



**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](http://www.cityofnewarkde.us)

May 27, 2021

Mr. Matthew Brickley  
Clifton L Bakhsh Jr. Inc.  
4450 Summit Bridge Road  
Middletown, DE 19709

Dear Matthew:

The City of Newark's Subdivision Advisory Committee has reviewed the major subdivision, rezoning, site plan approval, and comprehensive development plan amendment for 10 & 16 Benny Street (PR#21-02-02). We have the following comments:

Electric Department

1. Electric service is available from pole 26F11.
2. The developer must submit the detailed load calculation and electrical single line diagram for the project.
3. An open utility easement is required and must be listed on the prints.
4. Adequate space for pad-mounted transformer must be supplied and shown on the developers drawing to ensure no conflict with water and sewer lines.
5. Someone must contact the Electric Department with information on the transformer location and electric service needs before any costs can be calculated.
6. The developer must pay for transformers, meters, underground cables, and labor needed to supply electric service to the site. Cost to be determined after final load calculations are received, and the price will be subject to a yearly CPI increase.
7. The electric meters for the seven townhome apartment units must be installed in one location on the front right side of the building if you are looking from Benny Street. The meter location must be shown on the prints.

8. The electric meter location for the single-family home must be shown on the prints.
9. The developer is responsible for trenching, backfilling, and installing 2-4" conduits for all underground high voltage cables per City standards.
10. The developer is to supply and install all underground secondary cable and conduit from pad mount transformers to the meter box.
11. The developer must pay up to \$4,000 to repair the smart meter system if the building causes interference.

#### Parks and Recreation Department

1. There was no landscape plan included for review, a plan will be required as part of the subdivision process.
2. We will need a value tree mapping of all trees 12" and larger as per Chapter 32, Article XXV – Landscape Screening and Treatment, 32-87(g) General provisions, definitions and tree mapping requirements. This process needs to be completed before any trees are removed.
3. We will require the developer to pay \$700 per unit for a total of \$5,600 for cash in lieu of land as per Chapter 27, Appendix VI of the Code of the City of Newark, Delaware prior to final approval of the Construction Improvement Plan.

#### Police Department

1. Architectural – Eliminate external "blind corners" and recessed entry points.
2. Security – Purchase and installation of one pan / tilt / zoom security camera on City of Newark utility pole # 26F25. The camera will be part of the City of Newark system and property of the City of Newark.
3. Lighting – Provide LED lighting at all exterior access points.
4. Landscaping – Canopy trees or other landscaping provided along Benny Street should be of the variety that will limit leaves / vegetation from ground level to 72", to allow for a natural line of sight to all first-floor areas from the street.
5. Landscaping - Any rock material used for landscaping / decorative purposes should be

smaller than 1" in size.

6. Addressing – Clearly marked and illuminated address markings, at least 6" in height, visible from the street, for each entrance.
7. Unit numbering approved by City of Newark Police must be include on plans submitted with building permit application.

### Planning and Development Department

#### *Code Enforcement Division*

1. Demolition Permits required. Proper abatement and disposal of any hazardous materials by registered contractor.
2. Site and public protection required during demolition and construction.
3. Fire protection required for residential buildings. (Minimum 2" service per unit)
4. Separate curb stops for fire service and domestic service. Must be permanently marked.
5. All buildings and all uses to comply with the ANSI 117.1; Accessibility Standards.
6. Complete architectural, structural, plumbing, HVAC, electrical and fire protection drawings required for review prior to permits.
7. Comments based on 2018 ICC Codes.
8. Compliance with Sec. 7-8. - Amendments made to the 2018 International Energy Conservation Code requirements as adopted by the City of Newark.

#### *Fire Marshal*

1. Need Fire Marshal Plan

#### *Land Use Division*

1. Applicant needs to provide applications and required payment for Major subdivision with Site Plan Approval, Rezoning and Comprehensive Plan Amendment.
2. As the proposed plan is requesting Site Plan Approval, narrative will be required

explaining distinctiveness and excellence of site arrangement and design per Section 32-97 and must also include a description of the building material and type. While there are more specific comments below, in the opinion of staff, this plan as submitted does not currently meet the standards of distinctiveness and excellence of site arrangement and design for Site Plan Approval.

3. Applicant should be aware of revisions to Sec. 7-8.(7) and Sec. 32-97(a)(6). The City's energy conservation and efficiency standards were revised in September 2020. Additionally, while it is the opinion of Planning and Development staff that applications with Site Plan Approval do not need to address all six of the categories in Sec. 32-97(a), it is the Planning Commission that has the ultimate vote and members of the Commission might feel that all site plan approval applications should meet the requirements of Sec. 32-97(a)(6).
4. Garden apartments are defined as a group of multifamily dwellings. Multifamily dwellings are defined as buildings to be occupied by three or more families living independently of each other. The proposed development is a mix of one single family dwelling and multifamily dwellings (townhouses) and does not meet the definition of Garden Apartment. This development might be considered with Site Plan Approval as a use variance (single family use mixed with multifamily use in garden apartment). This should be discussed further with staff.
5. As this may be considered a use not permitted in a district (single-family in conjunction with multi-family in garden apartment) the applicant will need to refer to Sec. 32-98.3 for the special requirements related to architecture, site design, signage, transportation and roadways, open and common space design, and landscaping and tree planting for requirements for projects seeking a use variance when developing the project narrative explaining distinctiveness and excellence of site arrangement and design.
6. Please note that an 8-bedroom house with a basement may not be desirable construction on Benny Street and is not supported by Staff. This may be conducive to undesired student behavior and is an overreach for this site.
7. Site Data on the plans (Sheet 1 of 5) shows provided lot coverage of 30% while Site Plan Approval Data Table shows lot coverage of 31%. Please clarify and correct.
8. Site Data note 22) (Sheet 1 of 5) indicates six bedrooms per unit, but the submitted floor plans show 8 bedrooms in the 10 Benny Street residence. Clarify and correct plans.
9. Plans were labeled sheets 1 to 4 of 5, but only 4 sheets were submitted.
10. The quality of the elevations provided might be adequate for a simple major subdivision, but they will not be adequate for site plan approval. It is likely the perspective drawings

might be required to show relation to other structures on the street. Additionally, the proposed building materials must be clearly identified in the project narrative. Staff can discuss this further with the applicant to determine specifically what will be required.

11. All elevations of the 10 Benny Street residence are shown labeled "South Elevation." Clarify and correct the plans. Additionally, what is submitted as south but is actually the north elevation and the east elevation do not have the architectural distinctiveness required for site plan approval for sides of structures facing off-site.
12. The east elevation of 17 Benny Street does not have the architectural distinctiveness required for site plan approval for sides of structures facing off-site.
13. Site data (sheet 1 of 5) shows proposed building height as 35', but Site Plan Approval Data (sheet 1 of 5) shows building height of 37'. Please clarify and correct.
14. The Developer should voluntarily agree to provide deed restrictions indicating residents will not be able to receive residential parking permits or guest parking permits for parking on the street in the residential parking district from the City of Newark.

#### Public Works and Water Resources Department

##### GENERAL / SITE:

1. Add the project number "21-02-02" to all plan sheets. **(prior to Subdivision approval)**
2. The approved set will need to be signed by the Owner and Engineer and sealed by the Engineer. **(prior to Subdivision approval)**
3. Purpose of plan indicates "townhouse style" apartments. Site Data Note 25 indicates townhouses. Plan view indicates townhouses. Clarify building type and be consistent throughout plan set.
4. Include the proposed addresses of the units on the plan. Addressing should be coordinated with the Police and Fire Department. **(CIP)**
5. We recommend a more central location for the bike rack, possibly between the SWM area and single-family house. Bike rack will need to be elevated at least 4" from pavement and shall be indicated as such through spot elevations and a note on the bike rack detail.
6. 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". Add the detail to the plans and ensure the site plan matches the detail for the required size and spacing.

**(CIP)**

7. ADA compliant sidewalks, curb ramps, and parking will be required for the entire project site. **(CIP)**
8. The entrance will need to be reinforced concrete sidewalk with a concrete apron and depressed curb. Additional spot grades will be required for **CIP approval**. Remove 15-foot radius and show concrete sidewalk and apron on future submittals.
9. The limit of disturbance shown on the plans does not include the proposed stormwater connection. The full area will need to be delineated on the plan and the area added to the Cover/Index Sheet. **(CIP)**
10. Include a Landscape Plan within the plan set for all future Subdivision Plan submittals. **(prior to Planning Commission)**
11. Based on previous projects of this scale in the area PWWR anticipates substantial impact to Benny Street. As part of this development the contractor shall be responsible for structural patching and mill and overlay. Language will be added to the subdivision agreement to capture this requirement.
12. Trash and recycling pickup is indicated as private with bins being stored in garage. Include garage layout configuration with future submissions. It is our experience that bins frequently are left outside of the garage due to inadequate space within the garage area. **(prior to Planning Commission)**
13. General Note 14 does not seem to apply to this project. Clarify its importance or remove from plan.
14. Revise General Note 22 on the Cover Sheet to the following: **(prior to Planning Commission)**
  - 14.1. "This project shall comply with all requirements and conditions of the State Wastewater Permit including submission of Wastewater system as-builts to DNREC within 90 days of construction completion."
15. Add the following notes to the General Notes on the Cover Sheet: **(prior to Planning Commission)**
  - 15.1. "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 or their designee." *This note should replace General Notes #13 on the Cover Sheet.*
  - 15.2. "All on-site storm sewer and sanitary sewer is private. On-site manholes shall not have "Newark" anywhere on the lid."

16. Revise General Note #16 on the Cover Sheet by deleting “and/or commercial unit” from the first sentence of the note. **(prior to Subdivision approval)**
17. Verify the eastern most townhouse unit has the required parking. **(prior to Planning Commission)**

WATER & SEWER:

1. Per the City of Newark Water and Wastewater Standards and Specifications all sanitary sewer easements shall be a minimum 20' wide. Revise the easement shown on the plans accordingly. **(prior to Planning Commission)**
  - 1.1. PWWR recommends relocating the sanitary sewer lateral from the rear of the townhouses to the front to provide room for the 20' easement.
2. A hydrant flow test 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 a [fire flow test request](#) to PWWR. **(prior to Council consideration)**
3. Show the termination of existing utilities on the Existing Conditions plan. **(prior to Council consideration)** Any water service or sewer lateral that is not to be reused will need to be terminated at the main. Any sanitary sewer lateral that is to be re-used will need to be televised and approved for re-use by Public Works. If sanitary laterals are proposed to be reused, add the following note to the plan **(prior to Council consideration)**:
  - 3.1. “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 of the inspection video to the Public Works and Water Resources Department.” *This note shall replace Site Data item #37.*
4. Show the sanitary sewer connection for the proposed single-family home. Indicate size and material. **(prior to Subdivision approval)**
5. The condition of the downstream City owned and maintained sanitary manholes will need to be evaluated. If the conditions are unsuitable the manhole will need to be replaced or restored to the satisfaction of PWWR at the Developers expense. **(prior to Subdivision approval, capture in subdivision agreement)**
6. The existing sanitary sewer main within Benny Street is 6” cast iron. Update the existing sanitary sewer label on the plans. **(prior to Planning Commission)**
7. Specify the size and material of the proposed domestic water and fire service. Show meter

pits on domestic service. **(prior to Planning Commission)**

8. A shut-off valve is required on the water main at the Right of Way line. **(prior to Planning Commission)**
9. A DNREC Wastewater Collection & Conveyance permit will be required and shall be furnished to the City **prior to CIP approval.**
10. Profiles for water and sanitary sewer will be required in the CIP phase along with invert and rim elevations for sanitary sewer. **(CIP)**
11. The latest version of the City of Newark Water and Wastewater Standards and Specifications is available at <https://newarkde.gov/DocumentCenter/Home/View/464>. Ensure that all water and wastewater design standards are met, and all relevant details shown on the plans correspond to those in the latest release. **(CIP)**

#### STORMWATER:

1. This project will follow the “detailed plan” sediment and stormwater plan review process. As such, a Sediment and Stormwater Program Project Application Meeting will need to be scheduled with the City’s Planning and Design Engineer (Michael Falkowski, [mfalkowski@newark.de.us](mailto:mfalkowski@newark.de.us)). **(prior to Planning Commission)**
2. Provide an electronic copy of the Stormwater Assessment Study (SAS). **(prior to Planning Commission)**
3. A Sediment and Stormwater Management Application was not submitted with the submission and shall be included with the next submission. **(prior to Planning Commission)** The application can be found using the following link:

<https://newarkde.gov/DocumentCenter/View/5364/Application-for-Sediment-and-Stormwater-Management-Plan-Approval>

4. Following the Project Application Meeting, a Preliminary Sediment and Stormwater Management submittal shall be made. The Preliminary Sediment and Stormwater Management submittal must include preliminary plans for the site, as well as the schematic erosion and sediment control plan, with supporting hydrologic and hydraulic calculations necessary for Public Works and Water Resources to determine compliance with the latest Delaware Sediment and Stormwater Regulations (DSSRs). All the required information needed in this step can be found on the Preliminary Sediment and Stormwater Management checklist using the following link. Submit the completed checklist with the plans. **(prior to Planning Commission)**

<https://newarkde.gov/DocumentCenter/View/6650/Preliminary-Sediment-and-Stormwater-Management-Checklist>



Stormwater-Plan-Checklist-Newark

5. Provide hydraulic model for the on-site closed conveyance stormwater system. **(CIP)**
6. Development projects that require a detailed Sediment and Stormwater Management Plan require NPDES permit coverage through submittal of a Notice of Intent (NOI). Proof of the NOI submission to DNREC will be required prior to CIP approval.
7. 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 wetlands are present will need to be submitted by a wetland scientist or the professional engineer of record. Update Cover Sheet Site Data Note 30, accordingly. **(prior to Planning Commission)**
8. The project is located within the White Clay Creek Watershed. Add the watershed to the Site Data column. **(prior to Subdivision approval)**
9. The Developer shall execute a Stormwater Drainage and Maintenance Agreement prior to Construction Improvement Plan approval. **(CIP)**
10. A drainage agreement will be prepared and will be forwarded to the Owner for execution prior to CIP approval. **(CIP)**
11. Profiles for storm sewer will be required in the CIP phase along with invert and rim elevations for storm sewer. **(CIP)**

This plan review is solely based upon the information and details provided in the submitted documents. Additional comments may be generated following any future submissions.

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 blue ink, appearing to read "Mary Ellen Gray for MEG".

Mary Ellen Gray, AICP  
Planning and Development Director

MEG/tf

