



PLANNING & DEVELOPMENT
CITY OF NEWARK

220 South Main Street · Newark, Delaware 19711
302.366.7000 · Fax 302.366.7160 · www.newarkde.gov

January 18, 2023

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

Mr. Rishel,

The City of Newark's Subdivision Advisory Committee has reviewed the September 1, 2022 submission for the proposed Major Subdivision, Rezoning and Site Plan Approval for The Continental apartment building at 65 South Chapel Street, PR#21-03-01. We have the following comments:

Electric Department

1. Electric service is available from South Chapel Street pole 20F37 or Haines Street pole 20E31.
2. The developer must provide a suitable location for a new pad-mounted transformer, and it must be shown on the plan. **(Include during CIP phase)**
3. New electric service to Wrightstowne Commons must be installed from pole 20E42 off Haines Street. The developer must install two 4-inch primary underground conduits per city standards. The developer will have to pay the reconfiguration cost. **(Include in the subdivision agreement)**
4. All the electric services to the existing building need to be disconnected before their demolition.
5. An open utility easement is required and must be listed on the prints. **(Include in the subdivision agreement)**
6. Two proposed trees on the South Chapel Street side of the property are potentially in conflict with the existing overhead electric lines running to pole 20G46. No trees over 18 feet at maturity can be planted under aerial lines. **(Include in the next submission)**

7. 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)**
8. 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)**
9. 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)**
10. The developer is responsible for all trenching, backfilling, and installing conduits and cables for low-voltage services. **(Include in the subdivision agreement)**
11. Individual electric meters will be required for each apartment unit. All meters must be grouped in one location, and the developer must provide keys to access the electric meter room if meters are inside. The developer will be responsible for the cost of the electric meters. **(Include in the subdivision agreement)**
12. 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)**
13. The developer must include the proposed aerial and underground electric on the plan. **(Include in the next submission)**
14. The developer must show the meter locations on the plan. **(Prior to Planning Commission)**
15. The developer must provide a detailed electrical load calculation and one-line diagram for the project. **(Include during CIP phase)**
16. 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. We will need a detailed landscape plan for review before this project is approved to go before Council.

2. Developer will be required to pay a fee in lieu of land as per Chapter 27, Article VI of the Code of the City of Newark, Delaware, Calculated at \$133,000 at \$700 per unit for 190 proposed units. Payment will be required before the final approval of the Construction Improvement Plan. **(Include in subdivision agreement)**

Police Department

1. The Newark Police Department has concerns about the design of the building, specifically the inclusion of an interior courtyard. Those concerns are detailed in the attached memo.

Planning and Development Department

Code Enforcement Division

1. No additional comments.

Fire Marshal

1. DSFPR 2021 Section 702 Chapter 5 for mid-rise buildings must be followed (highest occupiable floor is 55 feet). **(Include in subdivision agreement)**
2. Fire lanes and access must adhere to DSFPR 2021 standards. **(Include in subdivision agreement)**
3. Radio test prior to close in of drywall needs to be performed by Delaware Division of Communications or approved vendor due to size of building. **(Include in subdivision agreement)**
4. A 2-hour separation floor ceiling assembly of parking garage and residential units. **(Include in subdivision agreement)**
5. Parking garage must follow NFPA 88A standard for parking garages. **(Include in subdivision agreement)**
6. Fire flow test must be completed within 12 months of construction. **(Include in subdivision agreement)**
7. Keep proposed hydrant on the north side of building by fire lane for effective fire ground operations. **(Include in subdivision agreement)**
8. Knox box will be needed. **(Include in subdivision agreement)**

9. If any truss construction is used, floor and/or roof assembly, must have a placard indicating such as per Newark City Code. **(Include in subdivision agreement)**

Land Use Division

1. Overhead lighting of the site that is shown in renderings should also be clearly indicated on the Site Plans. **(Prior to Planning Commission)**
2. In the Zoning Summary table, proposed units/acre (39) is incorrect. The project is proposing 41.5 (42) units/acre. **(Prior to Planning Commission)**
3. If the intention is to change the north 6 foot high privacy wall indicated on the site plans to a 6 foot high privacy fence as shown on the renderings, please amend the call out on page 3 and 4 of the Site Plans to reflect the change. It should also be indicated on the Landscape Plan. **(Prior to Planning Commission)**
4. Please amend the design of the 6 foot fence along the south property line to reflect the following **(Prior to Planning Commission)**:
 - a. The fence shown on the “Haines Street Toward South Elevation” rendering sheet appears to extend to the property line; however, the plans show the fence stopping approximately 115 feet short of the property line. Please amend the plans to match the renderings with the added criteria in items b, c and d below. The fence is required as landscape screening between an RA-zoned lot with non-“one-family” use and a lot developed for “one-family” use per Section 32-87(a)(1).
 - b. Per 32-87(a)(1) – Fences in front yards, “...fence or wall may extend into the building setback line, rear yard, or side yards; a fence or wall...in front yards within the building setback shall not exceed three feet in height as specified in Section 32-56.6...”. If the fence is to extend into the setback, the section of the fence in the setback must be 3 feet tall or less.
 - c. As specified in Section 32-56.6, the fence must conform with Section 32-56.2(d)(3) “Visibility at corners. On any corner lot in a residence district, there shall be no building, structure, shrubbery, or planting such as will obstruct street traffic visibility within the triangular area formed by the intersection of the projection of any two street lines and a line joining the respective points on each of these lines distant 20 feet from their point of intersection.” (see image attached)
 - d. Planning recommends ending the fence at the projected front yard setback to provide full visibility of the crosswalk located at the southwest corner of the property. This would satisfy the landscape screening requirement for a fence between the properties, meet the visibility requirement, and provide better pedestrian accommodations.

Public Works and Water Resources Department

GENERAL / SITE:

1. Plans must be signed by all appropriate parties and sealed by the engineer of record prior to Subdivision approval. **(Prior to Council)**
2. Provide a vehicle parking layout so that parking counts including bike parking and ADA accessibility can be verified. **(Prior to Planning Commission)**
3. Provide addresses for all buildings and units. Ensure any new addressing has been coordinated with AETNA and NPD. **(CIP)**
4. 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; to be included in subdivision agreement)**

WATER & SEWER:

1. Existing tops and inverts of all storm and sanitary structures will be required to be shown on the Subdivision Plans. **(Prior to Council)**
2. 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)**
3. The condition of the existing downstream sanitary lateral and manhole being tied into will need to be verified. If the conditions are unsuitable the manhole will need to be replaced or rehabilitated accordingly. A note will need to be added to the Major Subdivision Plan and Subdivision Agreement prior to Subdivision approval. **(Prior to Council)**
4. 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)**
5. Provide the required sprinkler flow rate for the building. **(CIP)**

6. Ensure water lines have a minimum of 18 inches vertical separation from all other utilities. **(CIP)**
7. Specify on the plans that when tying into existing manholes that the manhole must be core drilled and link sealed. **(CIP)**
8. 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)**
9. 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)**
10. 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:

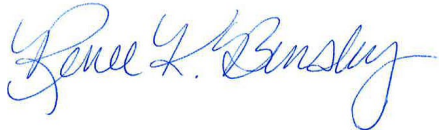
1. Both digital and hard copies of the Stormwater Management Report and Preliminary Sediment and Stormwater Management Plans must be signed and dated by a Delaware Licensed Professional Engineer with every submittal. **(Prior to Council)**
2. Ensure digital copies of all submittal documents are provided with each submittal. PWWR did not receive a PDF of the Preliminary Stormwater Management Report or Preliminary Sediment and Stormwater Management Plans with the current submittal. A PDF copy of the report must be submitted **(Prior to Council)**.
3. Stormwater Management Report **(Prior to Council)**
 - 3.1. The Dry ED Pond R_{PV} Calculations table does not appear to be accurate. Per DURMM the “Residual Volume to be Managed or Offset” for PDA-1 is 3,286 c.f. and 3,751 c.f. for PDA-2. Update the table accordingly.
 - 3.2. Both Extended Detention (ED) Basins are greatly exceeding the 48-hour discharge period for ED Basins. PDA-1 is discharging over 80.5 hours while PDA-2 is discharging over 63 hours. PWWR believes this is due to the fact the entire R_{PV} storm event is being routed through the 1.5” orifice in each basin’s outlet structure. Revise the design so that the R_{PV} discharge timing is closer to 48 hours, without being less than 48 hours.

4. All existing stormwater management facilities to remain will need to be evaluated and condition verified to be in good standing. Any repairs required must be implemented as part of this project and completed prior to issuance of a certificate of occupancy **(language will be added to the Subdivision Agreement)**.
5. 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 2045.

Sincerely,



Renee K. Bensley
Director of Planning and Development

ATTACHMENT



PUBLIC WORKS & WATER RESOURCES
CITY OF NEWARK

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January 13, 2023

TO: Renee Bensley, Director of Planning & Development
FROM: Lt. Gregory D'Elia, Newark Police Department
RE: **65 S CHAPEL ST – THE CONTINENTAL – APARTMENT BUILDING (#21-03-01)**
MAJOR SUBDIVISION PLAN COMMENTS

The Newark Police Department offers the following comments on the Major Subdivision Plan titled "The Continental."

Regarding the current design of The Continental at 65 S Chapel Street, there are concerns related to the interior courtyard, that could pose unnecessary risk to first responders and the general public. NPD officers have faced challenges and substantial risk from residents and guests in similar buildings with interior courtyards.

In the past, another location with an interior courtyard created a safety issue for all inside. Looking at the Continental plans, it is unknown if the area above the courtyard is open or closed. If floors above the courtyard are open, this will create a fall risk, or will allow suspects to throw items from above.

NPD officers are familiar with interior courtyards at other locations where items such as glass bottles and full-sized kegs were thrown/dropped at them while responding to calls for service in the complex. This created a substantial officer safety risk. This danger continued to be a threat until that building was eventually renovated and the courtyard sealed with additional apartments being added.

Regardless of the floors above, an interior courtyard area could easily serve as a mass congregation point to host large unruly gatherings that would be undetected by patrolling officers. Safety concerns arise with no way to see inside the building and identify a disorderly crowd. Responding officers would be at unnecessary risk as they would be blind to any threat, such as a large hostile crowd, until they enter the structure.

Additionally, enforcement ability could become hampered by the building's design. Residents could host parties and responding officers would be unable to enforce current laws, as the party host could simply walk away into the dispersing crowd. Identification of a suspect would be impossible with no ability to link them to an apartment with a named lease holder.

To prevent the threat to police officers, EMS personnel and the risk to the public, this design

raises several safety concerns due to the interior courtyard and revision should be considered.

If you should have any questions, do not hesitate to contact me at 302-366-7100 ext. 3446 or gdelia@newark.de.us



Gregory D'Elia

Lieutenant, Special Enforcement Division, Newark Police Department