

**PLANNING AND ZONING COMMISSION**  
**MEETING MINUTES**  
**May 19, 2022**

1. Chairperson Liddle called the meeting to order at 5:00 p.m. with the Pledge of Allegiance. Commission Members Sigvardson, Nicholson, and Tyminski were in attendance. Planning, Zoning & Development Director Ken Cimino, Planner Jill Oliver, Town Solicitor Dennis Schrader & Veronica Faust, and Town Clerk Donna Schwartz were also in attendance. The meeting was held at 32 West Avenue. Mr. Curran was not present.

2. **APPROVAL OF AGENDA**

*A motion was made by Mr. Sigvardson, seconded by Mr. Nicholson, to approve the agenda as presented. The motion carried unanimously 4/0.*

3. **APPROVAL OF MINUTES**

*A motion was made by Mr. Nicholson, seconded by Mr. Sigvardson, to approve the minutes of April 21, 2022. The motion carried unanimously 4/0.*

4. **NEW BUSINESS**

**P-336 32 and 34 Woodland Avenue (PIDNs: 116.010 & 116.011 / CTM#s: 134-12.00-317.01 & 134-12.00-317.00)**

Application P-336, a review of a preliminary land development plan submitted by Pennoni Associates, Inc., on behalf of the property owners, Steven J. and Ann Collazuol, to subdivide parcels of land into seven (7) parcels on property zoned R-1 (Single-Family Residential District), located at 32 and 34 Woodland Avenue (PIDNs: 116.010 & 116.011 / CTM#s: 134-12.00- 317.01 & 134-12.00-317.00)

Mr. Cimino read Mr. Lober's review. He wrote, we have reviewed the items listed below.

- Blue Heron Landing – Preliminary Land Development Plans - as completed by Pennoni Associates, Inc dated 3/10/22;
- Blue Heron Landing - Sediment and Stormwater Management Plans – as completed by Pennoni Associates, Inc. dated 3/15/22;
- Stormwater Report for Blue Heron Landing – as completed by Pennoni Associates, Inc. dated 3/10/22; and,
- Wetland Site Evaluation – as completed by Douglas Barry, P.E. dated 12/15/21;

Based upon our review, we have the following comments.

**Generally**

1. Specific attention will need to be paid to a number of the notes included on sheet 2 of the preliminary plan. Including but not necessarily limited to:
  - a. There is no longer a bio-swale proposed
  - b. An HOA or similar legal entity will be required to be created in accordance with §140-72-B;
2. Provide copies of all agreements and restrictions referred to on the plan.
3. Provide agreement language to cover shared ownership and maintenance of the culvert along the western property boundary for review by the Town Solicitor.

4. Since the plan proposes 6 new residential lots, a cash payment in lieu of open space will be required in accordance with §140-71-C-2

### Floodplain

1. The entirety of the site lies within FEMA - zone AE - 100-year floodplain – elevation 6.0 / 7.0 with no floodway.
2. §116-5-E2 of the Town code- Development in Areas With Base Flood Elevations but No Floodways, states:
  - a. For development activities in a flood hazard area with base flood elevations but no designated floodways, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting the proposed activity and shall submit such technical data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.
  - b. The proposed development activity may be permitted if the analyses demonstrate that the cumulative effect of the proposed development activity, when combined with all other existing and potential flood hazard area encroachments will not increase the base flood elevation more than 1.0 foot at any point.

Until items a and b have been satisfied, no plan for development on-site within the floodplain boundary can be considered code compliant.

3. Assuming that FEMA approval can be obtained, any plan for the site will be required to comply with all applicable aspects of Sections 116-4 and 116-5 of the Town Code.
4. It is the Town's understanding that an updated FEMA approval is necessary given the changes in the site design and that work is currently being done to obtain that approval.

### Grading and Drainage

1. The surface drainage and curb cuts at the end of Hummingbird Lane are acceptable in concept. A specific design for a monolithically poured concrete depressed curb/apron will be required to ensure that runoff leaves the pavement and is directed to the swm facility without collecting in the depression or immediately behind the curb.
2. The drainage pipes from the entrance to the outfall in the ditch to the north must be reinforced concrete pipe.
3. I-22 should be installed over the existing road culvert so that only one pipe inlet remains into the ditch. If the existing pipe under Woodland Avenue is plastic or metal it should be replaced in conjunction with this work with RCP.

4. The cartway for Woodland Avenue is not wide enough to support catchbasins within the pavement. They will need to be placed outside of the cartway in a grass strip between the road and the sidewalk.

#### Streets and Sidewalks

1. The sidewalk along Woodland Avenue cannot be immediately adjacent to the road without being elevated and curb protected. The sidewalk location also inhibits the ability to install the drainage inlets outside of the pavement. Provide a 5' permanent easement for the sidewalk on lot 1 to benefit the Town. Install the drainage inlets in a grass strip between the edge of the road and the sidewalk.

#### Outside Agency Approvals

1. The Town finds the relocation of the water main and the easement acceptable in concept. Tidewater Utilities approval will be required for this aspect of the plan and all aspects regarding the domestic water services.
2. The Town finds the sanitary sewer design acceptable in concept. Sussex County approval will be required. Details regarding the road cut for tie-in to the system in Woodland Avenue will be worked out with the final construction plans.
3. The Town finds the turnaround at the end of Hummingbird Lane acceptable in concept. Fire Marshal approval will be required.
4. Approvals from all applicable outside agencies will be required prior to final plan approval.

Mr. Steve Anderson, Pennoni Associates, was present to answer questions of the Commission Members. He noted that a few changes have been made to the cul-de-sac. Mr. Anderson noted that he had a couple of questions and will email Mr. Lober tomorrow.

No public comments were made. Mr. Cimino recommended approval subject to compliance with the May 13, 2022 letter from Mr. Lober.

***A motion was made by Mr. Sigvardson, seconded by Mr. Tyminski, to recommend approval subject to compliance with the May 13, 2022 letter. The motion carried unanimously 4/0.***

#### **6. ADJOURNMENT**

***A motion was made by Mr. Sigvardson, seconded by Mr. Tyminski, to adjourn the meeting at 5:16pm. The motion carried unanimously 4/0.***

Respectfully submitted,  
Donna M. Schwartz, CMC. Town Clerk

