



PLANNING & DEVELOPMENT
CITY OF NEWARK

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February 15, 2022

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. The proposed electric meter location is not suitable. The electric meters for the seven townhome apartment units must be installed in one location on the backside of the first unit if you are looking from Benny Street. The meter location must be shown on the prints.
2. The proposed street tree (CK) by the proposed transformer location needs to be relocated. No trees can be planted near the transformer.
3. Electric service is available from pole 26F11.
4. The developer must submit the detailed load calculation and electrical single line diagram for the project.
5. An open utility easement is required and must be listed on the prints.
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 developer is responsible for trenching, backfilling, and installing 2-4" conduits for all

underground high voltage cables per City standards.

8. The developer is to supply and install all underground secondary cables and conduits from pad mount transformers to the meter box.
9. The developer must pay up to \$4,000 to repair the smart meter system if the building causes interference.

Parks and Recreation Department

1. We will require the developer to pay \$700 per unit for a total of \$4,900 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.
2. We would like to have landscape screening included on the backside of the townhouses. Suggest a narrow growing native screening.
3. The tree mitigation calculations as per Chapter 32, Article XXV Landscape Screening and treatment, 32-87(g) allows for 25% tree removal for trees 12 inches to 23.99 inches and 25% removal for trees 24" and greater. Based on our calculations 49 value trees would be owed as mitigation. We would like to discuss the calculations with the landscape architect so updated calculations can be provided on the plans.
4. We have included areas where additional mitigation trees or shrubs can be provided, see below. For the remaining replacement trees that are not included on site, a cash in lieu of tree replacement will be owed at \$500 per tree owed.
5. The mitigation trees indicated on the plan with "M" will need to be identified on the plan as to show where each species will be located.
6. Additional mitigation large shrubs could be planted along the fence area adjacent to the underground filtration system. Suggest a Juniperus chinensis "Blue Point" or Ilex crenata "sky pencil". An additional mitigation tree could fit in the SE corner of the 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. No further comments.

Fire Marshal

1. Chapter 2 Section 702 of Delaware State Regulations will apply regarding townhomes construction and fire barrier walls.
2. Fire Lane and perimeter access increases to 35' ft. since its 3 stories.
3. Need to note fire hydrant locations.
4. Must install a 13D sprinkler system.
5. Smoke detection devices or smoke detection system must be installed per Delaware State Fire Regulation 706 Chapter 3.0.
6. Carbon Monoxide detectors must be installed.
7. Plans must be submitted as outlined in City Code and Delaware State Fire Prevention Regulations for approval by Fire Protection Specialist City of Newark.

Land Use Division

1. Applicant needs to provide applications and required payment for Major subdivision with Site Plan Approval, Rezoning and Comprehensive Plan Amendment. The applicant's Revision Response letter dated October 19, 2021 indicated a response of "Noted" to this comment, but application and payment have not been submitted.
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. The applicant's Revision Response letter, dated October 19, 2021 indicated a response of "Noted" to this comment, but narrative explaining distinctiveness and excellence of site arrangement and design has not been submitted.
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. Per this revision, the applicant is required to meet the requirements of Sec. 32-97(a)(6) which requires an additional 10 points from Sec. 7-8(7).
4. Sec. 32-11(a)(1)d. requires a maximum lot coverage of 20%. The Site Plan Approval Table shows 30.8%, but that was likely the coverage with the single-family home included. The current coverage is closer to 29.3% - include correct coverage value and deviation in table.
 - *Lot, coverage:* That portion of the lot area that is covered by buildings; the building area divided by the lot area, e.g., a lot containing 10,000 square feet has principal and accessory buildings planned or existing whose area is 2,500 square feet; thus the lot coverage is 25%, except that in RH, RT, RS, and RD Districts, lot coverage shall also include area covered by manmade improvements on the ground surface which are more impervious than the natural surface and which are used for parking and driveways, but not including swimming pools, patios, terraces, outdoor grills, and similar facilities not intended for parking.
5. Sec. 32-11(a)(1)i. requires an open area (That portion of a lot excluding area set aside or used for buildings, parking, loading berths, and streets) of 40%. The plan provides about 39.5% open area. "Open Space" in the Site Plan Approval table should be corrected to "Open Area" with 39.5% provided and 0.5% deviation.
6. Sec. 32-11(c)(5)c. requires a 25 foot setback of buildings from exterior lot lines. The east side of the site shows a 14 foot setback from the lot line, the south side of the site shows a 13.5 foot setback from the lot line, and the west side of the site shows a 16 foot setback from the lot line. The plan requires an 11.5 foot variance for setback from the exterior lot line. This variance should be added to the Site Plan Approval data table with 25 ft

required, 13.5 ft provided, and 11.5 ft deviation.

7. Sec. 32-11(c)(7)b. requires a minimum side yard of 20 feet. The plan only provides a 13.5 foot side yard on the south side of the site. The Site Plan Approval Data Table incorrectly shows a 13 foot side yard with a 9 ft deviation. The Table should be revised with the correct side yard and deviation.
8. The applicant's Revision Response letter dated October 19, 2021 indicates a "Revised Sheet Set," but the electronic Record plan still includes 1-4 sheets of 5 sheets and no 5th sheet. Additionally, the electronic Landscape plan has one sheet labeled sheet 3 of 13. The electronic copies of the drawings should indicate correct page numbers. The hard copy of the Landscape plan does indicate sheet 5 of 5.
9. Plans show incorrect density data (Site Data – item 18). The density shown, 13.44 D.U./Acre likely reflects the previous density. This info should be correct on the plans (11.76 D.U./acre).
10. Applicant should be aware of the difference between Open Space and Open Area. The Site Data information on the plans (Site Data, Item 8. Area Regulations) should reference Open Area – not Open Space. The actual Open Area may be 39.5%. Additionally, the Land Use Breakdown info (Site Data -item 20) shows an improper building coverage and may have an incorrect open area.
 - *Open area:* (Chapter 32) That portion of a lot excluding area set aside or used for buildings, parking, loading berths, and streets. Land devoted to recreational purposes to include land for swimming pools, tennis courts, and similar recreation uses shall be considered open area for the purpose of this definition.
 - *Open space, private:* (Chapter 27) A plot or area of land and/or water which is not dedicated to public use, but is intended for active and/or passive recreational use or other similar open uses, excluding areas used or intended to be used for buildings, parking, loading, and streets.
 - *Open space, public:* (Chapter 27) A plot or area of land and/or water which is dedicated to public use by legal mapping and/or by any other lawful procedure and which is intended for active and/or passive recreational use or other similar open uses, excluding areas used or intended to be used for buildings, parking, loading, and streets.
11. Please indicate the location of the electric meters, HVAC systems and any other related infrastructure on the plan.
12. Please provide perspective architectural renderings of view of the property from the street that includes neighboring structures.

Public Works and Water Resources Department

GENERAL / SITE:

1. The Preliminary Sediment and Stormwater Management Plans and Construction Improvement Plans submitted was reviewed only for information pertaining to Step 2: Preliminary Sediment and Stormwater Management Checklist. Construction Improvement Plan information should be submitted following Council approval of the Major Subdivision Plan during the Construction Improvement Plan phase.
2. Include the title (President, Owner, Managing Member, etc.) of the signer next to their name to clarify their relationship to the LLC specified in the Certificate of Ownership. **(prior to Subdivision approval)**
3. Purpose of plan indicates “townhouse style” apartments and previous comment letter response indicates that the buildings are apartments. Proposed plan still indicates townhouse and should be revised to “townhouse style” apartments to remain consistent. **(prior to Subdivision approval)**
4. Space for bicycle parking inside the garage is encouraged, however, it does not waive the requirement for exterior spaces. The bike rack location shown on the plan is acceptable so long as it conforms to the DelDot Standard Construction Detail M-4 – “Bike Rack Layout Details” and provides the required number of bicycle parking spaces consistent with the required number indicated in the parking rationale.
5. The entrance will need to be reinforced concrete sidewalk with a concrete apron and depressed curb. Remove 15-foot radius and show concrete sidewalk and apron on future submittals. **(prior to Subdivision approval)** Response letter indicates the entrance was revised and ADA ramps are shown however this is not reflected on the plans we received.
6. 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 of Benny Street from curb to curb. Language will be added to the subdivision agreement to capture this requirement. Add to General Note 13.
7. Correct the spelling in General Note 22 on the Cover Sheet: **(prior to Planning Commission)**
 - 7.1. “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.”
8. The following comments are intended to assist in preparing for Construction Improvement Plans:

- 8.1. Include the proposed addresses of the units on the plan. Addressing should be coordinated with the Police and Fire Department. **(CIP)**
- 8.2. Additional spot grades will be required to ensure ADA accessibility at the entrance for all accessible routes as required. **(CIP)**
- 8.3. ADA compliant sidewalks, curb ramps, and parking will be required for the entire project site. **(CIP)**
- 8.4. Add the bike rack detail to the plan and ensure the pad size meets the minimum requirement specified by the detail. **(CIP)**
- 8.5. The limit of disturbance shown on the plans does not include the termination of the existing water service for 10 Benny Street. The full area will need to be delineated on the plan and the area added to the Cover/Index Sheet. **(CIP)**

WATER & SEWER:

1. Per the City of Newark Water and Wastewater Standards and Specifications all sanitary sewer pipes serving multiple dwellings are considered “mains” and require an easement. Sanitary 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 private sanitary sewer main from the rear of the townhouses to the front to provide room for the 20’ easement.
2. Show the termination of existing utilities on the Existing Conditions plan. **(prior to Council consideration)**. Response letter indicates that existing sanitary laterals will not be re-used however their approximate locations need to be shown on the plans and indicated to be terminated at the main.
3. The condition of the downstream City owned and maintained sanitary sewer pipes and manhole(s) will need to be evaluated by PWWR. If the conditions are unsuitable the deficiencies will need to be addressed to the satisfaction of PWWR at the Developers expense. **(prior to Subdivision approval, capture in subdivision agreement)**
4. The existing sanitary sewer main within Benny Street is 6” cast iron. This was verified when the downstream manhole was replaced as part of a previous project. Update the existing sanitary sewer label on the plans. **(prior to Planning Commission)**
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. Additional downstream upgrades to the pipe may be required as a result of this analysis. Add to General Note 19. **(prior to Council consideration)**

6. Proposed sanitary sewer lateral cleanouts are shown on top of the proposed roof drain pipe. Revise either the location of the sanitary lateral cleanouts or the roof drain pipe. **(prior to Planning Commission)**
7. A DNREC Wastewater Collection & Conveyance permit will be required and shall be furnished to the City. **(CIP)**
8. Profiles for water and sanitary sewer will be required in the CIP phase along with invert and rim elevations for sanitary sewer. **(CIP)**
9. 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. The connection of the proposed 15-inch stormwater pipe to the existing catch basin in Benny Street will not be feasible as shown. The existing 15-inch pipe that connects to the north east corner of the existing catch basin enters at an angle and does not leave enough space for another pipe to connect on the northern wall. A detail will be required to show how this connection will be made. An option to consider would be to add another catch basin inlet next to the existing catch basin and connect the structures together. **(CIP)**
2. 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). **(prior to Planning Commission)**
3. The Sediment and Stormwater Management Application submitted was not signed by the owner. Submit a completed application with all signatures. **(prior to Council)** The application can be found using the following link:

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

4. Preliminary Stormwater Management Report
 - 4.1. The submitted stormwater management design utilizes infiltration in both the bioretention area and the underground RainTank facility. Per the submitted geotechnical report soils on-site did not produce acceptable infiltration rates. Update the stormwater management (SWM) design accordingly. **(prior to Planning Commission)**
 - 4.2. Update the HydroCAD model to utilize the NOAA Rainfall Distribution Curves in accordance with DNREC Regulatory Guidance Memorandum ([RGM-1](#)). **(prior to**

Planning Commission)

- 4.3. Update the HydroCAD model to utilize an I_a/S value of 0.05 for R_Pv routings. **(prior to Planning Commission)**
 - 4.4. Modify the Hydraflow Storm Sewer Profile so text for the upstream most storm structures does not overlap and is readable. **(CIP)**
 - 4.5. Provide hydraulic model for the proposed roof drain piping that carries runoff from drainage area S3 to the underground stormwater management facility. **(CIP)**
5. Update the Subdivision Plan and Preliminary Stormwater Management Plans to reflect the revised SWM design. **(prior to Planning Commission)**
 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. The project is located within the White Clay Creek Watershed. Add the watershed to the Site Data column. The submitted response letter states the watershed was added to the Site Data column however PWWR could not locate it. **(prior to Subdivision approval)**
 8. The Developer shall execute a Stormwater Drainage and Maintenance Agreement prior to Construction Improvement Plan approval. **(CIP)**
 - 8.1. The drainage agreement will be prepared by PWWR and will be forwarded to the Owner for execution prior to CIP approval.
 9. Profiles for storm sewer will be required in the CIP phase along with invert and rim elevations for storm sewer. This also applies to the roof drain pipe run as well. **(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,

Mary Ellen Gray, AICP
Planning and Development Director

MEG/tf