

CITY OF NEWARK
DELAWARE

PLANNING COMMISSION
MEETING MINUTES

MEETING CONDUCTED IN PERSON AND REMOTELY
VIA MICROSOFT TEAMS

JUNE 6, 2023
7:00 P.M.

Present at the 7:00 P.M. meeting:

Commissioners Present:

Chairman: Willard Hurd, AIA
Vice-Chair: Alan Silverman
Secretary: Karl Kadar
Chris Williamson
Allison Stine
Scott Bradley
Kazy Tauginas

Staff Present:

Paul Bilodeau, City Solicitor
Renee Bensley, Director of Planning and Development
Jessica Ramos-Velazquez, Deputy Director of Planning and Development
Mike Fortner, Senior Planner
Katie Dinsmore, Administrative Professional I

Chair Hurd called the meeting to order at 7:02PM

Chair Hurd: Good evening, everyone, and welcome to the June 6th, 2023, City of Newark Planning Commission meeting. This is Will Hurd, Chair of the Planning Commission. We are conducting this hybrid meeting through the Microsoft Teams meeting platform. I'd like to provide some guidelines for the meeting structure so that everyone is able to participate. Katie Dinsmore, the department's Administrative Professional, will be managing the chat and general meeting logistics. At the beginning of each item, I will call on the related staff member to present followed by the applicant for any land use items. Once the presentation is complete, I will call on each commissioner in rotating alphabetical order for questions of the staff or presenter. If a commissioner has additional questions they would like to add later, they should ask the chair to be recognized again when all members have had the opportunity to speak. For items open to public comment, we will then read into the record comments received prior to the meeting followed by open public comment. If members of the public would like to comment on an agenda item and are attending in person, they should sign up on the sheet near the entrance and will be called on to speak at the appropriate time. If members of the public attending virtually would like to comment, they should use the hand raising function in Microsoft Teams to signal the meeting organizer that they would like to speak or message the meeting organizer through the chat function with their name, district or address, and the agenda item on which they would like to comment. All lines will be muted, and cameras disabled until individuals are called on to speak. At that point the speaker's microphone and camera will be enabled and they can then turn on their cameras and unmute themselves to give their comments. We cannot manually turn on cameras or microphones through Microsoft Teams, which must be done by the individual. All speakers must identify themselves prior to speaking. Public comments are limited to 5 minutes per person and must pertain to the item under consideration. Comments in the Microsoft Teams chat will not be considered part of the public record for the meeting unless they are requested to be read into the record. We follow public comment with further questions and discussion from the commissioners then the motions and voting by roll call. Commissioners will need to articulate the reasons for their vote. If there are any issues during the meeting, we may adjust these guidelines if necessary. The City of Newark strives to make our public meetings accessible. While the City is committed to this access, pursuant to 29 Delaware Code 10006A,

technological failure does not affect the validity of these meetings, nor the validity of any actions taken in these meetings.

1. Chair's Remarks

Chair Hurd: Alright that leads to item 1, chair's remarks. I do want to note for anyone that is attending to discuss the proposed tiny home development adjacent to Robscott Manor, that the article about it is part of our Informational Items agenda item which are for informational purposes only and aren't up for discussion by the commissioners. You are welcome to provide public comment about this development in our general public comment item since our minutes are sent to Council for their information. All the comments submitted via email will be included in our minutes. Because the proposed development is outside the city the Commission won't be involved in any decisions or recommendations about it. It is not appropriate for the Planning Commission to take a position for or against land use decisions by other municipalities. City Council is the best place for residents to express their thoughts as Council is the legislative body that would work with New Castle County on issues related to development.

2. Minutes

Chair Hurd: Item 2 now, minutes. Oh, sorry too much breathing. Are there any edits or corrections to the minutes from April 4th?

Commissioner Stine: Chairman Hurd I had...

Chair Hurd: Microphone please.

Commissioner Stine: Line 787. I believe it should say 24 months it says 24 hours.

Chair Hurd: Ok, good catch.

Commissioner Stine: That's it.

Chair Hurd: Ok, anyone else? Alright, seeing none of the minute's stand as amended by acclimation.

3. Review and consideration of the minor subdivision at 65 North Chapel Street

Chair Hurd: Alright that takes us to item 3 review and consideration of the minor subdivision at 65 North Chapel Street.

Director Bensley: Thank you Mr. Chairman. This land use application is a minor subdivision for the property located at- I'm sorry I'll start again. This is Director Renee Bensley for the record. This land use application is a minor subdivision for the property located at 65 and 67 North Chapel Street. The applicant proposes dividing the parcel into an approximately 4,120 square foot lot containing the existing single-family house and 175,841 square foot containing the existing Newark Methodist Episcopal Church Cemetery. These two items are currently on the same lot. This property is located on the Northwest corner of the intersection of New Street and North Chapel Street. The existing zoning for this property is RM which is Multifamily dwellings and garden apartments. The existing single family detached dwelling and cemetery are allowed uses in the RM zoning district; however, the lot proposed to be created for the single-family dwelling does not meet the minimum lot size, side yard, or front yard setback requirements of the RM district. These proposed lot dimensions are the maximum extent possible around the existing house without encroaching on any of the nearby gravesites. The Newark Board of Adjustment heard their application for variances at their May 18th, 2023, meeting and awarded those variances subject to the condition that the property remain a single-family home. The proposed plan conforms to the existing land use designation indicated in the Comprehensive Development Plan. They are located within Planning Section A and are designated as Residential, Low Density. This proposed development meets all requirements detailed in Chapter 27 of the City Code with the variances approved by the Board of Adjustment. And because the minor subdivision with the Subdivision Advisory Committee recommended conditions should not have a negative impact on adjacent and nearby properties and because the proposed use does not conflict with the development pattern in the nearby area, the Planning and Development Department suggests that Planning Commission recommend approval to City

119 Council of the minor subdivision for 65 and 67 North Chapel Street as presented on the plan in your
120 packet. We have Jeff Williams here on behalf of the applicant, so he's going to do a quick presentation
121 now. Himself and Norris Wright are available to answer questions that the Commission may have.
122

123 Chair Hurd: Alright thank you. Just make sure the microphone is pointed at you because it's very
124 sensitive.
125

126 Mr. Williams: Good evening members of the Planning Commission my name is Jeff Williams with Mott
127 McDonald, and I'm here representing 65 and 67 North Chapel Street and as Director Bensley said we
128 went before the Board of Adjustment last month and were granted the four variances we were seeking
129 to take the house that's on there and make it a separate lot for residential purposes only, for a single-
130 family dwelling as the condition states. And this property dates back some time where the Wright
131 brothers formed a cemetery company in order to acquire the 4 acres of land from the trustees of the
132 Newark Methodist Episcopal Church in 1904. And this cemetery is not officially related to the church, it's
133 its own separate entity and it's not a nonprofit organization. All of the gravesites have been sold, so
134 there's no sources of income for this property except for the house that was being rented up until a year
135 ago when the last group of students that rented it damaged it far beyond repair. The house on the
136 corner of North Chapel and New Streets was the caretaker house for many years up until about 30 years
137 ago and as I stated it had been rented since then to the University of Delaware students. It's a two-story
138 dwelling, it's small, I believe it has 3 bedrooms.
139

140 Mr. Wright: I'm not sure.
141

142 Mr. Williams: And then it has parking behind it. So, the cemetery company is hesitant to invest money
143 into the necessary repairs to undertake the rehabilitation of the house because it continues to get
144 damaged, it continues to be repaired and the cemetery company does not have the income to do that.
145 So, they don't want to leave it unused or unoccupied as it could become an insurance problem or a
146 nuisance. So, they decided that they would like to subdivide it so they can sell this property and the
147 owner can either maintain that existing house or build a house on the same footprint. Mr. Norris Wright
148 is the sole owner of the stock of the cemetery company. He has three sons, but they do not live in the
149 area, and they do not wish to take over the company. He is looking for cemetery management firms that
150 would possibly take over the cemetery to maintain it. As you can see from the plan we submitted, we
151 gave as much room around this house as we could with the gravesites to the side and to the rear and
152 with where the house is in respect to North Chapel Street and New Street. So, the lot's relatively small
153 but we don't think the students will need that big of a yard because they'll be studying the whole time
154 hopefully. Any questions?
155

156 Chair Hurd: Well, let's begin. Commissioner Bradley?
157

158 Commissioner Bradley: Thank you chairman and thank you for the presentation. Looking at the photos
159 in the package, there's some large trees. Are they on the cemetery property or the dwelling property?
160 Mr. Williams: I believe they're on the dwelling property, or they're right on the line because there's
161 markers if you look at that photo along the side there's markers for the aisles of the gravesites and I think
162 I came within one foot of them because those are just markers, they're not gravesites.
163

164 Commissioner Bradley: Ok, so if I'm looking at the pictures as looking west so that's a front on view of
165 the building, it shows the trees to the right and there's a concrete retaining wall along the sidewalk.
166 Those trees are behind that wall so I'm assuming they're on the cemetery property.
167

168 Mr. Williams: Going further down North Chapel yes, they are, there are trees all along the backside of
169 that wall down to the railroad tracks.
170

171 Commissioner Bradley: Ok. And you said that one of the stipulations with the Board of Adjustment is
172 that it can only be a single-family home in the future?
173

174 Mr. Williams: Correct.
175

176 Commissioner Bradley: So, that could be a rental property, but it's staying a single-family home?

177 Mr. Williams: Yes. They were concerned because it's zoned garden apartments that somebody could put
 178 garden apartments in there and we skipped it because of how small it is, garden apartments wouldn't fit
 179 in there because they would require setbacks. So, a single family is what it should be.
 180
 181 Commissioner Bradley: Ok. And just out of curiosity, what is up urban land?
 182
 183 Mr. Williams: Up urban land? It's usually a soil that's a filler material.
 184
 185 Commissioner Bradley: So, it's a soil type.
 186
 187 Mr. Williams: Yes.
 188
 189 Commissioner Bradley: Ok, thank you. And those are all the questions I had.
 190
 191 Chair Hurd: Alright thank you. Commissioner Kadar?
 192
 193 Commissioner Kadar: So, let me summarize. There's one property now, it's being split into two
 194 properties, the house property will contain something under 1/10 of an acre, right? There are no tear
 195 downs, there are no build ups. The Board of Adjustment has already approved the variances, there's no
 196 reason to object.
 197
 198 Mr. Williams: Right, thank you very much.
 199
 200 Commissioner Kadar: That's all I have. Thank you.
 201
 202 Chair Hurd: Commissioner Silverman?
 203
 204 Commissioner Silverman: This is a rather interesting property and I'm going to propose an amendment
 205 to the proposal. This property was developed by a gentleman in Newark who was a slave owned by at
 206 least four families in Newark, he was freed in the 1840s. I'm not sure whether by right or through will.
 207 He acquired the parcel that the house is on, and he built the house in 1852 so this house is about 170
 208 years old. He further acquired two more parcels behind his structure and the parcel next to the
 209 structure up next to the railroad track. So, he owned the land that was eventually bought by a series of
 210 churches which evolved into today's cemetery company. It's a house that has been continuously
 211 occupied from the time it was built as the presenter said up until about 30 years ago or so. When
 212 caretaker use was discontinued, the property was leased for income by the cemetery company. So, it's a
 213 rather interesting house built by a rather interesting person. When we come to the proposal to adopt
 214 this, I would like to amend the recommendation that if this house is significantly altered or demoed that
 215 it be documented to the Federal Historic Preservation Standards and I understand there's a group at the
 216 University, and I'm not sure if it's through the Winterthur group who's very interested in how buildings
 217 were built in Newark. Particularly, Newark is known for building new structures out of salvage material.
 218 And one other oddity, houses in Newark were moved around like chess pieces at one time, so there's
 219 some interest in determining whether this was the original house or whether it was built by Mr. Cox who
 220 was the freed slave who dropped his last owner's name of Cox and in today's parlance did business as,
 221 dba, Thompson. So, there's some interest in at least documenting what's on this property from two
 222 perspectives and that's from the national register perspective and the interest groups as the University
 223 with respect to local construction here in Newark. But otherwise, this is a very simple creation of a
 224 single lot, Board of Adjustment has granted the variances necessary, and I intend to vote in favor of this.
 225
 226 Chair Hurd: Alright, thank you. Commissioner Stine. And can I just ask people to be sure that they are
 227 talking into the microphones because we're getting some comments that the sound is not coming
 228 through clearly. Thank you.
 229
 230 Commissioner Stine: Thank you. Thank you for your presentation, I also intend to support your
 231 application. My only question is do all the variances and approvals run with the land? '
 232
 233 Mr. Williams: Yes.
 234 Commissioner Stine: Ok, so the next owner of the property doesn't need to come back for any. And if
 235 they remove the house and build a new one?

236
 237 Mr. Williams: They have to build it within those dimensional variances.
 238
 239 Solicitor Bilodeau: And the solicitor concurs with that as well. This is the solicitor.
 240
 241 Director Bensley: And the variances would be there so long as the use is a single-family home. If
 242 anybody else were to propose constructing anything different than those variances would sunset based
 243 on the conditions that were put on it by the Board of Adjustment.
 244
 245 Commissioner Stine: Including a conditional use or something, like a special use permit? No, just for the
 246 construction.
 247
 248 Director Bensley: Correct.
 249
 250 Commissioner Stine: Got it, I'm with you. Thank you.
 251
 252 Chair Hurd: Commissioner Tauginas?
 253
 254 Commissioner Tauginas: No questions, you're not moving any grave sites so it's not going to turn into
 255 Poltergeist.
 256
 257 Mr. Williams: Oh no, that's a whole can of worms you don't want to open.
 258
 259 Commissioner Tauginas: That's right.
 260
 261 Chair Hurd: Thank you, Commissioner Williamson?
 262
 263 Commissioner Williamson: Thank you. A couple questions, one is does the property, the house have any
 264 life and safety code compliance issues, is there anything terribly wrong with it? Does the house itself
 265 have any outstanding code compliance for safety issues.
 266
 267 Chair Hurd: Sir, I need you to come to the microphone so that gets into the record.
 268
 269 Mr. Wright: Over the years we have received a number of letters from the City of Newark about things
 270 they want fixed at the house and things like that and within the house and we've responded and fixed
 271 everything upon receiving the instructions. But it's been a continuing problem, and we have a
 272 responsibility to maintain 4 acres and get the grass cut every week during the spring and things like that.
 273 It mounts up and we don't want to keep having these issues come up and also paying insurance on the
 274 house and liability insurance and we're trying to make life more simple for the cemetery itself but there's
 275 no reason we can't sell the house because we've responded and fixed every code violation we've been
 276 alerted to over the years.
 277
 278 Chair Hurd: Ok, sir if you could just identify yourself for the record?
 279
 280 Mr. Wright: Oh, I'm Norris Wright, I'm the sole remaining owner of the cemetery property so I'm trying
 281 to arrange things. I'm no young spring chicken anymore so, and I have no one to take over, my sons live
 282 elsewhere so I'm trying to make things simpler and get everything tidied up. And I don't want the house
 283 to sit there getting repeated code violations because the students destroy the place, we try to fix it, it's
 284 sort of like a squirrel in a cage. And we've tried to keep up with the code violations, yes.
 285
 286 Commissioner Williamson: Yeah, I bring it up because in many jurisdictions, granting a subdivision or
 287 parcel map has a condition of approval that says all code violations are taken into account. I didn't think
 288 there was anything wrong. The other question is regarding the potential historic, that's the first I've
 289 heard of that.
 290
 291 Mr. Wright: Me too.
 292 Commissioner Williamson: And I don't know if we can have an answer here as to whether the house and
 293 or the cemetery itself was ever surveyed for historic designation since it's clearly more than 50 years
 294 old?

295
 296 Mr. Wright: I don't know, but maybe you have contacts at the University?
 297
 298 Director Bensley: I was just going to say, in the past what we have done if there has been a question
 299 about historic significance is we have had a condition in the subdivision agreement for Council approval
 300 where they are required to submit to the Delaware State Office of Historic Preservation to request an
 301 evaluation as to whether or not it would be considered a historic property to designate a marker or
 302 something of that nature. But that would be a condition that we could potentially put on this approval if
 303 the Planning Commission recommends that. And with that, it requires the applicant to submit the
 304 application but if the Delaware State Office of Historic Preservation says you know it is not of a level of
 305 historic significance that they would designate it with a marker or something like that, it doesn't bind the
 306 applicant to put something up that they don't recommend.
 307
 308 Commissioner Williamson: I guess the follow up is that there seems to be some evidence that it might
 309 have a significant, we can't decide for sure here what would be normal procedure and you just outlined
 310 it. And I'm assuming that applying for or contacting that office would not hold up what you want to do,
 311 it could be passed on to a subsequent owner. We don't want to hold him up if he wants to sell the
 312 property waiting for something from the state which could take months or.
 313
 314 Director Bensley: That generally wouldn't hold up something like this, and a subdivision agreement
 315 would run with the property so if it's an item that's not completed prior to the sale of the property it
 316 likely would be something that would be triggered with the development of, or if a development is
 317 submitted by the new buyer so it would be something that would carry through until then so that's not
 318 something that should slow the process down.
 319
 320 Commissioner Williamson: And my last question is, is the cemetery itself, was it a slave cemetery or just
 321 anyone, do we know?
 322
 323 Mr. Wright: Not that I'm aware of at all, the Wright family is at the center of cemetery, but as we've sold
 324 all the lots, my brother ran it for years and he lived down in Florida, so I wasn't aware of everything that
 325 was going on, but Bob Ford sold most of the lots for us, at the funeral home here in Newark.
 326
 327 Commissioner Williamson: Well, that sounds rather recent, so it didn't fill up in the 1850s?
 328
 329 Mr. Wright: No, it didn't fill up then but there may be some, I don't know what was on there over the
 330 years, but Bob has handled most of the sales of grave lots and there are no more to be sold.
 331
 332 Commissioner Williamson: Thank you very much, that's all I have.
 333
 334 Chair Hurd: Thank you, and I have no questions because everything's been covered. Has there been any
 335 public comment submitted for this item? Is there anyone present that wishes to make a public
 336 comment? No, ok. Closing public comment and bringing it back to the dais if there are any further
 337 questions? Commissioner Bradley?
 338
 339 Commissioner Bradley: Thank you chair, I just wanted to revisit the historic preservation conversation.
 340 We went through this process about 25 years ago in our home for different reasons. And it is a time-
 341 consuming process. My fear is will that stall any of their, what they're trying to do and if it's in the
 342 process of going through the historical preservation review, is that detrimental to trying to sell the
 343 property. Because what if it comes back, and I'm for all this historic preservation, I'll say that up front.
 344 But is there any way that this could prevent them from tearing down the building and doing anything like
 345 that?
 346 Chair Hurd: I don't believe so. All it would do is it would require a documentation process if you're going
 347 to demolish it, so it's at least recorded. But it doesn't lock the building in, it would have to be fairly
 348 historic.
 349
 350 Commissioner Bradley: Our documentation process was done by the University of Delaware.
 351
 352 Chair Hurd: Ok. Commissioner Silverman you had your hand up?
 353

354 Commissioner Silverman: Yes, the gentleman who's been dubbed our starring history professor Jim Jones
355 has done some work on these properties in the area and I had a conversation with him, that's where I
356 learned some of this background. So, he's got additional information. And my purpose of bringing it up
357 is not to preserve the structure in place, but if it moves to substantial reconstruction or demolition, to at
358 least document the structure.
359
360 Chair Hurd: Ok, anything further? Commissioner Kadar.
361
362 Commissioner Kadar: So, am I to understand then that the submission for some historical significance
363 research goes along with the recommendation?
364
365 Chair Hurd: Well, I think we can have Commissioner Silverman put that in as an amendment to the
366 motion if we want.
367
368 Commissioner Kadar: Ok, fine.
369
370 Chair Hurd: Ok, so we can move to the motion. Secretary Kadar?
371
372 Commissioner Kadar: Ok, **we recommend that City Council approve the 65 and 67 North Chapel Street**
373 **minor subdivision as shown on the Mott McDonald LLC Minor Subdivision record plan dated January**
374 **23rd, 2023, and revised March 15th, 2023, and May 18th, 2023, according to Subdivision Advisory**
375 **Committee conditions.**
376
377 Chair Hurd: Thank you, do I have a second?
378
379 Commissioner Bradley: Second.
380
381 Chair Hurd: Thank you, any discussion to the motion?
382
383 Commissioner Silverman: I'd like to amend the motion.
384
385 Chair Hurd: Thank you, what's your amendment?
386
387 Commissioner Silverman: I'd like to **amend the motion to include a provision that the subdivision**
388 **agreement contain language that if the subject structure is significantly altered or demoed that that**
389 **the structure be documented** through, do we do state or national registry?
390
391 Chair Hurd: State.
392
393 Commissioner Silverman: **Through the state registry of historic places.**
394
395 Chair Hurd: Ok. Director Bensley does that kind of cover the intent that we've seen for historic
396 properties before.
397
398 Director Bensley: I would say so. I think the one thing that the Commission should be aware of is we've
399 had the experience in the past where a building is submitted to the Office of State Historic Preservation
400 and they say you know, sometimes they say yes it's of historic significance and they should have a
401 marker and so on and so forth, and sometimes they say it sounds interesting but it doesn't quite meet
402 the level of what we consider to be eligible for that under our criteria.
403 Commissioner Silverman: It sounds like we're talking on two levels here, I'm not interested in the marker
404 going up I just want the property to be documented and I'm familiar with the national registry's
405 standards, photographs, measurements, and local history.
406
407 Chair Hurd: So, documentation.
408
409 Commissioner Silverman: That's what I recommend for.
410
411 Chair Hurd: Alright we have an amendment to the motion do we have a second?
412

413 Commissioner Williamson: I'll second, but Chair Hurd a point of clarification. Submitting to the state
414 makes sense but there's nothing I don't think preventing the city from taking some action to simply...
415
416 Chair Hurd: I believe that's what Commissioner Silverman is asking, is to basically keep it in the
417 subdivision agreement as a city standard and not basically bring the state into it unnecessarily. So, we
418 have a motion second, all right. Any discussion about the amendment? Alright voting on the
419 amendment. Commissioner Bradley?
420
421 Commissioner Bradley: Aye.
422
423 Chair Hurd: Commissioner Kadar?
424
425 Commissioner Kadar: Aye.
426
427 Chair Hurd: Commissioner Silverman?
428
429 Commissioner Silverman: Aye.
430
431 Chair Hurd: Commissioner Stine?
432
433 Commissioner Stine: Aye.
434
435 Chair Hurd: Commissioner Tauginas?
436
437 Commissioner Tauginas: Aye.
438
439 Chair Hurd: Commissioner Williamson?
440
441 Commissioner Williamson: Aye.
442
443 Chair Hurd: And I am aye as well, amendment to the motion passes. To the original motion any further
444 discussion? Alright seeing none we'll move to the vote. Commissioner Kadar?
445
446 Commissioner Kadar: Since it's consistent with all parameters, zoning, the Comprehensive Plan, I vote
447 aye.
448
449 Chair Hurd: Thank you. Commissioner Silverman?
450
451 Commissioner Silverman: For the reasons stated in the department's recommendations dated May 30th,
452 2023, I vote aye.
453
454 Chair Hurd: Thank you. Commissioner Stine?
455
456 Commissioner Stine: Based on the Planning and Development Department Report of May 30th, 2023, I
457 vote aye.
458
459 Chair Hurd: Thank you, Commissioner Tauginas?
460
461 Commissioner Tauginas: Based on the Planning report, I vote aye.
462 Chair Hurd: Thank you. Commissioner Williamson?
463
464 Commissioner Williamson: Based on the information presented tonight and the discussion, aye.
465
466 Chair Hurd: Thank you, Commissioner Bradley?
467
468 Commissioner Bradley: Based on the information tonight, I vote aye.
469
470 Chair Hurd: Thank you. And based on the information presented and the comments of the other
471 commissioners, I vote aye as well. Motion carries, alright and that closes the item.

Mr. Williams: Thank you very much.

Chair Hurd: Congratulations.

4. Review and consideration of an amendment to the definition of “Personal service establishment” under Section 32-4 (a)(91) by adding “state-licensed massage therapist” to the list of uses and deleting “Massage parlors and related uses are excluded” from the definition.

Chair Hurd: That takes us to item 4, review and consideration of an amendment to the definition of “Personal service establishment” under Section 32-4 (a)(91) by adding “state-licensed massage therapist” to the list of uses and deleting “Massage parlors and related uses are excluded” from the definition. And Planner Fortner.

Planner Fortner: Good evening, Mr. Chairperson and Commissioners. The report for you is to amend the definition of personal service establishment to include state licensed massage therapists as a permitted use. While the current definition doesn’t permit this or doesn’t list that, in fact the last line of it, it prohibits massage parlors and related uses. So, the code does not provide for a massage parlor or massage therapy it doesn’t provide a definition so for that we’re using the Merriam Webster’s, so it has massage therapist definition. Basically, it’s the manipulation of the muscles by a therapist for therapeutic purposes to relieve pain, promote healing, and improve physical functioning. And so, to the best we can determine this prohibition of massage parlor was part of the original 1970 zoning code and the Planning Commission and Council at the time had at the time, perhaps a very different association or stigma to that business model that is not the common perception today. And on pages 2 and 3 of your report, I kind of give a little bit of background.

This has become a major industry in the United States and has become sort of mainstream as part of the health and wellness community. In addition, massage therapy has often been incorporated into other business models like beauty parlors, spas, yoga, physical therapy practices, and they’ve all been kind of lumped together into personal services definition as well. And that’s why there’s already several active businesses in Newark. And various zoning districts already incorporate massage. The Planning and Development Department recommends that the use be state licensed massage therapists which will mean that the practitioner will meet a set state standard thereby continuing to exclude illicit activities that might be otherwise implied. And the Planning Department recommends adding state licensed massage therapist to the definition of personal service establishment because it’s compatible with the other uses that are already permitted and they’re already in the appropriate zoning district. So, in other words a massage therapist would have a similar impact as a barber, a beauty shop, or tailor or similar uses to that. So, the added language is included in the recommendation, which includes adding the language of “state licensed massage therapist” to the definition and then eliminating “massage parlor and other related uses” to eliminate any kind of confusion. And with that I can take any questions.

Chair Hurd: Alright thank you. Commissioner Kadar? Your microphone though, your microphone isn’t pointed at you.

Commissioner Kadar: This is pretty straightforward, and I applaud what you’re trying to do here. So, I have no issues with this, and intend to move forward.

Chair Hurd: Thank you. Commissioner Silverman?

Commissioner Silverman: I have no comments.

Chair Hurd: Thank you. Commissioner Stine?

Commissioner Stine: I have no issue with including state licensed massage therapist, but you said you’re going to remove the terminology massage parlor or...?

Planner Fortner: It exempts massage parlors in the definition so we’re taking that out because it would look confusing, we don’t have a definition for massage parlor, that doesn’t mean anything. So, we’re just replacing that with state licensed massage therapist and including it as a use.

531
532 Commissioner Stine: Ok, that's it thanks you.
533
534 Chair Hurd: Ok. Commissioner Tauginas?
535
536 Commissioner Tauginas: I have no beef with massage therapists, so no questions.
537
538 Chair Hurd: Ok, Commissioner Williamson?
539
540 Commissioner Williamson: Yes, can staff just confirm that the police department had no problem with
541 this?
542
543 Planner Fortner: Confirmed.
544
545 Director Bensley: Yes.
546
547 Commissioner Williamson: Ok, thank you.
548
549 Chair Hurd: Ok, Commissioner Bradley?
550
551 Commissioner Bradley: Thank you, a couple quick questions. Do the current shops that operate with
552 massage therapists, are they all licensed?
553
554 Planner Fortner: Yes.
555
556 Commissioner Bradley: Ok, and that's through the city? The city requires that.
557
558 Planner Fortner: The state, it's a state license, so they would just have to report that to us.
559
560 Commissioner Bradley: If this goes into effect how soon would the businesses be affected?
561
562 Planner Fortner: It would be immediately upon Council adoption.
563
564 Commissioner Bradley: Ok, and would they get prior notice, or would they just get notice after Council
565 adoption or would they get no notice and have to learn on their own. The existing companies I mean.
566
567 Planner Fortner: The existing are existing, they're part of a spa or whatever, so their use wouldn't
568 change.
569
570 Commissioner Bradley: Ok, I guess my question would have been if they didn't have all licensed
571 therapists, they could have some that aren't licensed that could be booted out.
572
573 Planner Fortner: There could be some rebuke.
574
575 Commissioner Bradley: Ok, that is all the questions I have thank you.
576
577 Chair Hurd: Thank you. And I have none. Alright any public comment submitted. Anyone present
578 wishing to give public comment? Anyone online wishing to give public comment? Alright closing public
579 comment and bringing it back. Any further discussion from the Commissioners before we move to the
580 vote? Ok. Secretary Kadar may we have the motion please?
581
582 Commissioner Kadar: **Planning Commission recommends that City Council amend Chapter 32, Zoning,**
583 **Article II, Section 32-4(a), Definitions by adding the following text for Section 32-4(a) (91): Personal**
584 **service establishments: barber, beauty, shoe repair or tailor shops, dry cleaners, retail outlet only, and**
585 **state licensed massage therapy.**
586
587 Chair Hurd: Thank you, do I have a second?
588
589 Commissioner Silverman: I'll second.

590
591 Chair Hurd: Thank you, any discussion of the motion? Seeing none we'll move to the vote. Commissioner
592 Silverman?
593
594 Commissioner Silverman: I vote aye.
595
596 Chair Hurd: Thank you, Commissioner Stine?
597
598 Commissioner Stine: I vote aye.
599
600 Chair Hurd: Sorry, Commissioner Tauginas?
601
602 Commissioner Tauginas: Aye.
603
604 Chair Hurd: Commissioner Williamson?
605
606 Commissioner Williamson: Aye.
607
608 Chair Hurd: Commissioner Bradley?
609
610 Commissioner Bradley: Aye.
611
612 Chair Hurd: Commissioner Kadar?
613
614 Commissioner Kadar: Aye.
615
616 Chair Hurd: And I am aye as well, motion carries.
617

618 **5. Review and consideration of an amendment to add veterinary hospital as defined in section**
619 **32-4(a)(139) to the BB zoning district as a use permitted with a special use permit.**
620

621 Chair Hurd: Ok, and that moves us to item 5, still Planner Fortner. Review and consideration of an
622 amendment to add veterinary hospital as defined in Section 32-4(a)(139) to the BB zoning district as a
623 use permitted with a special use permit.
624

625 Planner Fortner: Alright thank you, and this report before you are to amend the BB zoning district to add
626 veterinary hospital on the list of permitted uses with a special use permit approved by Council. The code
627 defines veterinary hospital in Section 32-4(a)(36) that's written on the first page of your thing so it's a
628 fairly simple definition. Helping wounded and domestic animals. Currently the use is only permitted in
629 the BC zoning district. This is before you because we received a request from a veterinary hospital
630 provider that has been looking for spaces to open a new veterinary hospital and found a location in
631 Newark, but it was in the BB zoning district. It's at the Shoppes at Louviers. It's zoned BB so they asked
632 us to consider that. So, this is something that happens from time to time, when the Planning
633 Department does an evaluation, does research, and we come up with the following conclusion. First
634 that veterinary hospitals are an amenity that many Newark residents need, they have pets and need
635 these types of services. Veterinary hospitals are limited to a single zone and it's a limited zone. So, BC
636 zoning tends to be a more auto oriented district, it's more commonly found on the outskirts of town, not
637 in the center of town.

638 So, the BB zoning districts tend to be more within the community, they're a mixed-use zoning district but
639 they tend to be located closer to neighborhoods. So, in the past there's been some communities with
640 animal hospitals, which have had perceived negative consequences, noise, smell, animal waste, and
641 concerns about the issues of boarding animals. So there have been some community concerns about
642 where you locate those. But for most communities, many animal hospitals provide services to only small
643 domestic animals; cats, dogs, the occasional lizard, guinea pigs on an outpatient basis so there's very
644 little if any boarding of animals. Smells and other things are usually nonfactors. So, these types of
645 hospitals are likely to have minimal to no impact on the surrounding areas. So, vet hospitals are a by
646 right use in zoning districts and the BC zoning district, but the Planning Department recommends that a
647 vet hospital be included as a conditional use in the BB zoning districts so that the applicant can address

648 any concerns regarding noise, smell, and boarding of animals if any in the BB zoning district that are
649 closer to residential neighborhoods.
650
651 So, the new language is essentially just adding to item 17, BB zoning district, animal hospital to
652 conditional use, which means that Council will review the application and approve it.
653
654 Chair Hurd: Ok, thank you. Commissioner Silverman?
655
656 Commissioner Silverman: I have no comments.
657
658 Chair Hurd: Ok, Commissioner Stine?
659
660 Commissioner Stine: Also, no comments.
661
662 Chair Hurd: Thank you, Commissioner Tauginas?
663
664 Commissioner Tauginas: Being a pet owner I understand there has been a shortage of veterinary care
665 available, I don't have any issue with veterinary practitioners at all, so.
666
667 Chair Hurd: Ok, thank you. Commissioner Williamson?
668
669 Commissioner Williamson: Also, being a pet owner, and having many financial interests in veterinary
670 services, to my demise, the dog is healthy. And question, and I'm not suggesting this is a bad idea and
671 it's consistent with the practice, and because it's a conditional use you get to look at a lot of the
672 circumstances around it. But I just wondered about the term hospital versus clinic. Hospital is, I always
673 thought they were different, but clinic doesn't have evening hours, or overnight even. It ends at 6 or 7
674 and you close the door, and you have to pick your pet up that afternoon. Whereas the hospital has the
675 ability to put them up overnight and run 24/7. So, is it actually the intent that this code amendment
676 would allow for instance a 24/7 hospital with patients staying there?
677
678 Planner Fortner: So, the answer is yes, it could and it's up to them to show that the area and building is
679 appropriate, which it may be in the BB zone.
680
681 Commissioner Williamson: Ok, I just wanted to clarify that was the intent thank you.
682
683 Chair Hurd: Commissioner Bradley?
684
685 Commissioner Bradley: I have no comments thank you.
686
687 Chair Hurd: Ok, Commissioner Kadar?
688
689 Commissioner Kadar: I'm familiar with the site since I live in a neighborhood near there. And the
690 question about smells, noise, I believe is well taken care of. Because this facility as you said was a bank, I
691 believe you said it was a TD Bank and now it's some other lending operation. But it is removed from the
692 rest of the shopping center by a significant amount of space and it's a standalone building and it lends
693 itself well to whatever would go on there. So, I have no negative comments, and I support the move. We
694 do need veterinary hospitals.
695 Chair Hurd: Thank you. I appreciate the comments from staff, and I agree with the logic of putting it in as
696 a conditional use for special use in the BB. So, that Council can review the whole operation for its
697 appropriateness. Alright, has there been any public comment submitted?
698
699 Ms. Dinsmore: Online no, but someone did sign up in person.
700
701 Chair Hurd: Ok, we'll take public comment on this item. No, or yes? Wrong item or did you want to
702 speak to it?
703
704 Mr. Ramunno: No, no I mean my partners and I own the shopping center, so I was just here to answer
705 questions if needed.
706

707 Chair Hurd: Ok, thank you for being here. Is there anyone online who wishes to give public comment.
708 Ok, closing public comment and bringing it back. Any further discussion before we move to the motion?
709 Alright, Secretary Kadar may we have the motion please?

710
711 Commissioner Kadar: **The Planning Commission recommends that City Council amend Chapter 32,**
712 **Zoning, Section 32-18(b) – BB central business district by adding the following text as Section 32-18(b)**
713 **(17): Veterinary hospital.**

714
715 Chair Hurd: Ok, thank you, do I have a second?

716
717 Commissioner Silverman: I'll second.

718
719 Chair Hurd: Thank you, any discussion to the motion? Alright seeing none we'll move to the vote.
720 Commissioner Stine?

721
722 Commissioner Stine: I vote aye.

723
724 Chair Hurd: Thank you. Commissioner Tauginas?

725
726 Commissioner Tauginas: Aye.

727
728 Chair Hurd: Thank you. Commissioner Williamson?

729
730 Commissioner Williamson: Aye.

731
732 Chair Hurd: Commissioner Bradley?

733
734 Commissioner Bradley: Aye.

735
736 Chair Hurd: Commissioner Kadar? Commissioner Kadar?

737
738 Commissioner Kadar: Aye.

739
740 Chair Hurd: Thank you. Commissioner Silverman?

741
742 Commissioner Silverman: Aye.

743
744 Chair Hurd: Thank you, and I am aye as well. Motion carries thank you.

745
746 **6. Informational Items**

747
748 Chair Hurd: Alright, that takes us to item 6, informational items these are items are for informational
749 purposes only and the one other than the printed items is the Planning Director's report.

750
751 Director Bensley: Ok, thank you. Alright it's been a little while since we've been together, so I'll try to
752 keep it short and to the point, but we've got some ground to cover. So, projects that went before
753 Council, April 24th, 2023, they had two special use permits in front of them. One was for 325 Markus
754 Court for an internet-based warehouse distribution for automobiles there and that was approved. 117
755 Delrem also had a special use permit approved for work in the floodplain for the installation of a pool.
756 We had our first readings for the affordable housing changes and the application timeline changes that
757 were considered at your April meeting. And at the May 22nd Council meeting they considered and
758 approved both of those ordinances. Coming up on June 12th we have the first reading for the 65 South
759 Chapel project's related rezoning for 101 Victoria Court from RM to RA and then they are scheduled for
760 the July 10th Council meeting for the second reading of the rezoning and the consideration of the major
761 subdivision for that project.

762
763 Other happenings at the city in the Planning Department. The big one is that we received our Silver
764 designation as a Bicycle Friendly Community for the League of American Bicyclists, I don't know why I'm
765 having so much trouble talking today, out of practice, I guess. So, that is an increase for us from our

previous Bronze designation so there was quite a bit of work put in by staff, particularly Senior Planner Fortner and Planners Solge and Higgins were all integral parts and put a lot of effort into getting that application together and submitted, so we are very excited to have that. We are one of less than 200 cities in the United States that have a silver, gold, or platinum designation, so it is a big deal for us. So part of that is we are waiting on the application comments that they submit from the League as to where they can see improvements in the future. So, we will take those comments when we get them and that will kind of guide what our next efforts are to improve bicycle accessibility in the city of Newark and maybe one day, we'll make it to gold.

Next up, the property maintenance code updates. We are continuing work on the 2021 IPMC updates, and we are currently working with our consultant to hammer out some questions to bring to Council that are policy related basically revolving a lot around the rental permit issue, and when we bring it to Council there's going to be some staffing needs if we are to implement some of the potential options. So, we're bringing it to them for feedback before bringing a final ordinance.

Energov implementation – the contract has been executed; we're waiting on the kickoff date from Tyler Technologies to get in their work queue. Deputy Director Ramos-Velazquez has been working with staff particularly code enforcement on data cleanup prior to implementation.

DART Connect Newark, that is chugging along. We have submitted the virtual bus stops as well as the potential bus hubs to DART as of May 19th, they are currently working with their vendor VIA which does the app to be able to make reservations to get all of that information input. They are planning to have that completed by the middle of the month. And then after that is completed you will start to see buses downtown with drivers doing practice runs to be able to make sure they can execute this properly ahead of our August 7th launch date.

The next Planning Commission meeting is July 5th so it's on Wednesday due to the July 4th holiday. We are looking at up to three code revisions to include on the agenda. Staff met on Monday to kind of hash out what we think is doable for that. So, we are working to put those together. And as far as staffing goes, our new Code Enforcement Manager George DeBenedictis started on May 15th, he comes to us as the former Director of Planning and Inspections for the town of Smyrna. So, he comes with a lot of experience, has hit the ground running, and we're very excited to have him on board. And I will turn it over to Deputy Director Ramos-Velazquez for a land use update.

Deputy Director Ramos-Velazquez: Good evening, so very quickly, 50 and 54 Corbit Street has submitted a new plan as of the 2nd of June for a rezoning from RD to RM, removing the existing the existing structures with garden apartments that will consist of 5 townhomes each with 4 bedrooms. 339, 341, 349 East Main Street has resubmitted as of April 10th as a new submission. 25 North Chapel, which is a proposed major subdivision with rezoning and special use permit is a new submittal as of May 11th with an additional floor to what's already been approved. 55 Benny Street has submitted their second submission and is in the review queue as of now, 65 South Chapel is scheduled to go to Council on June 12th for their first reading and July 10th for second reading. 1105 Elkton Road is second submission under review and we're expecting a SAC review by next week, they are working with DNREC and FEMA with an issue they have at the site. 502 South College Avenue have not rescheduled a Board of Adjustment hearing at this time and they're working out details with the University of Delaware. 1050 South College Avenue SAC letter is being reviewed and will hopefully go out this week, the applicant will need a Board of Adjustment with their application. 1115 South College SAC letter went out June 2nd and 30 South Chapel second submission was received on April 14th and is in the queue to be reviewed. That's all I've got.

Chair Hurd: Thank you. And I'm going to make a correction to my earlier statement because I wasn't looking closely enough at the agenda and Item 6, informational items are flagged as being one that has items open for public comment. So, all of the comments on the Robscott Manor adjacent project can be under this item. For simplicity we would typically would read into the record any comments we received via email, but we received 53 emailed comments, with a lot of similarities so I'm going to ask our Administrative Professional to read the generalized comment into the record and then the remainder of the emailed comments will be incorporated into the minutes which do go to Council, and after anyone present who wishes to speak on the item, especially if you want to add something that's not already in those comments you're welcome to. Thank you.

825 Ms. Dinsmore: And just to clarify Chair Hurd, do you want me to read the list of names as well?

826
827 Chair Hurd: So, the names that have commented will be in the minutes as well, we don't need to read
828 that, but it will be apparent to anyone reading the minutes the breadth of the commenting. Volume's
829 probably a better word.

830
831 Ms. Dinsmore: Gotcha. Alright so in general the email that we received the most was "Hello, my name is
832 resident's name, and I am a City of Newark resident, voter and taxpayer. I am also a member of NSN of
833 DE. I understand that the newspaper article written about the opposition to the 130 Tiny home
834 development will be discussed at the upcoming planning meeting. I am writing to express that I
835 am opposed to this development. Since this project will border the city on two sides, it is my hope that
836 the city stands with its citizens that oppose this project, and publicly expresses it. Thank you."

837
838 ******Individuals who submitted similar email regarding Robscott Manor Article******

- 839
840 • Ian Griffiths
841 • Allison Archangelo
842 • Angie Hoseth
843 • Anne Perrin
844 • Ashley Reil
845 • Barbara Jacobs
846 • Brenda Thomlinson
847 • Brooke Walker
848 • Cana Hartman
849 • Carolyn Bowman
850 • Cindy Stonebraker
851 • Claudia Curtis
852 • Curt Thomlinson
853 • Danielle Williams
854 • Dawn Mahles
855 • Deanna Nardi
856 • Debbie Loveland
857 • Deborah Coffin
858 • Diane Henry
859 • Ellen Semke
860 • Eric Semke
861 • Harry Cummings
862 • James Bowman
863 • James DeGirolano
864 • Jennifer Tymes
865 • John Cordts
866 • John Wingle
867 • Joseph Connor Junior
868 • Julie Avenarius
869 • Julie Jefferson
870 • Kimberly Ramsey
871 • Krista Milkovics
872 • Kwanda Harris
873 • Leigh Ann DeGirolano
874 • Lisa Randolph
875 • Lois Decker
876 • Margaret Baldwin
877 • Marie Filippo
878 • Mark Ashmead
879 • Michael Ruff
880 • Pat Connor
881 • Paul Allen

- 882 • Robscott Manor Civic Association
- 883 • Sharon Ruth
- 884 • Sharon Scalzi
- 885 • Stephanie Williams
- 886 • Susan Allen
- 887 • Suzy Seamans
- 888 • Tijana Jankovic
- 889 • Timothy Coffin
- 890 • Victoria Lasher

891

892 ******Individualized Email Comments on Robscott Manor Article******

- 893 • Hello, My name is James W. Bowman. I am a 51-year resident of Yorkshire in the City of Newark. I served on the Newark City Planning Commission for 23 years, retiring in 2014 after 8 years as Chairman. As a voter, a taxpayer, a person experienced in land use issues, and member of NSN of DE, I am OPPOSED to the proposed "tiny" homes development located off Chestnut Hill Road bordered by the railroad right of way and Robscott Manor. In my opinion the tract of land where this development is proposed is not suited for this use for a number of reasons, including, but not limited to:

- 900 ○ poor access and egress through already congested streets in Robscott Manor
- 901 ○ potential negative impact on wetlands
- 902 ○ potential negative impacts on Newark's south well field
- 903 ○ what appears to be limited access to the individual units for fire and emergency services.

905 I understand that the newspaper article written about the opposition to the 130 Tiny Home development will be discussed at the upcoming Planning Commission Meeting. Since this project will border the City on two sides, it is my hope that the City will stand with the citizens who oppose this project, and publicly express it.

909

- 910 • Hello,
- 911 Our names are William and Tracey Beck. We have lived in Robscott Manor in Newark since 1998. We are both graduates of the U of D and are active in the Newark community. We are also members of NSN of DE. We've been made aware that the newspaper article written about the opposition to the 130 Tiny houses development will be discussed at the upcoming planning meeting and want you to know that we are opposed to this development. While the development site is not located within City Limits, it is our hope that the city will get involved and help us stop this project from being built.
- 918 Speaking for ourselves, we are awakened by the train horns at night, and we hear objects vibrate on our dressers when trains pass through, and our house is half a block from the train tracks. The builder is proposing to build tiny houses closer to the tracks than the houses are on East Cleveland Avenue. Additionally, the builder could have proposed an access road over the train tracks, including a pedestrian walkway with access to all the stores in the Pencader Plaza, but they have opted instead to put a fence along the train tracks and to divert all traffic through our neighborhood. Current law allows for approximately 9 "like" homes to Robscott to be built. At first, we were optimistic that the zoning changes proposed would be to accommodate low-income housing, but even that was squelched when we heard from the builder that we could expect RENT on these tiny crammed in houses to be approximately \$2,400/month!!!

928

929 In our view, this is a project of blatant greed with no real consideration of future Renters or current neighbors. Make no mistake about it, though. We'd consider moving into such a community if it were a property and a home we could purchase, that was placed a safe distance from such things as train tracks, had adequate road access, was offered at a reasonable price considering the square footage, and had solar and other green initiatives built in. As it stands, this proposed development meets none of those parameters and further will encroach on wetlands and require the removal of many mature trees. We are members of Neighbors Saying No, NSN of Delaware, because we agree with the need to preserve what little open space is left in New Castle County, and in Newark. To our knowledge, NSN is working toward finding the funds to purchase the land to keep it forever an open space. We hope you hear our heart in this matter and are able to join us in making a stand against this tiny house development. Good idea, terribly wrong location.

941

- 942 • My name is Heather Sobolewski, and I am, and have been, a City of Newark resident, voter and taxpayer for the past 21 years. I am also a member of NSN of DE. I understand that the

943

944 newspaper article written about the opposition to the 130 tiny home development will be
945 discussed at the upcoming planning meeting. I am writing to express that I am 100% opposed to
946 this development. This project is literally planned to come right up to our property line at 322
947 Matthew Flocco Drive. When we built our home, we did so for two reasons: it was within the
948 City of Newark, and we were told that the wooded property adjacent to ours was protected
949 wetlands and could not be developed. It is extremely disappointing to now have that property
950 in jeopardy of not only being developed but also by being overdeveloped with the potential for
951 an additional 260 people living in/near our community. Since this project borders the city on
952 two sides, it is my hope that the city stands with its citizens that oppose this project and publicly
953 expresses it.
954

955 Chair Hurd: Alright if there's anyone present that would like to give public comment you may do that
956 now. And if you haven't signed up, you don't have to but it's helpful if you do so we can get the spelling
957 correct and just identify yourself for the record please.
958

959 Mr. Avenarius: My name is William Avenarius and I just want to say that I oppose the project.
960 Chair Hurd: Ok, thank you. Well, no you don't have to comment, it's more helpful if you're adding
961 anything to the previous comments. Yes sir?
962

963 Mr. Griffiths: My name is Alan Griffiths, I live in Robscott Manor. And I'd just like to point out that this is
964 almost an addendum to Robscott Manor it's not a separate development. The access and egress to this
965 development will be through Robscott Manor, along Gill Drive, Miles Road, and other roads that come
966 through Robscott Manor. 130 tiny homes, probably 260 cars, it's aimed at young professionals
967 theoretically, so everyone's going to have a car. An additional 260 vehicles coming through that
968 development is not going to be good for us or for the roads, I'd just like to add that.
969

970 Chair Hurd: Thank you, is there anyone online who wishes to give public comment? No, ok. Yes ma'am?
971

972 Ms. Connor: I did not sign up, but I will. My name is Pat Connor I moved here to Delaware 13 years ago
973 and I'm a native of Brooklyn New York, and the fact that you can come to a meeting like this is quite
974 amazing that's what I like about living in Delaware. My son went to UD, so I've already invested 80,000
975 dollars in the city, and I like Robscott Manor because it's a small town close to everything, but I'm very
976 upset about the potential. Because I think they're trying to sell to these to young professionals who
977 make 75,000 and these are quotes from the meeting that we had. "Young professionals up to 34 years
978 old that make a total of 75,000 dollars a year and can afford 1,800 to 2,000 rents" if they can afford to
979 rent at that price, I don't see why they want to live behind Robscott Manor with all the little kids riding
980 their bikes on the street. I don't want to live in frat house number 2, and that's what it'll be. So that's
981 what I wanted to say. Thank you.
982

983 Chair Hurd: Thank you. We have Krista Milkovics who has indicated she wishes to speak. And you can
984 unmute yourself now Krista.
985

986 Ms. Milkovics: Hi, thank you so much for the vet decision by the way because we do have a shortage of
987 vets, so I appreciate that. Can you hear me?
988

989 Chair Hurd: Yes, we can.
990

991 Ms. Milkovics: Ok, I am a city of Newark resident and I know some of the people that attended in our
992 group are not, but I know they do spend a lot of money in city limits shopping and everything. So, I think
993 they have a say in things, but the reason we sent so many emails is because you know we have the
994 concern, and I did send this in an email that the South City Water Well is right next to this project site so
995 we do think it should be an issue for the city if this gets built. So that's all I wanted to say, thank you.
996

997 Chair Hurd: Thank you. Yes ma'am?
998

999 Ms. Avenarius: My name is Julie Avenarius, and I will sign. To piggyback on what Krista said, you guys
1000 should be concerned about this because with that water well very close to if not on top of it, pumping
1001 station. So, it may or may not be in your jurisdiction I'm not sure, but you should be very concerned for
1002 the residents of the City of Newark.

1003 Chair Hurd: Ok. So, to be clear we don't have any authority over, the Planning Commission especially.
1004 Council may not, but city departments that are responsible for infrastructure in and around it may have
1005 and hopefully are consulted by the County on that. So, I think there is some overlap that the County and
1006 the City have to talk about things in that. But it's not like the application's going to come through us as
1007 well.

1008
1009 Ms. Avenarius: Ok, but you could have a conversation about it.
1010

1011 Chair Hurd: Yeah, except the thing is that we can't. The County and us, the city maintain an amicable
1012 separation on this mostly so that, if we start stepping into their stuff they'll start stepping into our stuff
1013 and we want to keep the line as clean as we can. But you are right, we want to be aware of that certainly
1014 and that's why it was included, to be aware of things going on in the areas around us. Alright I think that
1015 covers everything, so if we're ok, I'd like to close informational items.
1016

1017 **7. New Business**
1018

1019 Chair Hurd: We move to New Business, which is the introduction of new items for discussion by city staff
1020 or Planning Commissioners. Anything requiring public notice will be added to a future agenda. Staff,
1021 anyone? Commissioners anything on your minds you want to get into the record. No? You want to be
1022 out of here by 8:00, don't you. Ok, closing new business.
1023

1024 **8. General Public Comment**
1025

1026 Chair Hurd: That takes us to item 8, general public comment regarding items not on the agenda but
1027 related to the work of the Planning Commission. Anything submitted online? Ok, closing public
1028 comment and having reached the end of the agenda the meeting is adjourned.
1029

1030 **The meeting was adjourned at 8:03 P.M.**
1031

1032 Respectfully submitted,
1033
1034

1035 Karl Kadar, Secretary
1036 As transcribed by Katie Dinsmore
1037 Planning and Development Department Administrative Professional I