." Losing this type of residential community and having a chance of putting this house in the forefront of that community would be even a greater loss to the City of Newark. Thank you.

Mr. Bowman: We will bring this item back to the table.

Mr. Begleiter: I live in a community that is adjacent to one that was built in the last eight years in which there is a farmhouse that was apparently historical and was preserved adjacent to a barn that was knocked down. The house remains. It took them a long time to sell that house after they fixed it up. Someone lives in it now. I don't know how they got someone to move into it, but somebody does live in it now. It would be possible to preserve a house like this and get somebody to move into it. One of the things that I think we have been missing tonight, but we have just gotten into during the course of the evening is the physical status of the current house and the physical status of the property. When I went to look at it, it was quite apparent that nobody looked at it in a very long time. You can't see it from the street. You have to drive past the place that says no trespassing, which I did, so you can arrest me if you want to do that. So it is not part of the currency of our community today as a historically valuable property. I think preserving it would be a nice thing to do and showcasing it would be an even nicer thing to do. If the house is currently flooded in its basement and is in danger of collapse and if it is covered by vinyl siding or other kinds of siding and we can't see the historical portions of the house now, then simply keeping it in situ and keeping it the way it is I don't think serves the purpose of both opponents and proponents of this proposal have argued tonight. That is, they have argued for it becoming a showcase and a part of our heritage in our community. It isn't that way now and it wouldn't be if it were left as it is today. I looked carefully at the plans. Mr. Lang, I believe you said that you had redone these plans two or three times. Did any of those reworks include leaving the house in the physical location where it is now?

Mr. Lang: To be honest with you, the stormwater management pond actually started where the house is because of the way the site works from a drainage perspective. We talked about the house and how to incorporate it at that location.

Mr. Lopata: You might say the Planning Director stated at the outset by telling you, "let's work from the farmhouse out." Our first conversation did start that way.

Mr. Lang: We started trying to incorporate that in the plan to see if we could put it there and put a stormwater management pond. Then the pond had to get bigger because the stormwater management issues with the site as the Code keeps getting more and more difficult to meet, the pond has to get bigger and bigger.

Mr. Begleiter: More protective of the environment is what you mean.

Mr. Lang: Exactly. Joe will talk about that. That was a consideration. Then at the point, after meeting with Mr. Wilson and touring the house and looking at the house again and discussing how we were going to try to keep the house in the form it is in and/or move it, we decided that we would have to take a great deal of time just taking apart. At that point, we

are going to find out what we have underneath and find out what is left of the historic portion. There are wood framing pieces in the structure at a portion of the house that Mr. Wilson showed us. But, obviously, we have to spend a great deal of time getting into that house, hand taking it apart, seeing what we have, then making sure it is in good shape. Our proposed plan is to relocate it because the plan has moved around so many times; it does not make sense to move it over there to deal with a different piece of property to move it to. To be honest with you, yes, it started there, it moved, the pond moved, the plans moved and it seems to kind of make sense to kind of take it over there. Once we take it over there, then we can see what we can do with the balance of the site.

Mr. Begleiter: Was there ever a time when the pump house, pool and the community center was located near the historic house?

Mr. Lang: The club house was closer down to that area originally. We talked about the feasibility of reusing this house as a club house. The problem is this house is not of a stature that really makes it reusable as anything other than a dwelling unit, which, as you said yourself, the reusability of it in today's market place is not tremendous. You have small ceilings, small windows. Those are the types of issues you are dealing with.

Mr. Begleiter: Mr. Chairman, here is what I am thinking, and I would like to hear other members comment on this. I am thinking that what we know of the house itself, there are some parts of it that are historic and would be worth looking at and would be worth preserving in the community. We have a developer that has a good record in this very city of doing that kind of preservation and doing it successfully more than once. So, I am thinking that what we need to do is ask the developer to provide either us or the City Council with a concise and detailed explanation of exactly what part of the house they want to, plan to or intend to preserve. Are they going to keep the vinyl siding? Are they going to strip it down to the logs? Is there anything in the basement worth keeping? That sort of thing. That will give the decision makers an opportunity to figure out what extent of the preservation actually satisfies the goal of the preservation which is to have a place worth looking at. They, unfortunately, did not do that. It has sort of come out during the course of the evening tonight, I think. I think it needs to be done concisely and in a methodical way. In other words, explain why it is better for the goal of preserving the house to not leave it where it is. Tell us that the wood is rotting in the basement or there is water running through the basement, which we heard at some point tonight, and why it would not be a good idea to leave it where it is. I think two of the people that spoke tonight commented on augmenting the historical documentation aspect of this project, which I think is a good idea. Not just take photographs but, yes, make the drawings of the existing house part of the record. I really like the idea of having an historical exhibit display associated with the property on the walking path. The developers have talked about that a little bit and others have mentioned it. Make that part of the proposal so that community members that do walk through there – not just from that community but from the City – have an opportunity to experience the history of the property as well as the history of the house.

As far as the traffic issues are concerned, I am going to raise a hornet's nest by just asking this question. If you move the access to the property farther away from the Casho Mill Bridge, then you would satisfy some of the community's concerns about whether you are emptying the seven vehicles a day, or whatever it was that you inserted, into an already busy situation. There are two places to do that. One of them is adjacent to your property, which we went through the last time, and you hated that. At all costs, we don't want to upset you. You have a road next to your property now. I don't know what is going to happen to it then. But, the other place to move it is where the stormwater location is and that would upset the five property owners adjacent to that location. I am raising the issue because if we are so concerned about the traffic issues in another project but we don't seem to be as concerned about them in this project, then I think you ought to say in your proposal why you chose to put it where you did chose to put it.

Mr. Lopata: The fact that this is an adult community, and Joe touched on it a little bit, is very important from a traffic standpoint, you have to think about South Ridge on Independence Way. You have to think about the properties over on White chapel. I go to these sites. South Ridge has 56 garden apartment condos adult community. That is not too far away from this. You can sit for hours and no vehicle will come in and out of there.

Mr. Begleiter: Fallbrook. How many units are there?

Mr. Lopata: 32.

Mr. Begleiter: There is never any traffic there.

Mr. Lopata: But, the fact of the matter is that you want that access road aligned with Thorn Lane. I go through Casho Mill Road, by-and-large, twice a day. The queuing up is ridiculous in the morning and evening rush hour. We all know it. This project, thank goodness, is very likely to have almost no impact on that.

Mr. Begleiter: I am not personally concerned with the traffic issue on this property, but it has been raised several times.

MOTION BY McDOWELL, SECONDED BY HAMILTON THAT THE PLANNING COMMISSION RECOMMEND THAT:

- D. CITY COUNCIL APPROVE THE SAW MILL PLACE ANNEXATION WITH OFD, AC AND RD ZONING, AS SHOWN ON THE ATTACHED PLANNING DEPARTMENT EXHIBIT A, DATED MAY 1, 2007;
- E. CITY COUNCIL APPROVE THE LANDMARK ENGINEERING INC., SAW MILL PLACE MAJOR SUBDIVISION PLAN, DATED JANUARY 11, 2007, AS REVISED, WITH ALL REVISIONS SPECIFIED IN THE PLANNING DEPARTMENT REPORT AND AS OTHERWISE SUGGESTED BY THE PLANNING COMMISSION; AND,
- F. CITY COUNCIL APPROVE THE SPECIAL USE PERMIT FOR CONSTRUCTION OF THE SANITARY SEWER MAIN IN THE 100 YEAR FLOODPLAIN OF THE CHRISTINA CREEK AS SHOWN ON THE LANDMARK ENGINEERING INC., SPECIAL USE PERMIT PLAN FOR SAW MILL PLACE, DATED JANUARY 11, 2007, AS REVISED.

AMENDMENT TO MOTION BY BEGLEITER, SECONDED BY DRESSEL THAT:

THE DEVELOPER, IN COORDINATION WITH THE STATE HISTORIC PRESERVATION OFFICE, CAREFULLY AND THOROUGHLY DOCUMENT WITH PHOTOGRAPHS, ARCHITECTURAL DRAWINGS AND RELATED MATERIALS THE WILSON FARMHOUSE AND ITS CURRENT SITING BEFORE RELOCATING IT ON THE SITE. THESE RECORDS SHOULD BECOME PART OF A PUBLIC RECORD MAINTAINED ON FILE WITH THE CITY AND SHOULD BE USED TO CREATE APPROPRIATE, PUBLICLY ACCESSIBLE HISTORICAL MARKER SIGNAGE TO BE INCORPORATED INTO THE DESIGN, PRESERVATION AND REHABILITATION OF THE RELOCATED WILSON FARMHOUSE.

VOTE ON AMENDMENT: 6-0

AYE: BEGLEITER, BOWMAN, DRESSEL, HAMILTON, McDOWELL, RUSSELL  
NAY: NONE

AMENDMENT PASSED UNANIMOUSLY

VOTE ON MOTION AS AMENDED: 6-0

AYE: BEGLEITER, BOWMAN, DRESSEL, HAMILTON, McDOWELL, RUSSELL  
NAY: NONE

AMENDED MOTION PASSED UNANIMOUSLY

Meeting adjourned at 10:10 p.m.

Respectfully Submitted,

Elizabeth Dowell  
Secretary, Planning Commission