



**PLANNING & DEVELOPMENT**  
CITY OF NEWARK

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220 South Main Street · Newark, Delaware 19711  
302.366.7000 · Fax 302.366.7160 · www.cityofnewarkde.us

September 3, 2020

Mr. Julian A. Pellegrini, EI  
The Pelsa Company  
610 Peoples Plaza  
Newark, DE 19702

Dear Julian:

The City of Newark's Subdivision Advisory Committee has reviewed the subdivision plan revision for 268 East Main Street submitted on August 7, 2020. Several departments have determined that all the SAC comments provided in the July 15, 2020 letter have not been addressed and many of the comments provided in the August 5, 2020 response letter are inadequate to complete a thorough review. Please note that while "comment acknowledged" may be an adequate response to "Electric service is available," it is not an adequate response to the parking issues highlighted in the Land Use Division section of the SAC response letter.

The Fire Marshal was able to provide some more specific questions based on the August submission, but some of the other departments, particularly Land Use and Public Works and Water Resources, will require some more specific responses in order to determine if the submitted plan meets review requirements.

Electric Department

1. Electric department may have some further questions about building location relative to electric lines.

Parks and Recreation Department

1. No further comments.

Police Department

1. No further comments.

Planning and Development Department

*Code Enforcement Division*

1. No further comments at this time.

*Fire Marshal*

1. What are the proposed entrances and exits for? Commercial or Residential?
2. What is the width of the fire lane?
3. Why is there a loading zone in the fire lane?
4. Type of construction? Is there combustible material?
5. Fire Pump required or not? Where is fire pump room?
6. Fire Command Room location?

*Land Use Division*

1. More complete description of comments required for review.
2. Plan must indicate building height in feet.
3. The project does not provide the required parking (56 units = 112 parking spaces plus the estimated restaurant employee and seat rationale = 13 parking spaces. Plan shows 110 parking spaces) and will require a Parking Waiver. Additionally, the Parking Waiver will require an application and fee as described in Sec. 32-45.(b). In addition, you will also need to submit the rationale for a parking waiver that includes the submittal requirements articulated in Section 32-45 (b)(3) of Code.
4. The department questions the logic of the parking layout. All parking spaces shown are double stacked, with the exception of six, five of which are shown as handicapped. The double stacked parking is only appropriate as assigned parking for apartment use, so there is not parking provided for the proposed restaurant use. Additionally, there is not public parking provided in any close proximity to this location. Further discussion of parking layout options is going to be required with Planning and Development staff.

Public Works and Water Resources Department

1. More complete description of comments required for review.

This Major Subdivision Plan review is solely based upon the information and detail provided in the submitted documents. Additional comments may be generated during any successive reviews by our department.

I hope you find this information helpful. **Please provide a written response and include the specific comments addressed with subsequent submissions including those from the original SAC comments from the July 15, 2020 SAC letter.** Should you have questions or need more information, please do not hesitate to contact me at 366-7000, extension 2040.

Sincerely,



Mary Ellen Gray, AICP  
Planning and Development Director

MEG/tf

Attachment

July 15, 2020 SAC letter



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July 15, 2020

Mr. Julian A. Pellegrini, EI  
The Pelsa Company  
610 Peoples Plaza  
Newark, DE 19702

Dear Julian:

The City of Newark's Subdivision Advisory Committee has reviewed the subdivision plan 268 East Main Street submitted on April 14, 2020 and dated February 3, 2014. We have the following comments:

Electric Department

1. Electric service is available.
2. An open utility easement is required and must be listed on the prints.
3. No part of the building can be closer than 12.5 feet to the center of the adjacent utility poles.
4. A suitable location approved by the Electric Department will be required for a pad-mounted transformer. Someone must contact the Electric Department with information on the transformer location and electric service needs before any costs can be calculated.
5. The developer must submit the detailed load calculation and electrical single line diagram for the project.
6. The developer must pay all costs for electric service infrastructure. The price is subject to a yearly CPI escalation from the date of council approval.
7. The developer is responsible for all trenching, backfilling, installation of 2-4" conduits for underground high voltage cable and conduit, and cable for low voltage services.
8. No trees growing over 18 feet at maturity can be planted under the adjacent utility power

lines.

9. Individual electric meters will be required for each commercial unit. All meters must be grouped in one location, and keys must be provided to access the electric meter room if meters are inside.
10. The developer will be responsible for the cost of the electric meters.
11. The developer agrees to pay up to \$6,000 towards problem interference if the building is found to interfere with the City's smart metering system for electric and or/water meters when completed.

#### Parks and Recreation Department

1. We will require the installation of one 6'x6' tree pit with tree grate, tree guard and a minimum 2.5 inch caliper street tree along Main Street. The City of Newark will provide the contact information to order the tree grate and tree guard that will match the other tree pits along Main Street.

#### Police Department

1. Building permit plans will need to include room numbering approved by police and fire representatives.

#### Planning and Development Department

##### *Code Enforcement Division*

1. Demolition Permits required. Environmental Survey of the building(s) required. Proper abatement and disposal of any hazardous materials by registered contractor prior to issuance of demolition permit.
2. Site and public protection required during demolition and construction.
3. All buildings and all use to comply with the 2009, ANSI 117.1; Accessibility Standards.
4. Complete architectural, structural, plumbing, HVAC, electrical and fire protection drawings required for review prior to permits.
5. Comcheck work sheet required to verify compliance.
6. Exterior opening area to be determined per 2018 IBC.
7. Elevator will be required. Must meet 2018 IBC requirements.

8. Comments based on 2018 ICC Codes.
9. Building Height and Area will be determined by type of construction.
10. Compliance with LEED requirements as adopted by the City of Newark.
11. Required non accessible parking spaces to be minimum 9' x 18' clear area.

*Fire Marshal*

1. Fire Marshal Plan is required.
2. Entrance and exits out of apartments and restaurant must be shown.
3. Elevators and Stairwell locations must be shown.
4. Fire Sprinklers and Fire Alarm system required under separate submittal.
  - a. FDC, Standpipes, Fire Sprinkler Room
  - b. Fire Pump Required

*Land Use Division*

1. Drawing date should be revised as appropriate with Rev. Numbers utilized for future submissions
2. The plans indicate the ground floor will include a restaurant. It should be noted that a restaurant is an allowed use in the BB zoning district, but a fast food restaurant is a conditional use with a list of requirements that are not all met with this submission. If the proposed restaurant is not fast food the plan meets code, but if it is fast food, as defined below, there will need to be further conversations.

*Restaurant, fast-food:* Any restaurant with more than 25 seats serving primarily pre-prepared or rapidly prepared cooked foods that may be initially frozen that are prepackaged or packaged in disposable containers or similar wrapping in ready-to-consume individual servings for consumption on or off the premises.

3. Each apartment (dwelling) unit must be at least 800 square feet.
4. If proposed restaurant is going to have alcohol it is going to require a Special Use Permit. If the tenant is known at the time of the application that can be included. If not, the restaurant applicant can come back to Council in the future.

5. Plan must indicate building height in feet.
6. As this project is by site plan approval, a Site Plan Approval Data Table needs to be added to the plans for each variance requested. The table should include the requested variance, required value, the provided value, and the deviation for each variance requested. (as included in cover letter)
7. The building setback appears to be about 12 feet with 20 ft required because the building is more than 3 stories and 35 feet. This variance should be included in Site Plan Approval Data table.
8. The side yard is shown as 6.2 feet with 8 ft required because the building is more than 3 stories and 35 feet. This variance should be included in Site Plan Approval Data table.
9. Th plan title should include Major Subdivision Plan.
10. The Comp Plan shows the current land use is Commercial. The proposed land use will require a Comprehensive Development Plan amendment to change the land use to mixed urban. Comprehensive Development Plan Amendment should be added to the plan title.
11. The proposed apartments require a Special Use Permit in the BB zoning district. Special Use Permit should be added to the plan title.
12. The project does not provide the required parking (56 units = 112 parking spaces plus the estimated restaurant employee and seat rationale = 13 parking spaces. Plan shows 110 parking spaces) and will require a Parking Waiver. Parking Waiver should be added to the plan title. Additionally, the Parking Waiver will require an application and fee as described in Sec. 32-45.(b). In addition, you will also need to submit the rationale for a parking waiver that includes the submittal requirements articulated in Section 32-45 (b)(3) of Code.
13. The department questions the logic of the parking layout. All parking spaces shown are double stacked, with the exception of six, five of which are shown as handicapped. The double stacked parking is only appropriate as assigned parking for apartment use, so there is not parking provided for the proposed restaurant use. Additionally, there is not public parking provided in any close proximity to this location. Further discussion of parking layout options is going to be required with Planning and Development staff.
14. Given that this application is utilizing the Site Plan Approval provision and approval is based upon distinctiveness and excellence of site arrangement and design, the west and rear side of the building will need to include additional architectural features tying it to

the architectural design and features of the front and eastern portion of the building.

15. Given that this application is utilizing the Site plan Approval provision while not required, it is recommended that the applicant review the proposed revisions to the 2018 International Energy Conservation Code that was recently presented to City Council. A link to the latest version can be found here. <https://newarkde.gov/DocumentCenter/View/13637/2A>. This proposed Code is expected to be proposed in it's final form to Council in early fall of this year.
  
16. The use of high-rise apartments requires a loading space for each apartment building. A loading space is defined in Sec. 32-4. as shown below. If a loading space is determined by the applicant to not be necessary for the proposed uses this could be added to the requested variances with the Site Plan Approval process.

*Loading space:* Paved accommodation off the street for loading and unloading of trucks, in the form of one or more truck berths located either within a building or in open space on the same lot. The area of each berth shall not be less than 600 square feet, and it shall have a minimum clear height, including access to it from the street, of 14 feet.

#### Public Works and Water Resources Department

##### GENERAL COMMENTS:

1. Revise the main title of all plan sheets to be "Major Subdivision Plan for 268 East Main Street" and include the title in the title block for all sheets. If the project has a decided name (ie Super 8, Canon's Place, etc.) that should be included as well but is not required.
2. Add the Planning Department Project Number to all plan sheets.
3. Provide addresses for all buildings and units. Ensure any new addressing has been coordinated with AETNA and NPD.
4. Indicate where the site benchmark is on the plan.
5. Include gross floor area in the General Data column in addition to the square footage.
6. Include how refuse collection will be handled (public or private?) in the General Data column. Include trash enclosure details and identify locations on future Subdivision Plans.



7. The limit of disturbance (LOD) will need to be delineated on the plan and the area added to the Cover/Index Sheet.
8. Include the ADA parking count in the parking rationale of the General Site data column.
9. Bike racks should be provided in a location that is accessible and visible to tenants and visitors at the point of entry. The bike racks and rack layout will need to conform to the City of Newark Bicycle Plan and [DeIDOT Standard Construction Detail](#) M-4 – “Bike Rack Layout Details”. Include the detail for both the rack and pad layout on the plans and ensure the pad shown on the plans conforms to the size and spacing on the detail. Add the following note to the bike rack detail, “The bike pad needs to be installed at a higher elevation than the adjacent pavement (4” min.) or separated by a curb.”
10. ADA compliant sidewalks, curb ramps, and parking will be required for the entire project site including existing parking areas. Label all ADA ramps
11. A DeIDOT Letter of No Objection to Recordation (LONOR) shall be furnished to the Public Works Department **prior to CIP approval**. It is highly recommended that the developer submits for a Letter of No Objection to Recordation (LONO) from DeIDOT as soon as possible to prevent any delays in the plan review process. LONOR shall be provided concurrently with any future **CIP submission**.
12. Provide an Existing Conditions Plan with any future Subdivision Plan submission. This plan can also show proposed demolition.
13. Provide a Landscape Plan for review during the Subdivision Plan phase.
14. Provide a separate Fire Marshal Plan for review during the Subdivision Plan phase.
15. Include the following notes on the Major Subdivision Plan:
  - a. “All Construction shall be per most current City of Newark standards and specifications, building code, and fire code.”
  - b. “As-Built Plans and checklist shall be submitted to the City of Newark prior to issuance of Certificate of Occupancy.”
  - c. “All handicapped parking stalls, logos, and access aisles shall be marked with blue paint and hatched accordingly.”
  - d. “Any damage to the City storm sewer, water, or sanitary sewer infrastructure shall be repaired or replaced to the satisfaction of the Public Works and Water Resources Director.”
    - a. “Unused water and sewer services shall be terminated at the utility main unless a more suitable location is determined by the PWWR Department during construction.”
    - b. “All on-site storm sewer and sanitary sewer is private. On-site manholes shall not have “Newark” anywhere on the lid.”
    - c. “The required fire protection flow rate for the building is \_\_\_\_\_.” *The required*

- sprinkler flow rate for each building will need to be provided with the Subdivision Plan submission.*
- d. "The Developer shall paint all existing and proposed fire hydrants associated with this project to reflect the flow capacity and apply 2-inch reflective tape in accordance with the State Fire Code."
  - e. "Sprinklers are required in all units and all fire protection systems shall be submitted to the City of Newark Fire Marshal's office for review and permitting prior to issuance of building permit."
  - f. "Water meter shall be located as close as possible to where the domestic main enters the building. The meter room shall be readily accessible to the City of Newark. A ¼ turn locking ball valve shall be located immediately on both sides of the meter."
  - g. "Individual water meters will be provided for each dwelling and/or commercial unit. The developer will be responsible for the cost of the meters. The City will determine the size of the meters in coordination with the developer."
  - h. "The Developer shall pay fees associated with the new water meters prior to issuance of any building permit."
  - i. "The Developer will be responsible for the installation of additional transmission equipment should the proposed building negatively affect the performance of the City's wireless meter reading system."
  - j. "An "Approval to Construct" will be required from the Department of Health and Social Services Office of Drinking Water. A copy of the approved permit shall be furnished to the City prior to CIP approval."
  - k. "An "Approval to Operate" from the Department of Health and Social Services Office of Drinking Water shall be provided to the City prior to the use of any domestic water or issuance of any certificate of occupancy."
  - l. "Developer shall provide a set of water system drawings in accordance with the State Department of Health Drinking Water Standards for their review and approval."
  - m. "All water valves shall be Mueller unless otherwise approved by the City of Newark Public Works and Water Resources Department."
  - n. "The Developer shall pay the Sewage Treatment Plant (STP) fee prior to receiving a building permit." *A credit for any existing structure will be given when determining the STP fee.*
  - o. "Any sanitary sewer laterals proposed to be reused shall be visually inspected (televised) by the Developer and approved for re-use by the Public Works and Water Resources Department." *Contact Shawn Gealy, Water and Wastewater Inspector, at (302) 229-1396 a minimum of 48 hours in advance of the CCTV work and provide a digital copy to the Public Works and Water Resources Department.*
  - p. "A DNREC "Construction of Wastewater Collection and Conveyance Systems" permit will be required and shall be furnished to the City prior to CIP approval."
  - q. "A signed and sealed copy of the DNREC approved sanitary sewer as-built plans shall be furnished to the City within 30 days of DNREC approval."
  - r. "The notice of intent for stormwater discharges associated with construction activity under a NPDES general permit for this project is \_\_\_\_\_. If at any time the ownership

- for this project changes, a transfer of authorization or a co-permittee application must be submitted to DNREC. The permittee of record shall not be relieved of their responsibilities until a notice of termination has been processed by DNREC.”
- s. “A Blue Card holder will be on site at all times during construction to ensure all sediment and stormwater regulations are adhered to.”
  - t. “Weekly inspections by a DNREC Certified Construction Reviewer (CCR) will be required for this site. Weekly inspection reports are to be logged on-site and submitted to the City within 14 calendar days of inspection.”
  - u. “A concrete washout area shall be installed by the contractor and approved by the Public Works and Water Resources Department.”

#### WATER & SEWER:

1. Show existing and proposed utilities on the plan and indicate how the proposed utilities will connect to the existing including top of structure, invert, size and material.
2. Show the mechanical/meter room location and confirm the proposed water line is not below the proposed building slab for greater than 10-feet.
3. Termination of existing utilities will likely require significant restoration of Main Street, if it is allowed at all by DelDOT, due to the recent completion of the Main Street Restoration Project. There are other options for terminating unused utilities that should be discussed with the Department if any existing utilities are to be abandoned.
4. Provide a wastewater flow generation summary on the Cover Sheet of future Subdivision Plans to show existing and proposed average and peak wastewater flows using New Castle County Department of Special Services flow generation standards.
5. The developer shall investigate the capacity of the existing sanitary sewer system to determine if sufficient capacity exists to handle the anticipated wastewater flows and furnish the report to the city for review and approval. PWWR can provide the applicant’s engineer with the diurnal curve for dry weather flows for the project area that they will need to adjust their field measurements.
6. If the proposed use of the building includes food preparation such that a grease trap is required, two (2) separate service laterals are required so that flows from kitchens or containing grease or oils flow to the grease trap and not directly to the public sewer. Grease traps should be located outside the building for ease of cleaning and inspection.
7. The condition of the existing downstream sanitary manhole being tied into will need to be verified. If the conditions are unsuitable the manhole will need to be replaced or restored accordingly.

8. Provide an overall utility plan showing the full extent of the development and all existing and proposed utilities on one sheet.
9. Existing tops and inverts of all storm and sanitary structures will be required to be shown on the Subdivision Plans.
10. The existing fire hydrant at the southeast property corner will need to be relocated as part of this project due to the change of the site entrance. Show on the plans the new location of the fire hydrant.
11. A hydrant flow tests will be required to verify the flow rate and system pressure are consistent with the basis of design. Public Works and Water Resources personnel must be present during flow testing to collect flow test results. Please submit an [application for fire flow test](#) to PWWR (**during CIP**).
12. Provide on the plans the most recent City of Newark standard details for water and sanitary sewer improvements as applicable to the project. They can be found here: <https://newarkde.gov/DocumentCenter/Home/View/464> (**during CIP**).
13. The anticipated peak water demand for all buildings and units will need to be provided **during the CIP phase** so appropriately sized water meters can be specified.
14. Ensure water lines are a minimum 18" from all other utilities.
15. Specify on the plans that when tying into existing sanitary sewer manholes that the manhole must be core drilled and link sealed.

#### STORMWATER:

1. The SAS checklist and SAR have been submitted for review. The checklist was reviewed during the Project Application Meeting conducted on June 11, 2020. A copy of the items discussed in that meeting was provided to the owner and engineer.
2. Proof of the NOI submission to DNREC will be required **during the CIP phase**.
3. Show existing and proposed contours. Provide additional high and low point elevations to allow for a determination of stormwater flow on the site.
4. Show the existing and proposed stormwater infrastructure and facilities on the plans including those which are to be removed (if applicable).
5. A wetlands report is required to be submitted for major subdivisions involving new and/or additional construction in accordance with Chapter 27, Section VIII of the City Code of Ordinances. If there are no wetlands, a letter certifying no wetland are present will need

to be submitted by a wetland scientist or the professional engineer of record.

6. Prior to Subdivision Plan approval a Preliminary Sediment and Stormwater Management Plan submittal in accordance with the corresponding [checklist](#) will need to be submitted to, reviewed and deemed acceptable by PWWR.

This Major Subdivision Plan review is solely based upon the information and detail provided in the submitted documents. Additional comments may be generated during any successive reviews by our department.

I hope you find this information helpful. **Please provide a written response to all comments with subsequent submissions.** Should you have questions or need more information, please do not hesitate to contact me at 366-7000, extension 2040.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ellen Gray".

Mary Ellen Gray, AICP  
Planning and Development Director

MEG/tf