



PLANNING & DEVELOPMENT
CITY OF NEWARK

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October 17, 2022

Mr. Al Schweizer
Frogtown, LLC
1101 Millstone Drive
Newark, DE 19711

Mr. Schweizer,

The City of Newark's Subdivision Advisory Committee has reviewed the June 9, 2022 submission of the minor subdivision plan for the proposed single-family homes at 1025 and 1033 Barksdale Road (PR#21-06-01). We have the following comments:

Electric Department

1. The existing secondary overhead electric service crossing Barksdale Road will be removed. The existing pole (24E14) will be replaced with a taller pole. A new single-phase primary overhead line will be installed from pole 24E13 to a new pole (24E14). The developer must pay all the reconfiguration cost.
2. The proposed 20' wide access & Utility Easement from Barksdale Road to the two (2) proposed lots is acceptable as long as there is 5' easement behind the curb on both sides of the driveway for proposed underground electric. ****See comment 14 in PWWR, General/Site and Comment 6 under Planning and Development, Land Use; the proposed driveway is determined to be a street.*
3. The proposed pad-mounted transformer location is not suitable. Please see attached Utility Plan for new proposed transformer location.
4. The electric service to the existing dwelling (1033) will be changed from overhead to underground. The new service will be fed from new pad-mounted transformer.
5. The developer is responsible for trenching, backfilling, and installing 2-4" conduits for all underground high voltage cables per City standards.
6. The developer is responsible for trenching, backfilling and installing 2-2" conduits for all

underground secondary service lines per City standards.

7. The proposed silt fence on the east side of existing dwelling (1033) is in conflict with proposed underground electric.
8. The developer must pay for transformers, meters, underground cables, and labor and equipment 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.
9. The proposed electric meter locations must be shown on the plan. **(CIP)**
10. The proposed underground electric must be shown on the plan. **(CIP)**
11. The developer must pay up to \$4,000 to repair the smart meter system if the buildings cause interference.

Parks and Recreation Department

1. Under general notes, please include "A tree protection zone will be installed for all trees that are to remain in or near the limits of disturbance."

Police Department

1. *No comments.*

Planning and Development Department

Code Enforcement Division

1. *No comments.*

Fire Protection Specialist

1. Fire flow test must be within 12 months.
2. Sprinkler plans for 13 D system must be submitted.
3. A smoke detection system and carbon monoxide detectors must be installed in accordance with NFPA 72 and Delaware State Fire Regulations - if a hardwired system is used, plans need to be submitted.
4. If a garage is attached or under the home a 1-hour fire rating must be achieved between house and garage.

5. Previous comments regarding street and emergency access apply.

Land Use Division

1. Site Data table should indicate requirement and what is proposed for each height and area regulation.
2. Please indicate number of stories and height of proposed buildings on the site plans, as well as in the "Proposed column" of the Site Data table.
3. Existing building on Lot 1 is closer than the required 10ft to the proposed new property line, which would require a 0.5ft variance from the Board of Adjustment or as part of the Site Plan Approval process. If the applicant would like to pursue the Site Plan Approval process, a letter outlining the request and how the project meets the standards for Site Plan Approval, along with the Site Plan Approval application fee of \$770.00 and the Site Plan Approval review fee of \$44.00 must be included with the next submission. In addition, lots 1 & 2 are determined to be corner lots – see comments below re. driveway/private street.
4. Proposed driveway on lot 1 is not clearly delineated, please clearly identify the extent of all proposed driveways and parking areas.
5. Per Sec. 27-3(f)(4), Lot 4 is smaller than the 18,000sf required for a flag lot in the RS zoning district. The applicant can either pursue a variance from the Board of Adjustment or Site Plan Approval as outlined in item 3.
6. It is the interpretation of the Planning and Development and Public Works and Water Resources Departments that the proposed shared driveway is a street and the proposed lots should be arrayed as such. If you would like to appeal this interpretation, please notify the Planning and Development Department for a formal interpretation to be issued that can then be appealed to the Board of Adjustment within 30 days of issuance.
7. All previous departmental comments from the July 22, 2021 Subdivision Advisory Committee comment letter addressing the proposed driveway as a street and indicating requirements for a street still apply. (<https://newarkde.gov/DocumentCenter/View/15077/Barksdale-1025-and-1033-SAC-Letter>)
8. Per Comment 6 and Chapter 27-18, any development requiring new streets or other public improvements shall be classified as a major subdivision. Subsequent submission should include:

- a. The fee for a Major Subdivision is \$7,600. \$4,400 was paid as Minor Subdivision application fee in June 2021. A revised application for subdivision and payment for the difference in fees of \$3,200 must be included with subsequent submission.
 - b. A Landscape Plan with contours at intervals of two feet show all landscaping and the tree plantings, mature trees and community assets as specified in Chapter 32, Zoning, Article XXV, Landscape screening and treatment, and community assets, Appendix IX, of this chapter.
9. Per Comment 6 and Section 32-56.2(d)(2), buildings on corner lots shall be set back from the side street line the same distance as the required setback from the front street line as required in that district. In the RS district that distance is 25ft.
10. It is not necessary to create flag lots out of lots 3 and 4, they may front the proposed street.
11. Applicant should note that Chapter 27, Appendix I (b)(1) indicates the required right-of-way is 50 ft with a 32 ft paving width. It also says "Council, after receiving a recommendation from the planning commission, may modify the right-of-way width, paving, and curb requirements in specific cases due to special conditions or practical difficulties or to accompany council's consideration of plans submitted under Article XXVII, Site Plan Approval, Chapter 32 of this Code."
12. The width of a street and required right-of-way is not provided for in the proposed plans.
13. Planning recommends the site be reconfigured to assemble conforming lots of regular shape fronting Barksdale Road or the proposed street.
14. The applicant could consider a rezoning. The RD zoning district is less restrictive in lot area and setbacks. See below:

	<u>RS</u>	<u>RD*</u>
Minimum Lot Size	9000	6250
Max Building Coverage	20%	25%
Max Total Coverage	44%	50%
Min Lot Width	75ft	50ft
Setback	25ft	15ft
	10ft/25ft	8ft/20ft
Side Yard	aggregate	aggregate
Rear Yard	30ft	20ft

**Single Family Semi-detached allowed*

If the applicant elects to pursue a rezoning, the associated application and fees (\$1,100 rezoning application fee and \$38.56 rezoning review fee) must be included with the next plan submission.

15. Colonial Court is within 100ft of parcel# 1802400165 - its location, width, and name must be shown on the Site Plan.

Public Works and Water Resources Department

GENERAL / SITE:

1. The signatures required for a Subdivision Plan are not shown on the "Cover Sheet".
2. Plans must be signed by all appropriate parties and sealed by the engineer of record prior to Subdivision approval. **(Prior to Planning Commission)**
3. Update the Minor Subdivision Plan Set to be in accordance with Section 27-20 of City Code. **(Prior to Planning Commission)**
4. Include an Index of Sheets on the Cover Sheet and include all plans that are part of the Minor Subdivision Plan set. **(Prior to Planning Commission)**
5. Include sheet numbers in the title block including current sheet number and overall number of sheets. **(Prior to Planning Commission)**
6. Provide an Existing Conditions Plan with any future Major Subdivision Plan submission. This plan can also include proposed demolition and termination of any utilities. **(Prior to Planning Commission)**
7. Provide a Landscape Plan for review during the Major Subdivision Plan phase. **(Prior to Planning Commission)**
8. Include the following notes on either the Utility Plan or the Cover/Index Sheet of the plans (if they are not already): **(Prior to Planning Commission)**
 - 8.1. This plan accurately reflects site conditions, and the proposed development is in compliance with the latest Delaware Sediment and Stormwater Regulations and the City of Newark Drainage Code.
 - 8.2. All Construction shall be per the most current City of Newark Standards and Specifications, Building Code, and Fire Code.
 - 8.3. As-Built Plans and checklist shall be submitted to the City of Newark prior to issuance of Certificate of Occupancy.

- 8.4. Any damage to the City storm sewer, water, or sanitary sewer infrastructure shall be repaired and/or replaced to the satisfaction of the Public Works and Water Resources Director of their designee.
 - 8.5. All on-site storm sewer and sanitary sewer is private. On-site manholes shall not have "Newark" anywhere on the lid.
 - 8.6. 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.
 - 8.7. Individual water meters will be provided for each dwelling. 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.
 - 8.8. The Developer shall pay fees associated with the new water meters prior to issuance of any building permit.
 - 8.9. 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.
 - 8.10. All water valves shall be Mueller unless otherwise approved by the City of Newark Public Works and Water Resources Department.
 - 8.11. 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.*
 - 8.12. 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.
 - 8.13. 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.
 - 8.14. Sprinklers are required in all units and all fire protection systems shall be submitted to the City of Newark Fire Protection Specialist's office for review and permitting prior to issuance of building permit.
 - 8.15. A Blue Card holder will be on site at all times during construction to ensure all sediment and stormwater regulations are adhered to.
 - 8.16. 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.
 - 8.17. A concrete washout area shall be installed by the contractor and approved by the Public Works and Water Resources Department.
9. Revise the limit of disturbance (LOD) to include utility work within the right-of-way. The LOD area shall be calculated based on the delineated area shown on the plans and added to the Cover/Index Sheet. **(Prior to Planning Commission)**

10. Update the list of all utility owners on the Index/Cover Sheet to include gas, electric, cable/tv, and any other utilities identified in the project area. **(Prior to Planning Commission)**
11. Include a parking rationale in the Site Data column. Include standard vehicular, ADA parking, and bicycle parking. Be sure to list both the required number and proposed number. **(Prior to Planning Commission)**
12. One bicycle parking space is required for every 5 provided. Include the bicycle parking requirements in the Site Data column after the parking requirements. Provide the location of the proposed bike rack(s). **(Prior to Planning Commission)**
13. 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. The bike pad needs to be installed at a higher elevation than the adjacent pavement (4” min.) or separated by a curb. **(CIP)**
14. All roadways and streets not dedicated to public use shall be constructed in accordance with standards set forth in Appendix I and in the City of Newark "Standard Specifications and Detail Standards.
15. Indicate on the plans whether the proposed road will be privately owned and maintained or dedicated to the City.
16. 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. Any existing monuments that do not meet this requirement will need to be replaced and indicated as such on the plans. **(Prior to Planning Commission)**
17. ADA compliant sidewalks and curb ramps will be required for the entire project site including existing parking areas. **(CIP)**
18. A DeIDOT Entrance Plan will be required prior to CIP approval. It is highly recommended that coordination with DeIDOT begin immediately if it has not already. **(CIP)**
19. 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 LONOR from DeIDOT as soon as possible to prevent any delays in the plan review process (Subdivision Plan and CIP phases). **(CIP)**

WATER & SEWER:

1. Show the existing water services for lot 1. **(Prior to Planning Commission)**
2. Show the existing sanitary lateral for lot 1. **(Prior to Planning Commission)**
3. Provide domestic and fire water service to Lot 2. **(Prior to Planning Commission)**
4. Provide sanitary lateral for Lot 2. **(Prior to Planning Commission)**
5. Provide fire water service to lots 3 and 4. **(Prior to Planning Commission)**
6. Remove or clarify the solid line, parallel and equidistant between the two proposed water services, which appears to also tie into the existing water line in the road. **(Prior to Planning Commission)**
7. Remove or clarify sanitary sewer lateral surrounding proposed dwelling on Lot 4. **(Prior to Planning Commission)**
8. The proposed water lines should be revised to be a common main serving the proposed dwelling units.
9. The newly constructed dwelling units shall be served with both fire and domestic water services.
10. Ensure water and sewer lines maintain a minimum of 18" vertically and 10' horizontally from each other and all other utilities. **(Prior to Planning Commission)**
11. The water and sanitary sewer lines for Lot 3 are encroaching on Lot 4. It is highly recommended that the utilities remain on the lot they are serving, otherwise, an easement will be required. **(Prior to Planning Commission)**
12. An "Approval to Construct" will be required from the Department of Public Health Office of Drinking Water. A copy of the approved permit shall be furnished to the City prior to **CIP approval.**
13. The Developer shall pay the Sewage Treatment Plant (STP) fee prior to the issuance of any building permit. *A credit will be given for any existing building that is to be removed.* **(CIP)**
14. The Developer shall televise any existing sanitary sewer laterals to be re-used and provide a copy of the video to the City for review. The condition will be evaluated by Public Works

to determine the suitability for reuse. *Only applies if existing laterals are to be reused.*
(CIP)

15. 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. **(Prior to Council consideration)**
16. The maximum spacing of fire hydrants shall be such that no portion of any lot is more than 500 feet from a hydrant. A new hydrant shall be installed on Barksdale Road to serve the rear lots of the site. **(Prior to Planning Commission)**
17. 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. **(Prior to Council consideration)**
18. 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)**
19. The anticipated peak water demand for each house will need to be provided during the CIP phase so appropriately sized water meters can be specified. **(CIP)**
20. Specify on the plans that when tying into existing sanitary sewer manholes the manhole must be core drilled and link sealed. **(CIP)**
21. Profiles for proposed water and sanitary sewer piping will be required for the CIP plan set. **(CIP)**

STORMWATER:

1. This project will follow the “detailed plan” sediment and stormwater plan review process. As such, submit a Stormwater Assessment Study (SAS) in accordance with the [SAS Checklist](#) for review. **(Prior to Planning Commission)**
2. Once the SAS is submitted 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 , Phone: (302) 366-7000 Ext. 2046). **(Prior to Planning Commission)**
3. Following the Project Application Meeting, a Preliminary Sediment and Stormwater Management submittal shall be made in accordance with the [Step 2 Checklist](#). 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). **(Prior to Planning Commission)**

4. This area of the City, and particularly this section of Barksdale Road, has been identified as a flood prone street. As such, there shall be no increase in peak runoff rate or volume from this development.
5. The submitted Stormwater Management Report indicates stormwater discharges will increase in all storm events. Additionally, the project site discharges directly onto the neighboring parcel with no identifiable conveyance system. Update the stormwater management design to be in compliance with City Drainage Code and Delaware Sediment and Stormwater Regulations (DSSR). **(Prior to Planning Commission)**
6. A wetlands report is required to be submitted for subdivision plans 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. **(Prior to Planning Commission)**
7. Redevelopment projects that require a detailed Sediment and Stormwater Management Plan or exceed 1 acre in disturbance also require NPDES permit coverage through submittal of a Notice of Intent (NOI). Proof of the NOI submission to DNREC will be required during the CIP phase and prior to approval. **(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 (302) 366-7000, extension 2045.

Sincerely,



Renee K. Bensley
Director of Planning and Development