

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
MEETING MINUTES**

**MEETING CONDUCTED REMOTELY
VIA GO-TO-MEETING**

July 7, 2020

7:00 p.m.

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

Chairman: Will Hurd

Commissioners Present: Karl Kadar
Alan Silverman
Bob Stozek
Tom Wampler

Commissioners Absent: Stacy McNatt
At-Large (Vacant)

Staff Present: Mary Ellen Gray, Planning and Development Director
Mike Fortner, Planner
Tom Fruehstorfer, Planner
Paul Bilodeau, City Solicitor
Joe Spadafino, Parks and Recreation Director
Tim Filasky, Public Works and Water Resources Director
Ethan Robinson, Public Works and Water Resources Deputy
Director

Mr. Will Hurd called the Planning Commission meeting to order at 7:00 p.m.

1. CHAIR'S REMARKS.

Mr. Hurd: Alright, good evening everyone and welcome to the July 7, 2020 Planning Commission meeting. This is Will Hurd, Chair of the Planning Commission. We are following the City Council directives on remote meetings and holding this meeting remotely through the GoToMeeting platform. Our goal is to support the participation of everyone in the meeting. Our department secretary, Michelle Vispi, is the organizer for this meeting and will be managing the chat and general meeting logistics. At the beginning of each agenda item, I will call on the related staff member to present first. Once the presentation is complete, I will call on each Commissioner in rotating alphabetical order to offer their comments. If a Commissioner has additional comments that they would like to add afterward, they can unmute themselves and I will call on them to make it clear who is speaking next. Michelle will be keeping all other attendees on mute to prevent background noise and echo. And obviously, please try to avoid talking over other people so that everyone listening in can hear clearly. Members of the public can provide comments on agenda items through email prior to the meeting. Those comments will be read into the record. If members of the public would like to comment on an agenda item during the meeting, they should send a message through the chat function to Michelle with their name, district or address, and which agenda item. The chat window is accessed by clicking on the speech bubble icon on the top bar. Anyone giving oral comments will have the usual five minutes. To support any attendees who are connected to the meeting only through their phone, we will unmute each phone line one at a time and ask whether you have any comments. I do not currently see anyone who is connected solely by audio. If you have no comments, please just say no comment so that

we can move on to the next caller. If there are any issues during the meeting, we may adjust these guidelines if necessary.

Alright, I have a very short Chair's remarks for today besides the front load. Some of you may have been following along with Council. Council and the City Secretary's Office are working together to improve the diversity of the various City boards and commissions based on the recommendation of the Boards and Commissions Committee. Part of that effort will be a survey to establish the current make-up of the various boards that we should be seeing soon. I don't think there is a date yet but just keep an eye out for that. And that's just to establish kind of where we are now in terms of what groups and populations are being represented currently on the boards and commissions. The Planning Commission, as you know, has one seat open now and one open soon. Commissioner Stozek will be not rejoining us as he opted to not renew. So, I'm looking forward to seeing a broader representation of the community on this board. I think that that's crucial to the work we do. One thing we can do, collectively, is to help spread the word about openings to give Council members more options for the positions. So, whenever you see a position as being opened, through whatever networks you have available, spread the word so we can get more qualified applicants to Council to select.

Alright, that is it for Item 1.

2. THE MINUTES OF THE JUNE 2, 2020 PLANNING COMMISSION MEETING.

Mr. Hurd: Item 2, the minutes. I'm going to try this by acclamation thing to see if anyone, if any Commissioners have additional comments besides those provided by Commissioner Stozek and myself, please unmute or raise your hand and let us know. Otherwise, we will say that the minutes are approved by acclamation. Okay, the minutes are approved.

THE MINUTES OF THE JUNE 2, 2020 PLANNING COMMISSION MEETING ARE APPROVED BY ACCLAMATION.

3. REVIEW AND CONSIDERATION OF A SPECIAL USE PERMIT FOR CONSTRUCTION OF A BICYCLE AND PEDESTRIAN BRIDGE IN A FLOOD PLAIN AT 109 PAPER MILL ROAD.

Mr. Hurd: It's so quiet out there, it's really kind of spooky. Alright, agenda item 3, the review and consideration of a special use permit for construction of a bicycle and pedestrian bridge in a flood plain at 109 Paper Mill Road. Mary Ellen, who is taking this one?

Ms. Mary Ellen Gray: Good evening, Mary Ellen Gray, Planning and Development Director for the City of Newark. I am going to introduce this and then hand it over to our consultant on this project to further, to give you further detail on this project.

[Secretary's Note: During Ms. Gray's introduction, the Planning and Development Department report for the special use permit for 109 Paper Mill Road was being displayed for the benefit of the Commission and the public. A link to the Planning and Development Department can be found at the end of this document.]

Ms. Gray: This is a special use permit application for a pedestrian bridge over White Clay Creek, which is located in a Special Flood Hazard Area just west of the existing Paper Mill Road Bridge. The City Zoning Code requires Council approval for a special use permit to construct a bridge in a Special Flood Hazard Area and to allow an increase in flood level in the area upstream of the proposed bridge by 1.2 inches. The property is zoned PL Parkland and Special Flood Hazard Area. And so, I'm going to hand this over . . . so per Code, since the parcel is greater than one acre, it has to go for a recommendation from the Planning Commission and then ultimately to City Council. So, this evening we have our two consultants from WRA who are going to be giving some, who have been working on this project for the City of Newark. We also have in attendance Joe Spadafino who has been heading up the whole bridge project, as well as being supported by our Public Works Department, Ethan Robinson, and Tim Filasky is also on the phone, as well,

should you have any further questions of them. So, I'm going to hand it over to the WRA folks, who are going to step you through this project. Thank you.

Mr. Hurd: Thank you.

Mr. Jeff Riegner: Thanks, Mary Ellen.

Ms. Diane Rubin: Thank you. Do you want me to go forward?

Mr. Riegner: Please.

[Secretary's Note: During Ms. Rubin's presentation, WRA's PowerPoint presentation regarding the special use permit for 109 Paper Mill Road was being displayed for the benefit of the Commission and the public. A link to WRA's presentation can be found at the end of this document.]

Ms. Rubin: Okay. You can't see me, but you can hear me, I hope. I'm Diane Rubin, the water resources engineer working with Whitman Requardt on this particular project. I do want to say that we have Mike Campbell on-hand who can answer hydraulic and hydrology questions, if that, if any topic comes up as we go, as we finish up here. So, if you could move on to the next slide please.

The purpose of this meeting and this presentation is, as Mary Ellen has said, to present this project to the City of Newark and to satisfy the City of Newark requirements for the special use permit for the respective chapters regarding construction limits within the flood plain of one acre or greater and construction in the flood plain itself, which includes a special flood hazard area. Next slide please.

The agenda that I have elected to follow here is we'll just touch upon mostly graphics. I think it's easier to understand what we're talking about if we show some graphics. So, we'll look at where the project is located, the construction limits. We'll look at some aerial imagery and the rendering of the bridge itself over the White Clay Creek. We'll look at FEMA mapping, existing and proposed mapping, and then finally the comparison of the results from the hydraulic analysis, focusing on the 100-year flood. Next slide please.

This is a map where we have it circled in blue. As you can see, it's right upstream of Paper Mill Road on White Clay Creek. There happens to be a little dam, which is labeled as Dam #4, in that area and our bridge is going to be fitting right in between the two. Next slide please.

This is a screen capture of one of the construction plan sheets. The area shaded in gray is the limit of construction and that measures approximately one acre. No instream work will be anticipated. We're not going to be changing the channel geometry. As you can see, in yellow is the plan trail. In blue is any rip rap that's put in place at the bridge abutments to protect it from scour. And on the diagonal there, you can see there's a dam just upstream of the yellow section, which is the bridge. So, just to orient yourself, the Paper Mill Road is on the bottom, the trail bridge is in the middle in the yellow, and then that little dam is upstream of that. Next slide please.

This is an instream view via a drone. Essentially, you're standing on that dam looking downstream at Paper Mill Road. The bridge will go right upstream of that. Next slide please.

This is an aerial view of the existing conditions there, just to give yourself an idea as to what we're dealing with there. There are a lot of overhead electrical lines, trying to squeeze them underneath, the bridge underneath all that and in between the dam and the Paper Mill Road Bridge. Next slide please.

The next slide shows, should show, it's the rendering, it's kind of delayed, okay, there's the rendering of the bridge as we have it aligned. It was critical to put the bridge in that location so that we did not interfere with the way the dam is integrated into the stream bank. We didn't want to disturb that at all in the event that it was always going to stay in place. We also wanted to put the abutments behind the existing abutments of Paper Mill Road to maintain a reasonable approach and maintain the hydraulic opening coming through the two structures. Next slide please.

Now when we look at flood plains, in this particular case we're looking at the FEMA Effective 100-year flood plain and an existing condition flood plain. Now the FEMA flood plain is what you see on their flood plain maps. We're never really sure what topography or what contours they use to draw those lines, so we have to develop, we typically develop a new existing condition flood plain using better data and better mapping. And in this instance, we used an actual survey of Curtis Mill Bridge. We've also updated the model that was used for this location. It's a new Army Corps of Engineers model which is commonly used for hydraulic analyses. And then in the proposed 100-year flood plain, not only did we use better data and better mapping, but we incorporate the new bridge and the proposed grading that we anticipate needing in that area. So, just to give you two perspectives that we're looking at two different flood plains, the FEMA and the existing, kind of in stages. Next slide please.

Now this is a topographic overlay, a topographic map of our pre-conditions overlay. The green lines, hopefully you can see the green line is representative of the FEMA boundary projected onto better data, the blue line is the proposed boundary, and the existing is the red dash. I just want to point out that the contours are one-foot contours and we're able to refine how the flood plain actually aligns through there. Typically, when we do hydraulic analyses, we can't just focus on the middle area of the project. We have to extend the model upstream and downstream, typically, to make it tie into existing conditions or the FEMA Effective conditions. So, that's why you see a larger limit of delineation shown in this figure caused by, as a result of putting that new bridge in. Please go on to the next slide.

Now this is the FEMA Flood Insurance Rate Map, something that you're probably more familiar with looking at. In this area, the White Clay Creek has an additional flood plain feature, it's called a flood way, and that's defined by the pink hatching. And that is typically a region that essentially you're squeezing the flood plain to identify areas that you want to avoid encroaching for these kinds of streams that have this kind of feature. The green line there is identifying the pedestrian bridge and the trail. And, as you can see, it will cross over the flood way and still connect to the flood plain itself. So, we also have the blue line there is defining the proposed conditions. So, we're actually improving, with better data, we're actually delineating a better line for that flood plain and this is just showing the comparison of how we're tying into the FEMA Effective at the upstream and downstream points, as defined by those two dots, those blue dots, so we're able to tie back into the FEMA information. Next slide please.

This is just a close-up of the FEMA FIRM again, showing a different view. The red is the bridge itself with the two abutments. As you can see, they're set behind the existing structure of Curtis Mill Bridge, or Paper Mill Road Bridge. Curtis Mill Bridge is its other name. That was the intent, to set the new abutments behind the existing abutments. It's in an area called the ineffective flow, an area that is typically stagnant or doesn't contribute too much to the flow that's coming down through the structure itself. It does recede over time but during these big floods it's actually held back. So, we essentially put the bridge abutments in those locations to avoid making any conditions worse on the Paper Mill Road Bridge. Next slide please.

This is a profile from the hydraulic model. We were able to tie in downstream, tie the water surface elevations in downstream of the two structures, but we've noted that there were, as a result of the dam and the new bridge, there was some minor increases upstream and we've identified an area of interest to denote areas that, to bring it to the attention of Newark of areas that may be impacted by any increases in the water surface elevations. This is relative to the existing condition. That apparently is the way the Planning Commission and the Planning

Department reviews the special use permits, against the existing conditions. In this case, we just wanted to share some information as how it looks in profile form. Next slide please.

Now that area of interest is isolated in this view. It's showing four properties of interest along White Clay Drive. We had been out there, we took surveys of each of the property lines, just to denote where a good elevation would be to compare the property with any increase or any water surface elevation that we have there. The red is the FEMA Effective line and the blue is the proposed line for the 100-year water surface elevations. And the existing line is very, very close the proposed line itself. So, using better data, we're able to delineate something a little better for the properties along there. There is that one property, #16, that is currently in the flood plain and will continue to be in the flood plain. But overall when we're looking at comparing the proposed condition with the FEMA data, with the FEMA data being critical to flood insurance, you can see we're actually lowering the water surface elevations and the flood plain delineation relative to FEMA and the flood plain insurance. Next slide please.

And if you're interested, here is a comparison. This is typically what is done for a flood plain analysis. We start with the effective, which is the FEMA Effective, build on the existing conditions, and then compare those two. In the third column where it says difference, we have comparing the existing to the effective, we obviously have decreases in water surface elevations as a result of better data. When we compare the existing with the proposed conditions, we have some minor increases at the structure itself of .2 feet but a little farther up, in that area of interest, it's .1 foot. And finally, we compare the proposed conditions with the FEMA conditions and we definitely have all decreases. So, depending on how you want to look at it, one is relative to flood insurance and things like that, and the other one is the impacts of the project. In this case, the impact of the project is better represented by comparing the existing to the proposed with that minor increase of .1 foot. Next slide please.

So, again, we conclude that the increases in the 100-year water surface elevations versus the FEMA flood plain are better due to better data and the project and improved hydraulic analysis. And then with the proposed versus existing, we have minor increases, no greater than three inches in the 100-year water surface elevations due to the new bridge and fill in the flood plain. The increases are typically within the SFHA, I believe mostly in the stream valley. There's no major development that we seem to have to worry about. Next slide please.

And just to keep it in perspective, the minor increases are like a blade of grass and it's located along the stream bank. Typically, the contours that you see would not include the grass or anything like that or vegetation that would hit the ground itself. So, I just want to give a sense as to what we're dealing with. It's not very much of an increase, if at all, and it really is not going to cause any harm or danger to anybody within the limits of the stream where we have this delineated. And with that, that concludes my presentation.

Mr. Hurd: Alright, thank you, Ms. Rubin. I will start with commissioner comments and such, and I'll start with Commissioner Kadar.

Mr. Karl Kadar: I don't have any comments. I read through the WRA document that was submitted to us for information earlier this week and it's pretty clear that the impact of doing this is virtually nil. So, I'm good to go. No further comments from here.

[Secretary's Note: A link to the WRA document that was submitted to the Planning Commission via email on July 6, 2020 can be found at the end of this document.]

Mr. Hurd: Alright, thank you. Commissioner Silverman.

Mr. Alan Silverman: I have a comment for Ms. Rubin. I looked at the elevations, particularly the stream elevations, that appeared earlier in your presentation and it looks like all of this work and all this engineering was done with dam #4 in place, as it exists. Is that correct?

Ms. Rubin: Yes, it is.

Mr. Silverman: Okay, so it appears to be a two- to three-foot drop from the top of the dam to the existing stream bed so once that dam is removed, even these minor intrusions in the flood plain would just remarkably disappear. Is that a fair statement?

Ms. Rubin: To be honest, we did do that test and because the properties are so far upstream relative to the hydraulic pathways, any increase is resolved just fairly close to the bridge and the dam itself where it was, but we still weren't able to resolve that .1 foot.

Mr. Silverman: So, even with the dam removed, you have that one foot. Or a tenth of a foot.

Ms. Rubin: Yes, a tenth of a foot.

Mr. Silverman: Thank you. And then Mr. Chairman, just something I want to get on the record. The Paper Mill Bridge is scheduled for replacement in the near future. That timetable seems to move around. At the preliminary review of the design for the new bridge, it was suggested that this bicycle/pedestrian accommodation be part of the new bridge structure. And maybe Mr. Filasky or Mr. Robinson could talk to this. The historic interest groups brought their spotlight to bear and insisted that the replacement bridge, from a design point of view, be a duplicate of the WPA style of bridge and therefore eliminated the possibility of combining the capacity and use of this new pedestrian bridge in the rebuild of the bridge structure. So, that's one of the reasons why we have a bridge next to a bridge.

Mr. Hurd: Right. Okay, thank you. Commissioner Stozek?

Mr. Bob Stozek: Am I on?

Mr. Hurd: There you are, yes.

Mr. Stozek: Okay, I guess I wanted to follow up a little bit on Alan's comment in that my recollection was, and maybe it's faulty because it's been a while, but you know, we knew that the existing bridge was going to be replaced, the timeline was not known, and I thought the case was being made that since it was unknown and the conditions for bicycle riders on the existing bridge was so hazardous, that's why we had to go ahead and have this pedestrian and bicycle bridge put in. That was just my recollection.

Now, getting back to the dam, is it true that the dam is going to be removed or is it just going to be breached? Is that the plan? I heard at one time that a section in the middle may be removed or something like that.

Mr. Hurd: I don't know but it looks like Mr. Filasky has unmuted and maybe he can address that question.

Mr. Tim Filasky: Can you hear me?

Mr. Hurd: Yes.

Mr. Filasky: Okay, Tim Filasky, Public Works Director. We have had discussions and we've actually been part of a grant submission with a group from the University of Delaware related to Jerry Kauffman's group, and they are intending to remove the entire dam, not just the breach like you've seen in some of the other more historic dams. This would be the removal of the full dam. And I think one possibility is that they work ahead of the actual bridge construction. So, we would see the effects of both by the time the bridge is completed.

Mr. Stozek: Okay. I'm a little confused about the reason for this study. And maybe I misunderstood but it sounded like something about the new bridge raised some concerns about

the flood plain and that's why this study was done. Is that true? Well, let me finish, because I thought the whole purpose of putting a clear span bridge in this location, the length of it, was to avoid any flood plain issues. So, do we have a new, a different flood plain issue or is it just something that was part of the study?

Mr. Hurd: Mary Ellen, who is best to take that one? Oh, Ms. Rubin, are you ready?

Ms. Rubin: Yes.

Mr. Hurd: Okay.

Ms. Rubin: When you're looking at bridge spans in this location, there's a balance that has to be made. The longer the bridge, the deeper the girder. There's a limit to how long the bridge girder can be without putting a pier in the middle of White Clay Creek. So, obviously, piers in that location, hydraulically, it would be unfavorable. So, the plan was to also just get the, maximize the span length without putting a pier in and constructability considering all those overhead power lines.

Mr. Stozek: Okay, but I seem to remember that the idea of putting a pier in this bridge was not possible because of federal regulations. It had to be a clear span.

Ms. Rubin: There are ways that . . . I will defer to Jeff Riegner.

Mr. Riegner: Thank you. My name is Jeff Riegner. I'm also with WRA. Your recollection is correct. It's not necessarily just federal agencies but because federal funds are being used for this project, there are specific resource agency requirements that need to be met. And through the coordination process with those resource agencies, which includes the Army Corps of Engineers, DNREC, the National Parks Service, because the White Clay is a wild and scenic river, confirms their interest in keeping a pier out of the stream to the greatest extent possible. So, yes, they definitely pushed us in that direction.

Mr. Stozek: Okay. My last question or comment I guess has to do with what if this special use permit is not granted? Then what happens?

Mr. Hurd: We're obviously recommending to Council. Council would be the final authority, as I understood it, on the granting of the permit. But, yeah, if the special use permit were eventually not granted, then the bridge as designed couldn't be constructed because it's in the flood plain.

Mr. Stozek: So again, that's my whole point. I find it a little strange that in this whole process where the bridge has been approved, the money has been funded, we've applied for grants, and now we have this special use permit come along. And I don't expect Council to disapprove it because they'd end up having financial issues because they've committed to spending money. So, I'm just, this just seems odd that this use permit has come up at this point in the timeline and it should have been somehow addressed before the project was approved. Because now it's too late. We're going to build the bridge, there's no doubt about that.

Mr. Hurd: I think I understand your concerns. Alright.

Mr. Stozek: Okay, that's all I had.

Mr. Hurd: Thank you. Commissioner Wampler?

Mr. Tom Wampler: Yes, thank you. I just have a couple of quick comments and one is I'm in favor of anything through Newark that facilitates and encourages people to ride bikes. So, I really think this is a great idea. My question is, as you leave Newark, go across the bridge and up into what I think is the old Curtis Paper Mill property, which is now parkland, does the trail then just

stop there? Is that, because there's really, as of now, there's really nothing there other than a parking lot. But is that termination of the trail at the old Curtis Paper Mill property?

Mr. Riegner: I can speak to that. The trail continues along, there's a current trail alignment that goes through the paper mill property to come up to the signal at Old Paper Mill Road and that provides an opportunity for bicyclists or pedestrians to cross the road at a signal and continue up Paper Mill Road on sidewalks or bike lanes.

Mr. Wampler: And that signal is at Old Paper Mill Road?

Mr. Riegner: That's right.

Mr. Wampler: So, people can then conveniently get over to the reservoir?

Mr. Riegner: That's right.

Mr. Wampler: Okay, great. Thank you. I'm in favor of this.

Mr. Hurd: Okay. I do not, it's hard to tell but I don't see anyone from the general public. Michelle, have we received any public comment?

Ms. Michelle Vispi: We have not.

Mr. Hurd: Okay. I'm not seeing anyone raising their hand or unmuting, etc. Alright. Oh, and I don't have any personal comment. I think that the document we got I guess it was yesterday from WRA did a good job of addressing sort of why we have a special use permit and the concerns and the issues, so I appreciated that.

Alright, just a reminder for this because there are criteria attached to a special use permit, when you're voting you can either say that you're in favor of it because you don't think it's going to be a danger to life or property due to increased flood heights or you know, susceptible to flood damage, or you could simply say for the reasons given by the Planning and Development Department staff report is always acceptable. So, Mr. Secretary, Mr. Wampler . . .

Mr. Wampler: Yes?

Mr. Hurd: Can you read us the motion?

Mr. Wampler: Yes. I move that the Planning Commission recommend that Council approve the special use permit for the proposed White Clay Creek Emerson Bridge as requested.

Mr. Hurd: Thank you. Do I have a second?

Mr. Kadar: I second.

Mr. Hurd: Thank you. Any discussion on the motion? Alright, seeing none, I will move to the vote. Commissioner Silverman?

Mr. Silverman: I vote in favor. I concur with the Department's recommendation. The findings in the Whitman Requardt report show a de minimis impact with respect to the flood way and there is no life or property hazard recommended, I'm sorry, indicated in the report.

Mr. Hurd: Alright, thank you. Commissioner Stozek?

Mr. Stozek: I'll vote aye basically in that I agree there are no hazards, there's no real issue relative to the flood plain, although I do have problems with the principle of how this whole project was handled. But that has nothing to do with the special use permit.

Mr. Hurd: Noted. Thank you. Commissioner Wampler?

Mr. Wampler: I vote aye and my primary reason is that I think the bike trails we have in Newark have really added to the quality of life in the town and I think this is a step in the right direction. So, I am greatly in favor.

Mr. Hurd: Thank you. Commissioner Kadar?

Mr. Kadar: I vote in favor, consistent with the Planning Department documentation which indicates their support and there is absolutely no impact, or virtually no impact, to safety or the environment.

Mr. Hurd: Thank you. And I also vote aye for the reasons stated by Commissioner Silverman. Motion passes. I don't know how to do gavels on this thing.

MOTION BY WAMPLER, SECONDED BY KADAR THAT THE PLANNING COMMISSION MAKE THE FOLLOWING RECOMMENDATION TO CITY COUNCIL:

THAT CITY COUNCIL APPROVE THE SPECIAL USE PERMIT FOR THE PROPOSED WHITE CLAY CREEK EMERSON BRIDGE AS REQUESTED IN THE PLANNING AND DEVELOPMENT DEPARTMENT REPORT DATED JUNE 30, 2020.

VOTE: 5-0

AYE: HURD, KADAR, SILVERMAN, STOZEK, WAMPLER

NAY: NONE

ABSENT: MCNATT, AT-LARGE (VACANT)

MOTION PASSED

Mr. Hurd: Alright, moving on to agenda item 4. Oh, and thank you, thank you everyone from WRA and Public Works and such who came and attended. We appreciate your taking the time.

4. REVIEW AND CONSIDERATION OF PLANNING COMMISSION BYLAWS.

Mr. Hurd: Agenda item 4, review and consideration of the Planning Commission Bylaws.

[Secretary's Note: During the Planning Commission discussion of bylaws, the Planning and Development Department memorandum and proposed bylaws were being displayed for the benefit of the Commission and the public. A link to the Planning and Development Department memorandum and proposed bylaws can be found at the end of this document.]

Mr. Hurd: Alright, I honestly don't have a lot to say at the moment because I think we discussed a number of good things last month. We picked up some good comments, I think, and I edited them in. I'm feeling pretty good, but I always feel pretty good until people start going through it line by line, so that's how it is. So, we will just take it in turn, and we'll start with Commissioner Stozek.

Mr. Stozek: Do you want just basic comments?

Mr. Hurd: Comments, if you have specific edits or changes you want to make based on line numbers . . .

Mr. Stozek: No, I have no . . .

Mr. Hurd: It's a small enough document that we don't need to break it down into sections or do thematic discussions.

Mr. Stozek: I have no comments or edits.

Mr. Hurd: Okay. Commissioner Wampler?

Mr. Wampler: I think we had a good discussion about this at our last meeting and I think the current version reflects all of the discussion that we had and I'm in favor of it.

Mr. Hurd: Okay. Commissioner Kadar?

Mr. Kadar: Per the discussion that we had last month, all of the comments that were brought up at that time seem to have been included and I am very happy with it, so I have no additional comments.

Mr. Hurd: Awesome. And then finally, Commissioner Silverman?

Mr. Silverman: I have nothing further, Mr. Chairman.

Mr. Hurd: Okay. I'll throw it once more to Mr. Bilodeau. Do you have any further comments on this after your, I mean obviously you had given us some good comments on the first round? Are you seeing anything this time around?

Mr. Paul Bilodeau: Thank you, Mr. Chairman. I believe, with everyone else, that you've done a good job capturing the comments from the last meeting.

Mr. Hurd: Okay. Well, this isn't, I can't believe . . . alright then. So, let's see, do we have anyone from the public who wishes to speak on this item? I'm not seeing any action. I'm not seeing any chat. Michelle, no comments received publicly?

Ms. Vispi: No comments received.

Mr. Hurd: Okay. I believe that we could move to adopting these. So, in that case, Secretary Wampler . . .

Mr. Wampler: Yes?

Mr. Hurd: Do you feel up for making a motion?

Mr. Wampler: I would love to make a motion. I move that the Planning Commission Bylaws, in the final form as presented, be adopted by the Planning Commission.

Mr. Hurd: Thank you. Do we have a second?

Mr. Silverman: I'll second.

Mr. Hurd: Thank you, Mr. Silverman. Alright, going for the votes. Commissioner Wampler?

Mr. Wampler: Aye.

Mr. Bilodeau: Excuse me, Mr. Chairman, I think you need to ask for public comment to see if anyone wants to comment.

Mr. Hurd: Well, I did before the motion.

Mr. Bilodeau: Oh, you did? Okay, sorry.

Mr. Hurd: And there was no response. But I didn't hold open any discussion on the motion, which there doesn't seem to be any. Okay, so moving to the vote.

Mr. Wampler: I still vote aye.

Mr. Hurd: Thank you. Commissioner Kadar?

Mr. Kadar: Aye.

Mr. Hurd: Commissioner Silverman?

Mr. Silverman: Aye.

Mr. Hurd: Commissioner Stozek?

Mr. Stozek: Aye.

Mr. Hurd: And Commissioner Hurd says aye, as well. The motion passes. Thank you to everybody. And I will just remind, as we've discussed prior, they are open for amendment, they are open for adjustment on the fly, as conditions warrants. So, we're not locking ourselves in. We're just trying to record how we do things now so we can be prepared for the future.

MOTION BY WAMPLER, SECONDED BY SILVERMAN THAT THE PLANNING COMMISSION ADOPT THE PLANNING COMMISSION BYLAWS AS PRESENTED AT THE JULY 7, 2020 PLANNING COMMISSION MEETING.

VOTE: 5-0

AYE: HURD, KADAR, SILVERMAN, STOZEK, WAMPLER

NAY: NONE

ABSENT: MCNATT, AT-LARGE (VACANT)

MOTION PASSED

5. DISCUSSION OF 2021 PLANNING COMMISSION WORK PLAN.

Mr. Hurd: Alright moving right along, that takes us to agenda item 5, discussion of the 2021 Planning Commission Work Plan. Planning Director Gray? Planning and Development Director. I'm so sorry, I need to give you your full props there. We can't hear you, Mary Ellen, even though you look to be unmuted.

Ms. Gray: How about now?

Mr. Hurd: There we go.

Ms. Gray: Okay, so it's that time of the year again working backwards from our Code that by September we need to have a work plan for the Planning Commission.

[Secretary's Note: During the discussion of the Planning Commission 2021 Work Plan, the Planning and Development Department memorandum and supporting documents on the subject were being displayed for the benefit of the Commission and the public. A link to the Planning and Development Department memorandum and supporting documents can be found at the end of this document.]

Ms. Gray: So, as often happens, you know, you work your way backwards. So, I wanted to have a discussion about, and this is just an initial discussion, regarding the work plan of the Planning Commission as well as the work plan for the Planning and Development Department's Land Use, small and mighty, Land Use Division. All three of us, four of us, and that includes me. So, the, because that also falls into our budget discussions, which we're starting to have.

So, one of the major tasks that I see coming up in 2021 is the five, according to State statute, the Comprehensive Plan, let me get the quote here, Title 22, Section 02, Subsection E requires that at least every five years, a municipality shall review its adopted Comprehensive Plan to determine if its provisions are still relevant given changing conditions in the municipality or in the surrounding areas. So, this is not to be confused with an update. An update is a two-year endeavor to basically look to rewrite the Comprehensive Plan. This five year is a review. However, this will still be a major effort and one that will take a good, a fair bit of our resources for our Planning staff as well as for Planning Commission, because I see the Planning Commission being integral to this review. So, what we did to start this conversation is put together a Plan for Planning for this review. And what this is is just a road map for how we would go about it, and we would like your thoughts and comments on that this evening. Certainly, this is not the first and only conversation we're going to have about it. We'd like to get folks' thoughts on kind of the framework for this.

And then after that, I wanted to have your thoughts on, kind of backing up, to the work plan. In addition to the review of the Comprehensive Plan, the other major to-dos that I see for the Planning Commission are certainly to continue to review land-use plans as they come in, review and make recommendations on Code revisions related to recommendations from the parking consultant, Kimley-Horn and Associates. They are looking to go into Phase 2 in 2021, which would be Parking Code recommendations. Certainly, continue working on the Transportation Improvement District. Let's see, and I'll begin with this in my report, we put together a work plan for the Rental House Workgroup. We don't have, right now, too many to-dos next year regarding the Rental Housing Workgroup regarding ordinance changes. I put that off to 2023 given this major effort for the Comprehensive Plan review. We just don't have the bandwidth to do both this coming year without consultant help and I don't see that budget forthcoming in 2021. So, that is kind of the long and short of it. So, Chairman Hurd, what is your pleasure? Do you want to go over the Comprehensive Plan review Plan for Planning first and then delve into . . .?

Mr. Hurd: We could probably just open it up, I think, to questions and comments.

Ms. Gray: Okay, great.

Mr. Hurd: I think the document is short enough and self-explanatory enough that I don't think you need to review it, per se.

Ms. Gray: Okay.

Mr. Hurd: So, with that, I will start with Commissioner Kadar.

Ms. Gray: Sorry, my dog is barking. I'm finding my mute button.

Mr. Kadar: The document, as presented, is fairly broad, without going into too many specifics and as such, I really don't have any significant comments one way or the other. The items look fine to me.

Mr. Hurd: Okay. Thank you. Commissioner Silverman?

Mr. Silverman: With respect to the document that's attached to the back of the pocket, or packet, I'm sorry, that's shown on the screen now, we've emphasized that this is a review. To eliminate any confusion as to whether it's going to be a re-do of the Comprehensive Plan, the title on Line 4 should reflect Development Plan Review V 2.0, or 1.0. So, it's very clearly titled a review document. And I'm not sure how we do it, but there should be a big footnote or an asterisk that goes right to the State Code which should be part of an appendix that describes exactly what that review is. That way everybody is on the same page as to what the effort is and the focus of reviewing the existing adopted plan as opposed to stretching out into the area of a new plan. And that's my major comment.

Mr. Hurd: Okay, thank you.

Mr. Silverman: Now, do you want comments within the text of the document, also?

Mr. Hurd: If they're not getting too into the weeds, yes. I think this is, because looking at the schedule sort of, this is our first look and then next month it seems that we'll be more digging into more of the details around the steering committee composition, the scope, the schedule. We're going to get a little more down into that. But I certainly have some language . . .

Mr. Silverman: I'll bring this up . . .

Mr. Hurd: So, feel free.

Mr. Silverman: Okay, with respect to approximately Line 101 in the text, there's a reference to sustainable community that talks about a diverse economic base. Traditionally, comprehensive plans and Plan V does not have this. Also, it refers to maintaining property values and maintaining or increasing the tax base, two very specific items within the sustainable community, which I believe need to be enumerated. That's just my opinion. So, that bullet list would include those ideas.

Mr. Hurd: Would you see those, sorry to interrupt, but do you see those as elements of a diverse economic base or separate from?

Mr. Silverman: Very separate from.

Mr. Hurd: Okay.

Mr. Silverman: A diverse economic base tells me that you'll continue to diversity your base. That if you have too many residential units but not enough commercial, then you'll be looking for commercial. So, that's kind of the land-use side of things. However, I'm looking at maintaining the economic and financial viability of the City as being the underpinning of a sustainable community. Without revenue, there's no community that can be sustained. There's no way to sustain the community.

Mr. Hurd: Right. Okay.

Mr. Silverman: That concludes my comments.

Mr. Hurd: Alright, thank you very much. Commissioner Stozek?

Mr. Stozek: Again, as Alan said, since this is a review and not a re-do at this point, I really don't have a lot of comments. I think they'll come out as we go through the review. But I totally do agree with Alan's comment about the economic sustainability. That's vital to this document, somehow or somewhere. That's all.

Mr. Hurd: Okay, thank you. Commissioner Wampler?

Mr. Wampler: I'm pleased that under inclusive community, Line 108, range of house choices and affordability levels, I'm concerned, that's an area of concern that I have that we spend a great deal of attention to providing housing for students who are rarely actually citizens of Newark but not so much for young families and seniors and low income people who might actually reside in the City. So, I'm pleased to see that a specific bullet is range of housing choices and affordability levels. I think that's something that we really need to pay a lot of attention to. That's it.

Mr. Hurd: Okay, thank you much. And I would agree with that comment, too. I think the Rental Housing Committee has done a lot of good work and found some data on that, so I'm hoping we'll be able to pull some of their pieces into this and build on it. And I also agree about the

economic base. I think if the COVID-19 has shown us anything, its sort of how susceptible we are to the University of Delaware's presence. You know, they shut down and everything kind of, I mean despite the fact that other things shut down, it's like huge swaths of economic stuff just stopped. So, for us to continue, I think, as a City, we have to sort of think about how do we maintain ourselves not so dependent on the presence of the University and the students and staff and such.

My comments, I guess my concerns, and I'm not going to try to get into them too much, I'm just going to sort of highlight them. My concerns are really around making sure that this process is fully accessible to people who are not usually at these meetings, but who are oftentimes very affected by the things we do. So, I think I want to be sure we give some thought to how do we schedule, how do we arrange, how do we structure the meetings that we have with the committee, and even the make-up of the committee . . . and this kind of goes back to the diversity conversations that Council is having . . . to make sure that we're getting a good sense of representation. I think it can be easy to fall back into the usual trap of we'll have an evening meeting like we usually do and the people that we expect to see will show up and we'll just kind of go ahead. And I want to make sure that we go a little further in thinking about scheduling times of days and dates and things, to make sure that we're reaching out to as broad a group as we can.

Looking at Line 137 and talking about stakeholder groups, I think we may want to specifically be calling out The Newark Partnership since they are sort of the new representation of businesses and non-profits and such in the area. And I'm thinking we want to, maybe they're who we reach out to for members of the steering committee for those communities as a way to try to make it so that we don't have to go hunting down volunteers, but maybe use them as a resource.

And Line 168, I guess I had a question, I think I had sent this to you, Mary Ellen and Mike. The question was partly from that first draft of this where it looked briefly like a section of the Sustainability Plan may have been used as a basis. So, I was trying to figure out why the Conservation Advisory Commission was on the steering committee. That wasn't entirely clear to me.

Mr. Mike Fortner: Sure. It was a mistake that I thought they represented a certain segment or an interest group that's important to the Comprehensive Development Plan, specifically sustainability. We don't have to have them on there. It's just a first draft and you know we may feel like we get representatives from other groups.

Mr. Hurd: Yeah, I'm not saying I have a problem with them but it's just, it looked at first like it had come in from another document and I just wanted to be sure that that was really part of what we were looking for here. Because I know you got a lot going on in trying to make sure that everything is clear. I guess when we're looking at that project team, when we're looking at those 3-4 Newark residents, that's the area where I'd like to see us try to reach out beyond the usual group of people that we're picking from to see if we can get, especially if we can start to look at people, keeping in mind that this is a five-year review, but as we're looking at some of those planning areas, those development areas that we're sort of looking at in the City, you know, try to sort of identify residents in the areas near or around so, you know, Old Newark or such and try to sort of make sure that we're reaching a broader group.

And then I guess my last comment and something that we'll dig into, obviously, a little more next month, I want to make sure that we're grouping the chapters intelligently. The way I'm seeing them now in sort of the meeting breakdown is sort of sequential and I just want to sort of dig into it and see if there is a more thematic grouping that maybe makes some sense to address. And maybe this is the way it does break down but, you know, does economic development and land use, for instance, go better together in one meeting than being in two separate meetings.

Mr. Silverman: Will, can you take us to the part of the document that you're referring to?

Mr. Hurd: Oh, it's the last page. It's the schedule, the proposed schedule for the steering committee. It's on the last page. Each meeting they're breaking down, they're saying, and sort of propose we're going to address these three chapters and then we're going to address these three chapters, and kind of go through it. So, I just want to be sure that like in that way it seems to me we could bring people sort of interested in or focused in that area into that meeting and kind of make sure that we talk about, you know, economic development and land use and annexation, maybe, as a grouped thing, more than maybe . . . and then environmental quality and parks and recreation kind of go together very well. You know, then housing and transportation, I don't know. So, to make sure that they're kind of grouped effectively so that we're talking about similar themes and issues that go across those areas. So, that's just a concern that I want to make sure that we discuss when we get a little more into this.

Mr. Stozek: Will?

Mr. Hurd: Yes?

Mr. Stozek: Bob Stozek.

Mr. Hurd: Yes.

Mr. Stozek: I had a thought going back to sustainable community that I think we ought to add and that's something to the order of stabilizing and/or enhancing existing neighborhoods.

Mr. Hurd: Okay.

Mr. Stozek: There are areas, especially in District 1, that they're concerned about properties being bought up and turned into apartments and such. And that's just, you know, one part of the problem.

Mr. Hurd: Right. Okay.

Mr. Stozek: Okay, thanks. That's all.

Mr. Hurd: Good thought. Thank you. Anyone else have anything further? I do agree with Director Gray, the Plan for Planning is going to be aggressive. The 2021 Work Plan is going to be kind of aggressive. I can just only hope that you get either more staff or consultants or something to help. But we can only hope.

Ms. Gray: Mr. Chair, I do have another thought if I could add it.

Mr. Hurd: Sure.

Ms. Gray: So, going back, Michelle, could you scroll to the project team? I know we had put this together, but I was thinking further on this about, you know, trying to get . . . certainly the thought on trying to get a broader reach of our community is definitely the direction we need to go in. But taking that from another perspective, would it be helpful to try to bring in an outside perspective, outside of Newark. For example, and I haven't talked to anybody at the State about this and they might be like, no, we're not going to do that, but maybe get somebody from the Office of State Planning or our ombudsman, which would be Trish Arnt, perhaps to sit in and/or . . . because Mike and I were talking about this . . . maybe somebody from the County and we're like, should we get somebody from the County and/or somebody, you know, because I'm just thinking because to bring in, I think it would be helpful to bring in another set or two of perspectives of how else comprehensive plans are done in other areas.

Mr. Hurd: I would agree.

Ms. Gray: I have put together comprehensive plans in other areas, and I say things, but I'm the Planning Director, and people usually say, well, whatever. So, but if somebody else says that, then perhaps it might have a little bit more . . .

Mr. Hurd: Right. Yeah, my first sense is that I think we would have better results, might be the word I'd use, with someone from the State rather than with someone from New Castle County simply because we have that sort of ongoing kind of, I don't want to call it border conflict, but we have some points of disagreement about development and patterns and things that sort of take place and I don't know that I want to bring that in. I'm also cognizant of the fact that they're starting to kick off their own comp plan effort . . .

Ms. Gray: True.

Mr. Hurd: So, they may be lacking in available staff. But I think at the State level, I think that's a good point about sort of how else have other municipalities addressed this kind of issue? What kind of language have they used? What kind of charts are they, you know, what's been effective? I am a strong believer in the maxim that somebody else has already solved this problem and you just have to find that and make it, you know, take it into your own so, you know, we don't have to reinvent it. So, I think that could be a useful thing and certainly in an advisory way.

Mr. Silverman: Will, may I comment?

Mr. Hurd: Yes, Mr. Silverman.

Mr. Silverman: May I comment on Mary Ellen's proposal? I support that proposal, particularly the idea of bringing in someone from the State. I would like to have a resource person right there so I have a better understanding of the State's investment areas and what does that mean with respect to annexations and land development and what value do the State programs bring to what's happening around Newark.

Mr. Hurd: Yeah.

Mr. Silverman: I think that will help shape what we're looking at with respect to diversity of uses in our community.

Mr. Hurd: Right.

Mr. Silverman: For example, I have no idea how the State Housing rental program works or the role of the Newark Housing Authority with respect to providing housing in our community. And by having the State in there, someone from the State Housing Authority, or someone who has knowledge of it, we'd have good facts to work with rather than what we think we know or what we think we understand. That's the end of my discussion.

Mr. Hurd: Alright, thank you. And the other group we could reach out to, and there might be some overlap, and I'm always going to get their title wrong, but the group at the University, the Institute of Public Policy. The ones who do the training for us.

Ms. Gray: Yeah, the IPA folks.

Mr. Hurd: Yeah.

Ms. Gray: Yeah, I'm thinking Linda, probably Linda Raab.

Mr. Hurd: Right.

Ms. Gray: Yeah, I'm thinking of a couple of folks over there . . .

Mr. Hurd: Yeah.

Ms. Gray: If we could get their, because especially if we're going to be having some of our meetings via Skype, it might be easier for them to attend.

Mr. Hurd: Yeah.

Ms. Gray: So, maybe IPA. Okay.

Mr. Hurd: Yeah, I know that there was, one of the trainings I went to where I got introduced to the idea of master planning as an adjunct process to the Comp Plan and I was like, ahh, you know, it was that kind of this community over here did a master plan which stood aside from the Comp Plan so it didn't have the restrictions but it had the flexibility and it was like, that's what we need. So, I mean it was that kind of outside thinking that I think could be really useful.

Ms. Gray: Right and the benefit if we could get somebody from the IPA is a benefit, somebody like Linda Raab or Sean O'Neill, is that they work with municipalities, usually the smaller ones, putting together their comprehensive plan.

Mr. Hurd: Right.

Ms. Gray: I think I've shared with you that I've been the Chair of the Town of Camden Planning Commission and they, actually both of them, put together, as consultants, the Camden Comp Plan. So, they have that other perspective. Yeah, so I'd be happy to reach out to both of those guys.

Mr. Hurd: Okay, that's it for me. Any further comments or discussion? Mr. Walton?

Mr. Max Walton: I was just going to say that with the IPA, because I teach in that program, I'm part of that program, they usually do it in conjunction, we usually do it in conjunction with State Planning, so you'll probably get your bang for your buck if you brought in one, you'll probably get both, because I teach those classes with both of them.

Mr. Hurd: Okay, thank you so much. Any further comments, discussions? Alright, is that enough, Director Gray, to take off and bring back next month for deeper stuff?

Ms. Gray: Yes.

Mr. Hurd: Okay.

Ms. Gray: We can refine it and . . . yes.

Mr. Hurd: Okay. Awesome, thank you so much. Alright, oh, before . . . is there any public comment? I forgot to ask that but I'm not seeing anything. Okay.

6. FOLLOW-UP DISCUSSION OF PLANNING COMMISSION TRAINING.

Mr. Hurd: Next up, item 6, follow-up discussion of Planning Commission training.

[Secretary's Note: During Planning Commission's follow-up discussion of training, the Planning and Development Department memo regarding topics for Planning Commission training was being displayed for the benefit of the Commission and the public. A link to the memo can be found at the end of this document.]

Mr. Hurd: We all have in front of us our tiny little memo. I think we've got some good, useful ones here and I think the timing might shift a little bit. Our thought process was to have the first one on the discretionary site plan approval process happen after the Mayor and Council have appointed the at-large commissioner so as a way of kind of introduction to the Planning

Commission and to one of the more unique elements of planning in Newark. Because if we do it before they come on, then we'll have to go through it again. So, I don't know where that stands in the flow of things, but I know it didn't happen last week or the week before, so we may not see a new person in August. So, let's take it, see if anyone has any comments or such. And we'll start with Commissioner Silverman.

Mr. Silverman: I have nothing more to add. I'm very pleased to see the topics, particularly the site plan approval process. And this will also give the public a chance to be able to follow Mr. Walton's presentation and get a better understanding.

Mr. Hurd: Yes, I agree.

Mr. Silverman: These are going to be public meetings, correct?

Mr. Hurd: Absolutely.

Mr. Silverman: Okay, and with modern technology, it's very easy to get the word out. That's it for my comments.

Mr. Hurd: Yes. Thank you. Alright, Commissioner Stozek?

Mr. Stozek: Just a reminder, besides the new at-large commissioner, you should be getting a new District 1 commissioner in September, if that happens.

Mr. Hurd: Well, technically I think you're here until the 15th of September so we could conceivably get you for the September meeting and then it would be October when our, basically, our new year starts and we might have a new person.

Mr. Stozek: You have to find me first.

Mr. Hurd: Oh, you're going to be gone, huh? Alright, so we may want to look at, given the lateness, of putting that in for October or something, Director Gray, if we want to try to . . .

Ms. Gray: So, you're looking at maybe starting kind of the schedule in October?

Mr. Hurd: Yeah.

Ms. Gray: Okay.

Mr. Hurd: Assuming that Council is timely in their appointments. Any other . . . okay, yeah, it doesn't matter. Okay. Commissioner Wampler?

Mr. Wampler: I think this is great. I think the meeting time is something that I think is convenient for most people. I like the topics and I like the optimism that it may soon be that we can have in-person meetings again, but I'm not so sure. Online, I think, is great. So, I think we're good.

Mr. Hurd: Alright, thank you. Commissioner Kadar?

Mr. Kadar: I'm seriously looking forward to getting started on this. A lot of the topics look very interesting. And I always love to hear Max Walton talk.

Mr. Hurd: I do, too. He's always fun. Alright, I have nothing further because I was helping put this together. So, yeah, I think we'll look at penciling the first one in for October and then we'll go basically every other month after that for the starter, which might take us to the point where we can have small group meetings somewhere in person, we hope. Okay, thank you.

7. INFORMATIONAL ITEMS.

a. PLANNING AND DEVELOPMENT DEPARTMENT CURRENT PROJECTS

b. PLANNING COMMISSION 2020 WORK PLAN QUARTERLY REPORT
c. PLANNING DIRECTOR'S REPORT

Mr. Hurd: Which brings us to big item 7, informational items, always a crowd favorite. So, that's you, Director Gray, and your Planning Director report.

Ms. Gray: Very good. Thank you. Planning and Development Director Mary Ellen Gray. So, a couple of items of note. Interestingly enough the interest in development, I think I might have shared this with you all at the last meeting, there is still, we have not experienced, at least from my perspective, and I think this would be shared by Michelle, Tom, and Mike, we certainly experienced a dip in March and part of April when we were transitioning to working from home, and now we're transitioning, now the office is open and we are at like 30%. We're taking walk-in folks and we're rotating in the office. We are getting our offices COVID ready to all work back in the office although we're still following the Governor's guidelines which are, if you can work from home, you work at home. The guidance from City Manager Coleman is for the supervisors to rotate in the office. So, myself and the other supervisors have been rotating and working from home. As you can see, I'm working from home today. I was in the office yesterday and I'll be in the office tomorrow. And so, we do have some staff working in the office.

Having said that, there's still a great deal of interest in land-use development in Newark. So, I think it's not only student housing but also other activity. Our permit activity, we just ran some numbers in anticipation of a presentation that I'll get to here in a moment that I'll be giving to Council next week, our numbers are pretty steady compared to last year for permit applications. Our construction projects, as you can see as you're going throughout the City, have not stopped. They are still, the hotel project is paused and that's due to, they ran into some structural issues with the parking garage and they need to rework their plans regarding the parking garage. So, they'll be, from what I understand, coming in hopefully this week with new plans for the parking garage portion. I think they need to lose like half a floor because they were planning to go underneath. But we'll get more details on that soon. But all our other construction projects are forging ahead and, here again, interest is still strong in the City of Newark in land-use development and redevelopment. So, I think we're blessed in the City of Newark that activity is still robust. And UD is still, though some of the projects are paused, they're still moving forward with the projects on STAR Campus as well as projects on their UD proper. So, you'll still be seeing projects coming through.

We are working, we have a couple of land-use development projects that are in-house that, one has been kind of re-energized, 515 Capitol Trail that was dormant for a while that's come back up to the fore. We're working on the 132-136 East Main Street project. We just received a sketch plan for a revision on that, so we're working through that project. There is, I forget the address of it, it's the Super 8 project. Where the Super 8 motel is right now, we're getting ready to issue a SAC letter on that. The 1501 Casho Mill project is, they are, we sent a SAC letter on that so we'll be looking, we should be receiving revisions on that. So, we have a lot of balls in the air with our land-use activities.

Projects that have gone to Council since our last, since June, we had the special use ordinance for the fraternities and sororities. Council passed that. And also they rezoned the 19 Amstel Avenue property to RM. On July, yeah, it was just last night, there was a great discussion regarding the land-use, landscape ordinance and Council was, dove in on the landscape ordinance and were very pleased with the direction the landscape ordinance is going and gave some good input on that. So, we'll be bringing back the landscaping ordinance to Council here, I believe, yes, in August. On July 13 at Council we'll be bringing back the Rental Housing Workgroup. The recommendations were approved by Council with some tweaks and I'll be presenting that on next Monday along with a work plan. I mentioned in my previous remarks this evening that we'll be focusing on what we can do based on the prioritization that Council approved as well as our resources at-hand, what we can get done this coming year. I pushed off the heavy lift of the ordinances until the following year. So, we'll see what Council would like to do with that. Should they wish to have the ordinances done earlier, then we'll be talking about

that next Monday night. Also next Monday night, we'll be presenting, I believe we've had discussions on this before, in lieu of, I had asked for an additional planner position in the 2020 budget and that was denied. And in lieu of that we were earmarked some additional consulting money, so I put together a request for planning services contract. That was advertised right before the COVID hit and that was paused for quite some time and so that is now being brought to Council for review and approval. We will see how that discussion goes and in that discussion is where we pulled the permit data, the number of permit applications we received and have been processing. So, the goal with that is to get the firms on-board and then should Council not allot any funding for next year, this is modeled after the Public Works professional services contract where you would have consulting firms at the ready, and then when you have a project such as the Transportation Improvement District contract, you do a scope of work and it's a discrete project where that funding is used for that but otherwise if you don't have the funding, then the consultant is just not working at the time. So, this could be up to four years. So, the hope is that we're playing the long game on this so when our budget situation stabilizes, that we will be able to utilize the Planning, the services of the consultant. And so that's on the 13th. And then Council does not meet for another three weeks until after the election. And then on August 10 we'll be talking about impact fees. That's another thing I think I mentioned. We've been working on that internally and trying to identify some impact fees not only for Planning but for Police, sewer, water, and Parks and Recreation. So, this is, here again, we were ready to go right before the pandemic hit. So that was on pause, but this is a progress report to Council as to where we are and to get some direction from them on that. Also, internally, I think I just mentioned it before, that we are in budget season, so we are discussing our proposed budgets for this year and presentations will be going to Council starting in August. So, that's my report for now, Mr. Chair.

Mr. Hurd: Alright. Did you cover Planning Area 7 and annexation? Was that, I can't remember when Council last discussed that, whether that was last month or . . .

Mrs. Gray: I'm calling a friend on that. Mr. Bilodeau, I do have it on my calendar, where is it? Oh, Planning Area 7, I apologize, yes, that was on June 7. No, excuse me, June 7 is a Sunday. June 8 that was at Council . . .

Mr. Hurd: Okay.

Ms. Gray: Yes, and I'll defer to Mr. Bilodeau on that. Paul?

Mr. Bilodeau: I'm here, yeah. It was a very close vote. It was, I guess three voted in favor and four voted against it after a long discussion. It was a very close call.

Mr. Hurd: Okay, thank you. Alright, so we had dug into that fairly deeply so it's always nice to see where it ends up, how it ends up. Alright, thank you for the report. Thank you for our quarterly update, work plan update.

[Secretary's Note: A link to the quarterly report on the Planning Commission 2020 Work Plan can be found at the end of this document.]

Ms. Gray: Oh, I'm sorry . . .

Mr. Hurd: Yes?

Ms. Gray: And two other quick things. One, we have our TID, our Transportation Improvement District work group meeting tomorrow at 1:30. Anybody who wants to join, please do. It's going to be an exciting meeting tomorrow talking about service standards.

And this isn't planning related, well it's somewhat planning related, we're working on Unicity, if anybody is interested. The Unicity bus system is paused right now because we, by policy, follow the UD bus system and they are not running right now so when they don't run, we don't run. Our

system, for those of you who don't know, Planning oversees the Unicity bus system. So, we are working with UD and others to modify the buses to make them COVID ready for when UD bus systems do run again, as well as working on modifying their bus routes to make them more efficient and more COVID compliant. Thank you.

Mr. Hurd: Alright. Thank you very much.

8. NEW BUSINESS

Mr. Hurd: Alright, that brings us to item 8, new business. We'll go around the horn. Commissioner Stozek?

Mr. Stozek: Nothing.

Mr. Hurd: Okay. Commissioner Wampler?

Mr. Wampler: Nothing from me. Thank you.

Mr. Hurd: Alright. Commissioner Kadar?

Mr. Kadar: Nothing here.

Mr. Hurd: Alright. Commissioner Silverman?

Mr. Silverman: Nothing here.

Mr. Hurd: Alright. I just want to add the work group for the amendments to the IECC met in June, yeah, I want to say the middle of June, and reviewed the comments from Council and some proposed language to incorporate some of those comments. So, we have modified the amendments. Our opinion was, and this is something I need to sort of sit down with Director Gray and make sure we're all in agreement, was that the changes were substantive to the intent of the document. It was rewording a couple of the credits, copying one from residential over to commercial where it needed to be in both, and adding a couple that were sort of complementary to existing ones. So, our feeling was that we didn't need to run it through the whole Planning Commission review and such and we felt we could take it back to Council. But I will meet with Director Gray to be sure that we're all in agreement on that. We will be sending everybody a copy so you can see it, but our intention was to kind of speed this up a little bit because we've been looping around this a couple of times. But that is where we are on that. It is our fervent hope that this is the last time we have to make changes to it. Because I want to be done with this work group but that's just me. Alright, that is our new business.

9. GENERAL PUBLIC COMMENT

Mr. Hurd: General public comment. We have one submitted comment that came in from email which I'll let Michelle read and then we can see if there's anybody on the line who wants to speak.

[Secretary's Note: Written public comment received from Lisa Black via email on June 30, 2020 was being displayed for the benefit of the Planning Commission and public. A link to the email can be found at the end of this document.]

Ms. Vispi: Okay, so we received an email, hold on, let me pull this up here, the Planning and Development Department received an email on June 30 from Lisa Black with a suggestion to close Main Street, and I'll just read it. Greetings Department of Planning. As a resident of New Castle County of 18 years and a frequent visitor to downtown Newark, I am writing to make a suggestion. As you may be aware in this time of COVID-19, many cities across the globe from Milan to Montclair, have decided to create more space and safety for patrons by closing down streets to traffic. I would like to propose for at least the summer months that Main Street be

closed to traffic and only allow for pedestrians and cyclists. This small gesture would not only promote social distancing but could allow for consumers to participate in the local business and continue to foster local economic development.

Mr. Hurd: Alright, and I will just note for anyone who is not following Council closely, this is something that Council is starting to look at or is in discussions about as to whether they can do sort of a regular monthly shut-down to allow for expanded dining and usage. So, that is something in the works and there are a lot of pieces that have to be moved and a lot of people that have to be talked to before we go shutting Main Street down.

Alright, anyone on the line who wishes to give public comment? I am seeing no action. Alright, in that case, I will accept a motion to adjourn.

Mr. Wampler: So moved.

Mr. Hurd: Thank you. Do we have a second?

Mr. Silverman: Second.

Mr. Hurd: Anyone in opposition? Alright, we are adjourned by acclamation. Thank you everybody. We will see you next month.

The July 7, 2020 Planning Commission meeting adjourned at 8:34 p.m.

Respectfully submitted,
Tom Wampler
Planning Commission Secretary

As transcribed by Michelle Vispi
Planning and Development Department Secretary

Attachments

Exhibit A: [Planning and Development Department report \(109 Paper Mill Road\)](#)

Exhibit B: [Whitman Reguardt & Associates presentation \(109 Paper Mill Road\)](#)

Exhibit C: [Whitman Reguardt & Associates document \(109 Paper Mill Road\)](#)

Exhibit D: [Planning and Development Department memorandum \(Planning Commission Bylaws\)](#)

Exhibit E: [Planning and Development Department memorandum \(Planning Commission 2021 Work Plan\)](#)

Exhibit F: [Planning and Development Department memorandum \(Planning Commission training\)](#)

Exhibit G: [Planning and Development Department report \(Planning Commission 2020 Work Plan Quarterly Report\)](#)

Exhibit H: [Email from Lisa Black \(General Public Comment\)](#)