



PLANNING & DEVELOPMENT
CITY OF NEWARK

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March 29, 2022

Mr. Gregory Rishel, PLA
Pennoni Associates, Inc.
Christiana Executive Campus
121 Continental Drive, Suite 207
Newark, DE 19713

Dear Greg:

The City of Newark's Subdivision Advisory Committee has reviewed the major subdivision plan for the development proposed to be called The Continental (PR#21-03-01). We have the following comments:

Electric Department

1. Electric service is available from the existing pole line on Haines Street or S. Chapel Street
2. All the existing underground and overhead electric services must be shown on the plan.
3. No part of the building can be closer than 12.5 feet to the power lines.
4. An open utility easement is required and must be listed on the prints.
5. A suitable location approved by the Electric Department will be required for a pad-mounted transformer(s).
6. The developer will be responsible for the cost of the electric meters.
7. The developer must pay all costs for material and labor to install electrical distribution equipment and meters. The total cost will be calculated after receiving the load calculation and electrical single line diagram. The price is subject to a yearly CPI escalation from the date of council approval.
8. The developer must pay up to \$4,000 to repair the smart meter system if the building causes interference.

9. The developer must submit the detailed load calculation and electrical single line diagram for the project.
10. No trees growing over 18 feet at maturity can be planted within 10' of electric service pole/overhead lines.
11. 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.
12. The developer is responsible for all trenching, backfilling, and installing 2-4" conduits for underground high voltage (primary) cables.
13. The developer is responsible for trenching, backfilling, and installing conduits and cables for low voltage (secondary) services.
14. The developer will be responsible for installing outside lights.

Parks and Recreation Department

1. Please review our additional guidance for landscape design [landscaping \(newarkde.gov\)](https://www.newarkde.gov/landscaping)
2. A minimum, 70% of all tree/shrub plantings must be native.
3. There are no proposed plantings shown within the courtyard area. This needs to be shown on the planting plan if landscaping is to be included.
4. The City's planting detail needs to be shown on the planting plan (attached) as well as a separate notation stating the two-year warranty will be provided, see below.

Prior to the issuance of any certificates of occupancy, a surety guarantee bond, or other security instrument acceptable to and approved by the city solicitor, shall be posted in the amount of 120% of the cost of required landscaping to insure proper maintenance of the landscaping for a period of two years from the date of installation. During the two-year period, the developer shall be responsible for replacing all plants that die or are diseased. Following the two-year time period, and after inspection of the landscaping by the parks department, with the assistance of the planning department, the city manager shall authorize the release of bonds required in this subsection, less any funds needed and used by the city to replace dying or diseased plants.

5. A more detailed landscape plan will be required along with a planting schedule including size of plant material.

6. The value tree replacement calculations that were included are not the same numbers that we calculated. You included 25% removal of the Diameter at Breast Height (DBH) of all value trees in each size category, code indicates 25% of value trees for each size category. Our calculations indicate 34 replacement trees required. We would be happy to discuss the calculations.
7. Please indicate on the landscape plan where each replacement tree is located.
8. The area you have indicated for an outdoor active recreation area is not conducive for active recreation. As a result, we will require \$700 per unit for a total of \$132,300 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. The project has been assigned the address 65 South Chapel Street That address should be included in the title of future plan submissions.
2. All entrances and exits must have sufficient lighting.
3. Any trees and shrubs around the property should be maintained as to provide sufficient sight lines into and out of the property. Any stone landscaping should consist of smaller gravel.
4. The parking garage should be well lit with no light penetrating outside the property.
5. Any mechanical and maintenance areas are secure.
6. There should be security cameras and secured access points at all doors and in the parking garage.
7. The pedestrian pathway connecting S. Chapel Street and Haines Street should be well lit as well as the sidewalks on Haines and S. Chapel Street
8. The address numbers must be of appropriate size for the building and the numbers should be easily identified from the street, to include illumination during the night time hours.

Planning and Development Department

Code Enforcement Division

1. Demolition Permits required. Proper abatement and disposal of any hazardous materials must be completed by a registered contractor.
2. Site and public protection required during demolition and construction.
3. Separate curb stops for fire service and domestic service. Must be permanently marked.
4. All buildings and all uses to comply with the ANSI 117.1; Accessibility Standards.
5. Complete architectural, structural, plumbing, HVAC, electrical and fire protection drawings required for review prior to permits.
6. Comments based on 2018 ICC Codes.
7. This project is subject to the sustainability requirements of the City of Newark amendments to the 2018 International Energy Conservation Code as detailed in Section 7-8 (7) of the Municipal Code. Submit a plan or narrative describing proposed means of compliance with the building permit application. In addition, given that this plan is utilizing the Site Plan Approval provision, this project must achieve an additional 10 points per Section 32-87 (a)(6).

Fire Marshal

1. The Sketch Plan SAC comments indicated that at a minimum the Fire Marshal Plan must include the following items. The highlighted items below have not been included in the Fire Marshal Plan.
 - Name of the building or subdivision
 - Plan date
 - Full address
 - Owner's name and address
 - Design Professional's name and address
 - Applicant's name and address
 - Intended use of building or buildings
 - Name of water supplier
 - Location of all fire hydrants
 - Location and diameter of all water mains supplying fire protection water
 - Maximum height of the building
 - Proposed building construction
 - Location of any fire lanes, their markings, and their widths

- A plan note stating “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the State Fire Prevention Regulations.”
 - Preliminary Fire Sprinkler Form
2. Must follow Chapter 702 2021 Edition Delaware State Fire Prevention Regulations for Mid-Rise Buildings.
 3. Building must be equipped with NFPA 72 Fire Alarm System and Carbon Monoxide Detectors as required by the same standard.
 4. NFPA 13 Sprinkler system must be installed in all areas of the building.
 5. NFPA 14 Standpipe System installed may be in combination with sprinkler system. All water-based systems must be hydraulically calculated.
 6. If total square footage of building exceeds 25,000 square feet, a radio test must be done by Delaware State Communication Division or an approved vendor.
 7. The 2-hour ceiling rating between the garage and apartments must be maintained.
 8. Fire Hydrants must be installed on the property main entrance to the complex and 1 installed in the rear on the improved fire lane located mid-point. All fire flows must be within 12 months.
 9. A 3rd party electrical certification will be needed if a fire pump is required.
 10. If truss construction is used, signage is needed as per city code.
 11. Contact Fire Protection specialist for Knox box.
 12. NFPA 101 2021 Edition will apply - New Apartment Building.

Land Use Division

1. In regards to Sec. 32-12(a)(1)a, Lot coverage, Code includes a maximum lot coverage of 20%. The proposed plan shows lot coverage of 43.6%. As this is proposed to be a site plan approval project any required variances should be shown on the plan in a similar format as below:

SITE PLAN APPROVAL DATA

| <u>SECTION</u> | <u>REQUIRED</u> | <u>PROVIDED</u> | <u>VARIANCE</u> |
|--------------------|-----------------|-----------------|-----------------|
| Sec. 32-12(a)(1)a. | max. 20% | 43.6% | 23.6% |

2. In regards to Sec. 32-12(a)(1)(e) Minimum lot size, Code requires a minimum of 2 acres with 1,200 sf per family for multifamily apartments more than three stories high. The proposed plan is 4.7178 acres satisfying the two-acre requirements, but with 189 units and 1,200 sf required per unit this plan requires 226,800 sf and only includes about 205,207 sf. and requires a variance of about 21,300 sf. This variance should be included in the Site Plan Approval Data Table.
3. Please note that Code requires 1 bike per 5 required auto parking spaces. With 487 required auto parking spaces this plan requires about 98 bike parking spaces. Bike racks must conform to City standards which can be provided if the applicant is not familiar with them.
4. Include a rendering of the south side of the structure.
5. Please provide representative floor plan layouts of typical apartment units.
6. 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.
7. Appendix XIV (d)(2) requires evaluations of exterior lighting, fixtures, standards, and all exposed accessories shall be designed as integral architectural elements of the building, Screening from public view of mechanical equipment or utility hardware on roofs or grounds, with materials harmonious with the building, and screening from public view of refuse, waste removal areas, service yards, including screening when stored of city required refuse containers, and related facilities and sites, using materials harmonious with the buildings. Renderings should show all mechanical and utility equipment so proposed screening can be evaluated.

Public Works and Water Resources Department

GENERAL / SITE:

1. Refer to the latest [Public Works and Water Resources Schedule of Fees](#). The following fees shall accompany any future submission:
 - 1.1. Sediment and Stormwater Management Review Fee – \$825 plus \$275 per acre over 1.0 (**Determined when LOD is provided**)
 - 1.2. Water and Wastewater Review Fee – Greater than 2,000 GPD = **\$1,100.00**
2. Plans must be signed by all appropriate parties and sealed by the engineer of record prior to Subdivision approval. **Prior to Council**

3. Provide “Certification of Plan Approval” signature block on the Cover Sheet. **Prior to Council**
 - 3.1. Include signature line with date for Planning Director, City Secretary, and City Manager.
4. Add the Planning Department Project Number (#21-03-01) to all plan sheets. **Prior to Planning Commission**
5. Include the following notes on the Cover Sheet of the Major Subdivision Plan (if they are not already) **Prior to Planning Commission:**
 - 5.1. All construction shall be per the most current City of Newark Standards and Specifications, Building Code, and Fire Code.
 - 5.2. A DNREC “Construction of Wastewater Collection and Conveyance Systems” permit will be required and shall be furnished to the City prior to CIP approval.
 - 5.3. 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.
 - 5.4. 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.
 - 5.5. As-Built Plans and checklist shall be submitted to the City of Newark prior to issuance of Certificate of Occupancy.
 - 5.6. All handicapped parking stalls, logos, and access aisles shall be marked with blue paint and hatched accordingly.
 - 5.7. 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.
 - 5.8. All on-site storm sewer and sanitary sewer is private. On-site manholes shall not have “Newark” anywhere on the lid.
 - 5.9. Unused water and sewer services shall be terminated at the utility main unless a more suitable location is determined by the Public Works and Water Resources Department during construction.
 - 5.10. Individual water meters shall be provided for each dwelling and/or commercial unit and located in a centralized location of the building in a meter bank configuration. The developer will be responsible for the cost of the meters. The City will determine the size of the meters based on anticipated peak demand and in coordination with the developer. **(Include in Subdivision Agreement)**
 - 5.11. Water meters 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. **(Include in Subdivision Agreement)**
 - 5.12. The Developer shall pay fees associated with the new water meters prior to issuance of any building permit.

- 5.13. 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.
 - 5.14. The Developer shall pay the Sewage Treatment Plant (STP) fee prior to receiving a building permit.
 - 5.15. 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.
 - 5.16. 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.
 - 5.17. 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.
 - 5.18. A Blue Card holder shall be on site at all times during construction to ensure all sediment and stormwater regulations are adhered to.
 - 5.19. 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.
 - 5.20. A concrete washout area shall be installed by the contractor and approved by the Public Works and Water Resources Department.
6. Include the square footage and gross floor area of the building in the Data Column. **Prior to Planning Commission**
 7. Screening is required for trash dumpsters. It appears that trash dumpsters will be enclosed within the footprint of the building. Verify that dumpsters have adequate screening. **Prior to Planning Commission**
 8. Include trash enclosure details on future Subdivision Plans. **Prior to Planning Commission**
 9. Provide the limit of disturbance (LOD) acreage on the Major Subdivision Plan Cover Sheet. **Prior to Planning Commission**
 10. Show the Limit of disturbance on the plans and ensure it includes all utility installations and associated disturbances. **Prior to Planning Commission**
 11. ADA compliant sidewalks, curb ramps, and parking will be required for the entire project site including existing parking areas. Label all ADA ramps. **Prior to Planning Commission.**
 12. ADA compliance will be further verified during the CIP review process.

13. Include both the required ADA parking count and provided ADA parking count in the Parking Calculation column. **Prior to Planning Commission**
14. Bicycle parking is required for every 5 vehicle parking spots provided. Include both the required and provided bicycle parking in the Parking Calculation column. **Prior to Planning Commission**
15. 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.” **Prior to Planning Commission**
16. Clarify which parcel is to remain and which parcel is to be extinguished. Preferably this would be shown in the Site Data and the Plan Purpose statement. **Prior to Planning Commission**
17. Bearings and distances for all parcel lines and easements shall be shown on the existing conditions site plan. Bearings should read in clockwise manner from the point of beginning wherever possible. Exceptions are made for matching the “deed bearing” on an existing parcel line but the measured bearing in state plane coordinates should also be shown. This is a standard comment that appears to be addressed, however, please verify and confirm. **Prior to Planning Commission**
18. Verify that all bearings and distances for parcel lines “close”. If they do not close, a note should be added to the plan accordingly. **Prior to Planning Commission**
19. Show any “future” dedication along South Chapel Street if required by DeIDOT. **Prior to Council**
20. Monuments shall be placed at corners, angle points, points of curve, or intermediate points to mark the physical location of property. Location of all monuments must be shown on the plans. Monuments shall be stone or concrete and have a flat top at least five inches in diameter or four inches square, and at least 36 inches in length. **Revise Plans Prior to Council**
 - 20.1. All existing property markers along the exterior edge of the property that are not concrete monuments must be replaced with a concrete monument in accordance with the requirements listed above. Revise the plan accordingly. **Revise Plans Prior to Council**
22. Clarify if gas meters and services are to remain for existing buildings. Two gas meters are

shown but only one has an approximate service lateral location shown. Add approximate lateral location for second gas service to meter. **Prior to Council**

23. Will the new building have gas service? If so, show the location of the service on the plans. **Prior to Council**
24. PWWR recommends traffic calming measures be installed along the access road on the south end of the site. The straight connection from Haines Street to Chapel Street may be utilized by vehicle traffic as a cut-through or short cut. **Prior to Council**
21. Provide addresses for all buildings and units. Ensure any new addressing has been coordinated with AETNA and NPD. **(CIP)**
22. 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 (LONOR) 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. **(CIP)**

WATER & SEWER:

1. Provide an overall utility plan showing the full extent of the development and all existing (except those removed as part of demolition) and proposed utilities including water, stormwater, and sanitary sewer. Indicate how the proposed utilities will connect to the existing utilities including top of structure, invert, size and material. Existing tops and inverts of all storm and sanitary structures will be required to be shown on the Subdivision Plans. **Prior to Council**
2. Show any termination of existing utilities. Depending on the location of the utility it could potentially require restoration of DeIDOT roadways. There are other options for terminating unused utilities that should be discussed with the Department if any existing utilities are to be abandoned.
3. 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.
4. 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. **Prior to Council**

5. 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. A note will need to be added to the Major Subdivision Plan and Subdivision Agreement prior to Subdivision approval. **Prior to Council**
6. Show the mechanical/meter room location and confirm the proposed water line is not below the proposed building slab for more than 10-feet. **Prior to Council**
7. Provide the required sprinkler flow rate for the building. **(CIP)**
8. Ensure water lines have a minimum of 18" vertical separation from all other utilities. **(CIP)**
9. Specify on the plans that when tying into existing manholes that the manhole must be core drilled and link sealed. **(CIP)**
10. 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. **(CIP)**
11. Provide the anticipated peak water demand for all water meters required for the building. A chart or data column listing all meters and associated peak water demand is preferred. **(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>. **(CIP)**

STORMWATER:

1. A Project Application Meeting was held on January 27, 2022, with the meeting minutes distributed that same day to meeting attendees. Per the Project Application agreement items, Preliminary Sediment and Stormwater Management plans shall be submitted. The Preliminary Sediment and Stormwater Management Plan 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 (DDDRs). 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-Plan-Checklist-Newark>

2. With the Preliminary Sediment and Stormwater Management Plan submittal a completed Sediment and Stormwater Management Application shall be furnished to the City. The application can be found using the following link:
<https://newarkde.gov/DocumentCenter/View/5364/Application-for-Sediment-and-Stormwater-Management-Plan-Approval>
3. 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. **Prior to Council**
4. Identify any existing stormwater facilities on the Existing Conditions Plan (**Prior to Planning Commission**). The City is aware of a sand filter on the southern edge of the parking area for Continental Court and an underground infiltration (Stormtech) facility to the north of Continental Court. All existing facilities to remain will need to be evaluated and verified to be in good standing (language will be added to the Subdivision Agreement).

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.

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

