

PLANNING AND ZONING COMMISSION
MEETING MINUTES
January 16, 2025

1. The meeting was called to order by Tom Maly at 4:00pm with the Pledge of Allegiance. Commission Members Sigvardson, DiNoto, and Nicholson were in attendance. Planning, Zoning & Development Director Ken Cimino, Planning Engineer Jim Lober, Town Solicitor Veronica Faust, and Planner Jill Oliver were present. Donna Schwartz, Town Clerk was not in attendance. The meeting was held at 32 West Avenue. Kent Liddle was not present.

2. **APPROVAL OF AGENDA**

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

3. **APPROVAL OF MINUTES**

A motion was made by Ms. DiNoto, seconded by Mr. Sigvardson, to approve the minutes of December 19, 2024. The motion was carried unanimously 4/0.

4. **NEW BUSINESS**

- A. P-355 39 Atlantic Avenue (PIDN:272.000/CTM#134-13.00-19.00)
35 Atlantic Avenue (PIDN:273.000/CTM#134-13.00-20.00)
33 Atlantic Avenue (PIDN:274.000/CTM#134-13.00-21.00)

Ms. Faust asked Ms. Oliver if the signs and notices were placed according to the town specifications. Mr. Maly read the details of the application.

Mr. Lober was sworn in and stated, pursuant to your request, we have reviewed the documents listed below:

- Preliminary Plan Set – Albari Spots, as prepared by Pennoni Associates, Inc., dated 12/9/24.

Based on our review, the concept plan comments have been addressed as follows.

1. Addressed
 - a. Provide the proposed height of the buildings on the plan.
2. The landscaping, as shown, is acceptable. If, through DelDOT's review process, they require revisions to the landscape plan, the issue will have to be revisited. As of the date of this letter, DelDOT has not provided an opinion on whether or not they find the proposed improvements to the site within their recorded drainage easement acceptable. If DelDOT determines that changes to the layout of the site are required, a revised plan will be required for review. It cannot be determined until the extent of the revisions are known, to what stage in the process the plan will need to return. The Department will make that determination once DelDOT has provided their comments.
 - a. Provide documentary evidence from DelDOT for the following:

- i. That landscaping sufficient to provide compliance with the screening and commercial development landscape code requirements is permitted within the 15' permanent easement shown along the frontage of the property or provide a separate 15' wide area between the easement and the improvements on site.
 - ii. That the entrance location is acceptable
 - iii. That the proposed development within the drainage easement is acceptable
- 3. No further comment necessary
 - a. Please note that the required improvements to Atlantic Ave. along the frontage of the site will include updated bike lane markings to be consistent with existing markings along the corridor. The Town will provide details.
- 4. Addressed
 - a. Revise the wetland note on the plan to reference the wetland investigation report that concluded no wetlands were present on site.
- 5. Addressed
 - a. It appears that the site contains an excellent recharge water resource protection area. Depict the area on the plan and ensure that the proposed development is compliant with the Tier 2 area protection requirements of the code.
- 6. Addressed
 - a. The lot coverage calculation titled "Impervious Area with DelDOT ROW" appears to actually have been calculated without the land to be dedicated to DelDOT as additional ROW. This is correct from a calculation standpoint as the area dedicated to DelDOT may not be used in this calculation, however, the title of the value is unclear. Please revise the plan to clearly state that the calculated lot coverage of 49.8% does not account for the area to be dedicated to DelDOT as additional ROW. Also, the area to be dedicated to DelDOT included on the cover sheet is different than the value shown in plan view. Please be sure the numbers agree.
- 7. A variance application has been submitted to allow impervious cover up to 56.48%. Should the Board of Adjustment deny the variance request, the plan will need to be revised moving forward to remove the additional impervious cover.
 - a. Any impervious coverage that increases the proposed lot coverage beyond 50% will require a variance from the Board of Adjustment.
- 8. Addressed
 - a. Provide elevation information for the sanitary connections to verify feasibility of connection.

9. Addressed

- a. Verify that no more than 50% of the setback areas shall be devoted to parking spaces, driveway aisles, or parking lot entrances. This includes all of the setback areas for front, sides and rear.

10. Addressed

- a. Label the width of all of the drive aisles.

11. The location of the loading berth is acceptable. The area of pavement between the berth and the sidewalk should be removed so that patrons cannot park across the berth.

- a. If the loading berth can't be centrally located so that it can be practically used for both buildings, separate loading spaces will be required.

12. No further comment necessary

- a. Outside agency plan approvals will be required prior to final development plan approval.

Ms. DiNoto asked Mr. Lober if DelDOT is the only outstanding item. Mr. Lober replied yes.

Mark Davidson, Pennoni Associates, speaking on behalf of the applicant stated that he would get clarification on the DelDOT easement and entrance plan approvals. He also stated that he has submitted landscaping and lighting plans.

No Public Comment

A motion was made Mr. Sigvardson, seconded by Mr. Nicholson, to approve application P-355 on the condition that they fulfill the items in Mr. Lober's letter of December 9, 2024, as a preliminary site plan. The motion passed unanimously 4/0.

5. ADJOURNMENT

A motion was made by Mr. Sigvardson, seconded by Ms. DiNoto to adjourn the meeting at 4:12pm. The motion was carried unanimously 4/0.

Respectfully submitted,
Donna M. Schwartz MMC