



**PLANNING & DEVELOPMENT**  
CITY OF NEWARK

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January 24, 2023

Christopher Duke  
Becker Morgan Group, Inc.  
309 South Governors Avenue  
Dover, DE 19904

Chris,

The City of Newark's Subdivision Advisory Committee has reviewed the November 9, 2022 submission for Minor Subdivision and Special Use Permit for the convenience store with gas pumps at 1105 Elkton Road (PR#22-11-01). We have the following comments:

Electric Department

1. Electric service is available from Elkton Road.
2. For the size of the development, we will need to install a new transformer to supply the electric service. A suitable location approved by the Electric Department will be required for an aerial or pad-mounted transformer. Someone must contact the Electric Department with information on the transformer location and electric service needs. **(Include during CIP phase)**
3. Any oil-filled pad-mounted equipment shall be located a minimum of 10 feet from combustible buildings, windows, doors, and stairwells. **(Include in the subdivision agreement)**
4. All the electric services to the existing buildings need to be disconnected before their demolition. Since existing electric services are provided by Delmarva Power, the developer must contact DP&L to do this. **(Include in the subdivision agreement)**
5. The developer must pay all costs to DP&L, Verizon, Newark, and Comcast for a pole replacement on Elkton Road to allow the city to serve the site. **(Include in the subdivision agreement)**
6. An open utility easement is required and must be listed on the prints. **(Include on prints prior to Planning Commission; include in the subdivision agreement)**

7. 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. **(Include in the subdivision agreement)**
8. The developer is responsible for all trenching, backfilling, and installing two 4-inch conduits for underground high-voltage cables per City standards. **(Include in the subdivision agreement)**
9. The developer is responsible for all trenching, backfilling, and installing conduits and cables for low-voltage services. **(Include in the subdivision agreement)**
10. The meter location must be shown on the plan. The developer will be responsible for the cost of the electric meters. **(Include in the next submission)**
11. The developer agrees to pay up to \$4,000 towards problem interference if the building is found to interfere with the City's smart metering system for electric meters when completed. **(Include in the subdivision agreement)**
12. The developer must provide a detailed electrical load calculation and one-line diagram for the project. **(Include during CIP phase)**
13. If the developer is planning on adding any EV chargers, include the EV load in the load calculations. The EV charging stations must be shown on the plan. **(Include during CIP phase)**

#### Parks and Recreation Department

1. There is no Limit of Disturbance (L.O.D) line. Add LOD. **(Prior to Planning Commission)**
2. For the tree and shrub planting detail, please include the following, "Remove all wire and burlap". **(Prior to Council Consideration)**

#### Police Department

1. The parking lot and area of the gas pumps should be well lit with no light penetrating outside the property. **(Include in Subdivision Agreement)**
2. Any mechanical and maintenance areas are to be secure. **(Include in Subdivision Agreement)**
3. Dumpster/trash area to be locked. **(Include in Subdivision Agreement)**

4. There should be cameras at all doors inside the property as well as outside. There should also be cameras on each side of the building that have multiple views and eliminate all blind spots, as well as in the area of the gas pumps. **(Include in Subdivision Agreement, Prior to Building Permits)**
5. Posted “No Loitering” signs should be clearly marked outside the business. **(Include in Subdivision Agreement)**
6. Exits onto the roadway should have property signs indicating that the turns onto the roadway are only one way. **(Prior to Planning Commission)**

Planning and Development Department

*Code Enforcement Division*

1. Comments based on 2018 ICC Codes (as amended).
2. 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. **(Include in subdivision agreement; Building Permit Application)**
3. Demolition permits are required for the existing buildings. Submit asbestos survey and building square footage with permit applications. **(Include in subdivision agreement; Building Permit Application)**
4. Approval from DNREC is required for installation of proposed underground storage tanks, documentation of approval is required prior to issuance of building permits. **(Include in subdivision agreement; Building Permit Application)**
5. A building permit is required. The proposed building must meet all applicable Building and Fire Code requirements. Complete architectural, structural, plumbing, HVAC, electrical and/or fire protection drawings shall be submitted with applications for permits. **(Include in subdivision agreement; Building Permit Application)**
6. Utility plan does not show water service sized to provide for fire protection. Proposed building shall be provided with automatic sprinkler protection. **(CIP)**
7. Proposed canopy shall be provided with automatic sprinkler protection. **(CIP)**
8. A sign license is required for existing billboard. **(Include in the subdivision agreement)**

9. Vehicle impact protection will be required at gas service/meter location, gas service shall not enter the building below grade. **(Include in subdivision agreement; Building Permit Application)**
10. An accessible route shall be provided from the proposed structures to the right of way in accordance with the International Building Code Section 1104.1 (as amended) and the Americans with Disabilities Act (ADA). Delineate the proposed accessible route. **(Prior to Planning Commission)**
11. Detectable warnings/truncated domes shall be provided as required at Handicap access/curb ramps. **(CIP)**
12. Proposed site lighting (if any) is not shown on plan. **(Prior to Planning Commission)**

*Fire Protection Specialist*

1. Must have NFPA 13 2019 Edition Sprinkler system. Need plans submitted with hydraulic calculations. **(Building Permit Application)**
2. NFPA 30 Flammable/Combustible Liquid Standard and NFPA 30A Standard for Motor Fuel Dispensing Facilities will apply. **(Include in Subdivision Agreement)**
3. Delaware State Fire Prevention Regulations 2021 will apply. **(Include in Subdivision Agreement)**
4. Fire lanes as outlined in DSFPR 2021 will apply. **(Are changes to site plans required? If yes, Prior to Planning Commission?)**
5. Acceptance testing on fire systems as needed by code. **(Include in Subdivision Agreement)**
6. NFPA 72 Fire Alarm will be required. **(Include in Subdivision Agreement)**
7. Fire flow test conducted within 12 months needed. **(Include in Subdivision Agreement)**
8. City of Newark Fire Code and 2018 IFC Apply. **(Include in Subdivision Agreement)**
9. Knox Box will be required. **(Include in Subdivision Agreement)**
10. If truss systems are used, building needs signs per City Code. **(Include in Subdivision Agreement)**

11. Show existing fire hydrant(s) and any new fire hydrants proposed. Fire hydrants must be color coded as DSFPR 2021. **(Prior to Planning Commission)**

*Land Use Division*

1. Plans should be marked with the new project review number: PR#22-11-01. **(Prior to Planning Commission)**
2. Parcel #1805400090 has been annexed by the City of Newark and rezoned BC – General business. Please correct the site data table to reflect the correct zoning. **(Prior to Planning Commission)**
3. Title of the Site Plans includes rezoning and annexation. These were completed previously, please amend the plan title to state only Minor Subdivision and Special Use permit. **(Prior to Planning Commission)**
4. “Convenience store with gas” is not a permitted use in the BC – general business district. “Retail food store” is a special use in BC if it is over 5,000 square feet as reflected in the current submission. Please amend the application to reference the applicable term for the use in the City’s Zoning Code. **(Include in Next Submission)**
5. In addition to item 4, gas pumps and gasoline sales are not included in the retail food store use; that activity is permitted as a special use under automobile service station. This requires a second special use permit application with fee. This fee currently is \$1,000; however, it is slated to increase as of February 13 to \$1,100. Please reference the applicable term for the use in the City’s Zoning Code. **(Include in Next Submission)**
6. Covered gas pump island is considered to be part of and should be included in the building coverage of the project. Please amend site data to include building area of the structure over the gas pump island. **(Prior to Planning Commission)**
7. The Planning and Development Department strongly recommends that the applicant include charging stations for electric vehicles as this is a highly travelled corridor near Interstate 95 where improved electric vehicle infrastructure is highly desirable.
8. Please indicate the location of the 7 required bicycle parking spaces. **(Prior to Planning Commission)**
9. As recent pedestrian and bicycle infrastructure improvements along this stretch of Elkton Road have created more multimodal traffic in this area, Planning suggests that the applicant consider extending a dedicated pedestrian/bicycle path from the new shared-use path along Elkton Road, west of the Elkton Road entrance, into the property with bicycle parking near and a crosswalk to the convenience store in order to avoid conflicts

between non-automobile traffic and cars in the parking lot - particularly around the gas pumps and parking spaces at the front entrance.

10. Subdivision plan must bear the certificate signature and seal of a Delaware registered engineer, land surveyor or architect. **(Prior to Planning Commission)**
11. 67 parking spaces are indicated on the site plans. Site data states 59 are provided. Both numbers comply with the requirements for the site, but the plans should be amended so the Site Data and site design match. **(Prior to Planning Commission)**
12. Building area of existing and proposed buildings should be stated in site plans as both area and percentage of the lot area. Paved and open areas should also be stated in terms of area and percentages in the same table. Applicant may also include the change in these areas from existing to proposed. **(Prior to Planning Commission)**
13. Please indicate present use of existing buildings in the building descriptions on page C-101. **(Prior to Planning Commission)**
14. Per Section 32-19.(b)(1)m, "Except for access driveways openings where the curb shall be depressed, a raised curb of at least six inches in height shall be provided along all street lines, or within the right-of-way if approved by the city engineer and where applicable, by the State Division of Highways." Please indicate curb height on the plans. **(Prior to Planning Commission)**
15. Add note to plans: "Exterior lighting shall be shielded so that it is deflected away from adjacent properties and from passing motorists." per Section 32-19.(b)(1)o. **(Prior to Planning Commission)**

#### Public Works and Water Resources Department

##### GENERAL / SITE:

1. There were no [Public Works and Water Resources Fees](#) submitted with the Subdivision Plan. The following review fees **shall accompany any future subdivision submission**:
  - 1.1. Sediment and Stormwater Management Review Fee = 4.58 Disturbed Acres = (\$825 x 1 acre) + (3.58 acres x \$275) = **\$1,809.50**
  - 1.2. Water and Wastewater Review Fee = Less than 2,000 GPD = **\$550.00**
2. Additional Public Works related fees can be found at the following link: [Public Works and Water Resources Schedule of Fees](#). A summary of those fees is provided below for informational purposes and will be revisited during the CIP review phase. These fees shall be

paid, preferably by separate checks, prior to any pre-construction meeting or issuance of any building permits for the project. **(CIP)**

- 2.1. Pressurized sanitary sewer system review = **\$275**
- 2.2. Sanitary Treatment Plant (STP) Fee = 5,585 SF @ \$0.24/SF = **\$1,340.40**. No credit is given to the existing structures as they were not previously tied into the public sewer system and no STP fee was paid. STP fee is to be paid prior to Construction Improvement Plan approval.
- 2.3. Sanitary Tapping & Inspection – To be determined by number of connections and proposed linear feet of pipe.
- 2.4. Water Tapping & Inspection – To be determined by number of connections and proposed linear feet of pipe.
- 2.5. Water meter(s) and pit(s)/mount(s) – to be determined during CIP.
- 2.6. SWM Inspection (Construction Review) – 1-5 Acres = **\$1,650.00**
3. Plans must be signed by all appropriate parties and sealed by the engineer of record prior to Subdivision approval. **(Prior to Council Consideration)**
4. 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)**
5. Include the ADA parking count in the Parking Calculations Site Data. Be sure to include both the required number and the proposed number to clarify that the minimum requirement is met. **(Prior to Planning Commission)**
6. Include accessible routes from the public rights-of-way on Elkton Road and Otts Chapel Road to the proposed convenience store. As currently proposed, pedestrians would be required to walk along the entrance/exit drives to get to the proposed building and amenities. **(Prior to Planning Commission)**
7. Include the provided number of bicycle parking along with the minimum requirements in the Parking Calculations Site Data to clarify that the minimum requirement is met. **(Prior to Planning Commission)**
8. Bike racks should be provided in a location that is accessible and visible to tenants and visitors at the point of entry. Show the bike rack location(s) on the Subdivision Plan. **(Prior to Council Consideration)**
  - 8.1. The bike racks and rack layout will need to conform to the City of Newark Bicycle Plan and [DelDOT 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-inch min.) or separated by a curb.” **(Prior to Council Consideration)**

9. Due to the change in use and anticipated increase in trips in and out of the site, a Traffic Impact Study (TIS) may be required for the subject site. Provide the anticipated pre- and post-development average daily counts including peak vehicle trips per day and vehicle trips per hour. **(Prior to Planning Commission)**
10. 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. The approved DeIDOT Commercial Entrance Plan shall be furnished to the City prior to issuance of building permit and site construction. **(Include in Subdivision Agreement; CIP)**
11. Provide a separate Fire Site Plan for review during the Subdivision Plan phase. **(Prior to Council Consideration)**
12. Clearly identify the location of the trash enclosure on the plans. Provide a detail for the trash enclosures on the Subdivision Plan **(Prior to Planning Commission)**
13. Include the following notes on the Major Subdivision Plan: **(Prior to Council Consideration)**
  - 13.1. “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.”
  - 13.2. “All on-site storm sewer and sanitary sewer is private. On-site manholes shall not have “Newark” anywhere on the lid.”
  - 13.3. “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.”
  - 13.4. “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.”
  - 13.5. “Water meter(s) shall be located in a meter pit in accordance with the latest City of Newark Water and Wastewater Standards and Specifications.”
  - 13.6. “The Developer shall pay fees associated with the new water meter(s) prior to issuance of any building permit.”
  - 13.7. “All water valves shall be Mueller unless otherwise approved by the City of Newark Public Works and Water Resources Department.”
  - 13.8. “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*.

14. The City has received the correspondence between FEMA and the applicant and there are several items within the Flood Study which must be addressed. FEMA must issue a Conditional Letter of Map Amendment prior to the project being presented to Council. **(Prior to Council Consideration)**
15. 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. Revise plans to indicate all existing and proposed monuments as required. **(Prior to Council Consideration)**
16. The sheet index on the cover sheet indicates Erosion & Sediment Control Plans, Entrance Plans, and Construction Details which were not received as part of this submission. Revise sheet index or include plans as indicated. **(Prior to Planning Commission)**

**WATER & SEWER:**

1. Ensure the approximate locations of all existing utilities on the subject site, and those that will impact any proposed improvements, are shown on the plan. **(Prior to Planning Commission)**
2. Provide the approximate location of the existing water main as well as any services that extend to the subject site. Note the size and material of the main and any service lines to be reused. Our records indicate a 12-inch DIP water main is located on the eastern (opposite) side of Otts Chapel Road. We do not have any information for water service to the subject site. Indicate that the owner of the main is Veolia (formerly Suez) and is not owned by the City of Newark. All improvements to the water system will need to meet City of Newark Standards and be reviewed and approved by Veolia. **(Prior to Planning Commission)**
3. Provide the approximate location of the existing sanitary sewer. Specify on the plans that the existing sanitary sewer is a force main. **(Prior to Planning Commission)**
4. Include the existing wastewater flow generation summary in the Site Data. Indicate that all existing sanitary sewer flows were previously handled by an on-site septic system which is to be removed as part of this plan. **(Prior to Planning Commission)**
5. Show termination of existing utilities. **(Prior to Planning Commission)**

6. Add a note to the plan stating, “The existing on-site septic system shall be abandoned by a Class E licensed contractor and in accordance with DNREC regulations governing the design, installation, and operation of on-site wastewater treatments and disposal systems (Sec. 5.4.8 – Abandonment of on-site wastewater treatments and disposal systems). **(Prior to Council Consideration)**
7. Indicate existing water services that are to remain and be reused. **(Prior to Planning Commission)**
8. Existing tops and inverts of all storm and sanitary structures are required to be shown on the Subdivision Plans. Label the size and material of all existing utilities that are proposed to be connected into. **(Prior to Planning Commission)**
9. A “Sewer-only” water meter will be required for this project to determine sanitary sewer flows. Show the location of the proposed water meter on the plans. Meter shall be installed in a meter pit just beyond the right-of-way. The existing Veolia water will need to remain as required by Veolia. **(Prior to Planning Commission)**
10. A pressurized force main will be required to tie-in to the existing force main along Elkton Road. Further, the proposed tie-in location shown is at a force main flushing connection (not a manhole) and is not a suitable location. Indicate grinder pump location(s), duty points, performance curve, and revise the plans accordingly. **(Prior to Planning Commission)**
11. Refer to Public Works and Water Resources, Water and Wastewater Standards and Specification for siting, sizing, and type of proposed pump station and force main. See link: <https://newarkde.gov/DocumentCenter/Home/View/464>
12. There are two sanitary sewer laterals shown on the plans, presumably to separate laterals from the kitchen. Show the grease trap location on the plans. Grease traps should be located outside the building for ease of cleaning and inspection. **(Prior to Planning Commission)**
13. Further details regarding wastewater force main pipe size, material, pressure, pump, etc. will be required during the CIP phase. Please reach out to Public Works to discuss necessary requirements. **(CIP)**
14. 90-degree bends shall be avoided in the proposed force main alignment. **(CIP)**
15. Indicate on the Utility Plan how the proposed water will connect to the existing infrastructure, including the type of tap for water. **(CIP)**
16. 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 containing

grease or oils flow to the grease trap and not directly to the public sewer. Show the location of external grease trap on the Subdivision Plan. **(Prior to Planning Commission)**

17. The developer shall investigate the capacity and system curve of the existing sanitary sewer system to determine total dynamic head, existing flow rate, and if sufficient capacity exists to handle the anticipated wastewater flows and furnish the report to the city for review and approval. **(Prior to Planning Commission)**
18. A hydrant flow test will be required to verify the flow rate and system pressure are consistent with the basis of design. Complete the [Application for Fire Flow Test](#) and submit to the Public Works and Water Resources Department to schedule a flow test at a cost of \$330 per test. **(Prior to Council Consideration)**
19. The required sprinkler flow rate for the building will need to be provided with the CIP. **(CIP)**
20. Coordinate with the MEP to provide an anticipated peak water demand in gallons per minute as determined by the number of fixtures in each unit. Meter size(s) will be determined when this information is provided. *The City stocks meters and pits up to 1-inch diameter. Projects requiring a larger meter should be aware of potential extended lead times for meter and meter pit purchases. To avoid delays, it is recommended to have the required meter and pit purchased as soon as possible.* **(CIP)**
21. 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 completed SAS checklist and associated documents shall be submitted for review. The Sediment and Stormwater Program Project Application Meeting will need to be scheduled with the City's Deputy Director of Public Works and Water Resources (Ethan Robinson, Email: [erobinson@newark.de.us](mailto:erobinson@newark.de.us)). **(Prior to Planning Commission)**
2. Erosion & Sediment Control Plans were listed on the Sheet Index on the Cover Sheet; however, they were not included in the submission. A Preliminary Sediment and Stormwater submittal must be made and reviewed as part of the Subdivision Plan review process. This will be discussed further during the SAS Project Application Meeting. **(Prior to Planning Commission)**
  - 2.1. The Preliminary Sediment and Stormwater Management Plans should be a separate plan set from the Subdivision Plan set. Remove the Erosion and Sediment Control Plans from the Subdivision Plan Sheet Index.

3. Show the proposed stormwater infrastructure and facilities on the plans. **(Prior to Planning Commission)**
4. Redevelopment projects that exceed 1 acre in disturbance require NPDES permit coverage through submittal of a Notice of Intent (NOI). Proof of the NOI submission to DNREC will be required. **(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,

A handwritten signature in blue ink that reads "Renee K. Bensley". The signature is fluid and cursive, with the first name "Renee" being the most prominent.

Renee K. Bensley  
Director of Planning and Development