

**Town of Milton
Planning & Zoning Meeting
Milton Library, 121 Union Street
Tuesday, April 19, 2011
7:00 pm**

**Minutes are not Verbatim
Transcriptionist: Helene Rodgville**

1. Call Meeting to Order

2. Roll Call of Members

Gene Steele	Present
Lynn Ekelund	Present
Dick Grieg	Present
Bob Heinrich	Present (New Member)
Don Mazzeo	Present (Chairperson)

3. Additions/Corrections/ to the Agenda

Don Mazzeo: Do we have any additions or corrections to the Agenda as it has been posted?

4. Approval of agenda

Don Mazzeo: Seeing none, the agenda is approved.

5. Approval of minutes of August 17, 2010 and January 18, 2011

Don Mazzeo: We need an approval of the minutes of August 17, 2010 and January 18, 2011?

Gene Steele: I make a motion to accept the minutes of August 17, 2010 and January 18, 2011.

Lynn Ekelund: Second.

Don Mazzeo: We have a motion and a second to approve the minutes of August 17, 2010 and January 18, 2011. All in favor say aye. Opposed. Motion is carried.

6. Public Hearing

Preliminary Site Plan Review – Public Hearing

Don Mazzeo: This evening we are going to have a Public Hearing. It's a Preliminary Site Plan Review and we need to check the agenda for any errors, omissions or mistakes on my part. The applicant, R. M. Ingram, is

requesting a preliminary site plan review/approval for a proposed motel complex to be constructed at 107 Milton Ellendale Highway. The property is zoned C1 (Commercial) and is further identified by Sussex County Tax Map and Parcel # 2-35-14.15-51.00. At this point, is there anyone from the public who would like to make a statement or a comment? Prior to me recognizing any of you, please recognize this is your only time to make comment. Once we close the public portion, you will be a member of the audience to just listen; so if you have something to say, something to ask, I need your name and address for the record and please speak as clearly as possible so that we can have this on the record accordingly.

▲ Mary Ann Johnson, 118 Milton Ellendale Highway: I'm opposed to any motel being placed there. First of all, you have two churches, you have a cemetery there; I'm dealing with Quik-Stop. They keep that a mess and I don't feel as though I have to contend with this motel. Motel has a negative connotation to it and I really don't want it in my neighborhood.

Don Mazzeo: Thank you.

▲ Pat Sexton, I own the property that on the plans is designated as "N" and I bought the property in 2004. This motel is going to be bordering the back of my property and from what I've reviewed, I don't see any allowance there for a fence. I feel that this property, this motel is going to be bordering on four properties; all owned by senior women, living alone and I feel that we need a decent size fence; at least an 8' privacy fence, so that people can't be jumping over and infringing on our property. You know. That's number one. Number two, the water basin in the back, or whatever you want to call it; that's going to be a place for mosquitoes; unless you have some sort of pump running there or something to avoid that. Just to have a basin there to put water is just asking for trouble; and you have to show some kind of correction there. The third thing, when I bought my property in 2004; and I don't know when this happened, but I was working in my yard and I saw Rotor Rooter® jumping the fence and coming into my yard; jumping the fence in the back and coming in this chain-linked fence and they said we have to access the sewer. What do you mean you have to access the sewer line? The sewer line, they said, from the tree (or three) palms behind me run through my property. This is what they told me and sure enough the guy went in and they do whatever they normally did. So there is no evidence on these plans where the sewer line is going to be from this motel. Number one, I have my deed with me; I have the title with me; I have nothing that shows I'm supposed to have a sewer line running through my property from the people in the back and my question is what are they going

to do now, with this motel; with this sewer line? I certainly don't want a motel sewer line running through my property. I don't even want the one that's there and I'm questioning if it's not there illegally. That's it.

Don Mazzeo: Thank you very much.

- ▲ Dr. Mikaela Caffarro, 608 Union Street: I'm the senior citizen that is on that little corner back there, 608 Union Street and I also agree with the 6' fence, because currently there is a path going from Union Street all the way through that property going west and then there's another path going from Route 16 all the way through that property to Pat's house; so already we have the paths going through this; so I would hope that we would have an 8' fence. Then the mosquitoes are right behind me and if it was a pool and we could all use it, and it was closed early, it would be great; but there are a lot of trees there, there's a lot of ground; so I don't know if this fits the ruling about asphalt, because there's plenty of property there in terms of drainage, I think; but then I'm not an expert. So it's hard to say in terms of having a motel. If it's run well and classy, fine; but if it is not we're in big trouble. So that's what I have to offer. Thank you.

Don Mazzeo: Thank you for your comments.

- ▲ Guy Ribacki, 610 Union Street: I own 610 Union Street which is Wilson Jones, right there. Now years ago, we always had problems with people just cutting through from road to road and my concern is, is there going to be something there basically so that people don't walk their dogs in my yard; kids don't run and play; just something to keep it at bay. If it happens, fine. But I would like to have some kind of Board; other than that, mosquitoes are bad back there now; I don't know what would become of that.

Don Mazzeo: Thank you for your comments.

- ▲ Brian King, 534 Union Street: My partner and I have a home on that corner. I have several concerns, actually. One is noise and light pollution; also what will this do to the value of the homes in the surrounding areas? Because I can't imagine anybody in this room looking to buy a home at the back lot of a hotel. Also, let's say this does not succeed; what's going to happen to this? The State will take such needy(?) people that are in transition for homes and they don't put them in Holiday Inns; they put them in run down places unfortunately; with mattresses, broken down cars; many examples in Delaware; you can see this. The best one is in Milford behind the diner there. Section 8, they take everybody and put them there for a week or two; they pay the lowest; so if this doesn't succeed, are we going to end up with an undesirable piece

of property there? What's our guarantee that we're not? Is this hotel going to have banquet rooms where they can rent out for weddings, as well? The big drainage pit, I think, in the back; I guess it would be some sort of irrigation, maybe a pump that is going to be going; is that going to be running all the time, as well? So I just don't feel that area is the place for this hotel. I can't imagine anybody coming from Philly or Wilmington or Delaware or wherever that wants to spend a week in a hotel in Milton to go and drive to the beach or from the chicken place has an awful odor; it's great if you want to get a newspaper or a Pepsi, great. But I do think you have to take into consideration the people around that area. I would like to see it rezoned just Commercial; put more homes there. Milton needs to draw a line somewhere. Where are we going to stop this? We should have done it years ago with the Food Lion shopping center; if you look down Route 16 there's already places developed where there's stores, the post office, that area; where there aren't homes nearby; so maybe an area in that source would be better. We have two Bed & Breakfasts here already; so and I'm really concerned about what it would do to my quality of life here with people, the traffic... That's another thing, there's a very short distance there and I'm sure that at one point, maybe not in the next ten years or whatever, there's going to be a traffic light at that chicken intersection probably; and you're going to have one already at Union and 16; so it's going to be a short stop and go distance. What's it going to do to the traffic there? I see, is this only 18 rooms; is that the biggest they're going to go?

Don Mazzeo: I can't answer your questions.

Brian King: Yeah, so we could get Lord knows an Econo Lodge or whoever. Is there going to be a pool involved too? How many parking spaces; so...

Don Mazzeo: Those questions should be answered during the portion of the meeting...

Brian King: So basically I'm just telling you I'm totally against it in that area. I don't see where it's going to be bring any big wages for anybody; they're going to hire people to clean rooms at minimum wage and that gets you nowhere. So that's my concern and thank you.

Don Mazzeo: Thank you. Would anyone else like to speak? Question.

^ Janet Turner, 606 Union Street: The back of my property abuts the back of this one and I took a photograph of the design and I just want to point this out to you; that this whole area is the church and cemetery plot line. It has the beautiful cedar trees; I hope they're preserved. There's a chain-linked fence. I understand the concern

of the church and others; but at least that is a beautiful line of trees there; but what you have, other than the church lot, is all residential properties; all with adults living in. There's no access to that back area except from hand grown walking paths; but nobody really has developed anything and my gigantic concern for the motel is security. We're all living there; are the backs of our property going to be backed up to this motel? We have no idea who is going to be there; they'll be able to walk right out; just walk into any one of our properties and it really terribly jeopardizes our security. I think without an 8' fence; it should be done nicely, if they're going to do this property; I'm not very keen on the motel, but if they're going to go forward, I think there absolutely has to be an 8' high quality vinyl fence that walls off that motel from the surrounding homes. It endangers all of us. Which brings me to another concern, being backed up to this property and that's the lighting. I understand the by-laws or whatever require that all sides be shielded down lighting. But it concerns me how much lighting is going to be impacted on all of our backyards and again, also with the pond; the filter. Without a system to aerate that water, the pump, which will probably add noise to the community; but at least it would help in keeping mosquitoes and other animals and various kinds of critters from hanging out and being there. These are my major concerns and I have a couple of other questions. I saw the preliminary plan; I looked at this plan and I notice that one of the current property owners are listed on it. Now is this laziness, what is this? When this gets filed and done and put away and somebody has a question, five years from now, the people who are listed here as the neighbors are not the neighbors at all. I think it's careless and lazy that the current owners of these properties are not listed on any one of these forms. You managed to send notices to us; so you knew who we were; but the developer, I guess it takes a little bit of effort for them to identify the proper owners; and I just don't like the fact that when this is said and done, our names are not on this; it's the names of the previous owners; God knows, maybe they were there 100 years ago. A couple of other issues, I have. One is it says 18 rooms; they could look at the map; it shows it is numbered up to 20 and that doesn't include the conference room and the kitchen and the lounge; so I guess it's a discrepancy of some kind; but what's the real answer? Is it 18 or is it 20 rooms. You have parking, I think, 24 spaces; but in point of fact, I don't know the answer to what is this conference room for? Is that going to be able to be hired for outside venues; can people have a conference meeting there? Can they do it at night; in the evening and are you providing adequate parking for

the people who would come? The sign issue obviously has not been resolved and that brings up another concern; it only shows a 25' wide roadway coming in. I don't think that meets Milton standards and I don't think it's going to meet DelDOT's standards; which is going to require 30'. So that means you've got to move that western edge, because you've got the building there out another 5'. So that's obviously going to impact the entrance way, the signage, and that's not resolved and not even demonstrated, which it is supposed to be. We need to see what those signs are. Do you have a flashing sign; what kind of sign are you going to have? I think your other issues; I don't think the space is really suitable for a motel. I'm not suggesting what else should be there; but I concur with a lot of my other neighbors that this is a small destination for Lewes and Rehoboth. You're sitting right on 16; you're across from the farms; across from the restaurant; that's not a very attractive setting and it's a very small facility, at best. These are concerns I have, but my primary concern is the security issue and I think that absolutely is critical for this to go forward. Thank you.

Don Mazzeo: Thank you. Do we have anyone else that would like to make a comment or have a question?

▲ Joy Ribacki: My mom and dad, John and Peggy Barton own Hull Cottage Bed & Breakfast. My dad wanted to come; my mom is terminally ill at this point; so I'm here as a family spokesman. I personally don't think the hotel is a good idea. My mom and dad have a very nice relationship up the street with the Post's; they send each other business; there was another family in town that's renovating to start another B&B which is always a good idea; but I don't think that little old Milton needs more competition for the little guy; for the little families. I've spent 18 years now, I'm dating myself, in the healthcare business. The economy is faltering. The patients, just as an aside, that we see any more at our office, are drug seekers. It is a horrendous problem. Probably more than half of my day is doing research on our patient's that don't want to work, but enjoy selling drugs; and I'm just hell bent on that to stop it. We know it goes on here in Milton; we're not all blind to that, but it creates more of a problem; there's more people coming in and going out. It's just another meeting place for those kinds of people and we certainly don't need it here. Last, I'm a preacher's kid; I've had the privilege of living in three different parsonages with a cemetery right next door; and I've seen cemeteries desecrated by people just rambling through; trash; removing stones; you name it and I just don't think the little old church deserves that. People are going to be rambling right on through.

Thanks for your time.

Don Mazzeo: Thank you.

- ▲ Jim Welu, 30263 East Mill Run: I own properties to the south of this on Orchard; where Union and Orchard. In deference to the first lady that spoke, I could think of some worse things; this is zoned commercial and has been zoned commercial and I can think of some worse things that can go in there; so I'm not sure that a motel should be considered to be bottom of the pit, or something, for a commercial design; as long as these are motel rooms rented by the day and not by the hour. I haven't spoken with the neighbors that actually live in the neighborhood that much but I would support them in the idea of an 8' privacy fence that encloses the motel area. I think Mr. Ingram would not want his users going off in all different directions in the area; as well as I think the privacy of the residential community would be preserved. I do have one question about the storm water management pond. My question is whether it's going to be a wet pond and landscaped according to the Conservation District recommendations or if it is going to be a dry pond. I was thinking what could be; and as I say I haven't discussed this with any of the neighbors and they may object to this; but I was thinking, as I was sitting back there that if an 8' privacy fence were put in; you might want to exclude the storm water management pond from the enclosed area. If it's a wet pond, well landscaped, it could be a real amenity to the residential neighborhood. It would have to be maintained in a way that they could get access, without having to go through the 8' fence. There is an easement from Orchard Street that goes back to some of the property; I don't know if that would give access to the storm water management pond; and I think the design and construction of the storm water management pond is going to be very important in terms of its affect on the neighborhood. Thank you.

Don Mazzeo: Thank you. Are there any other comments, questions, concerns? Seeing none, I will be closing the public portion of the meeting.

7. Business

Preliminary Site Plan Review

The applicant, R. M. Ingram, is requesting a preliminary site plan review/approval for a proposed motel complex to be constructed at 107 Milton Ellendale Highway. The property is zoned C1 (Commercial) and is further identified by Sussex County Tax Map and Parcel # 2-35-14.15-51.00

Don Mazzeo: We're opening the business section of this evening's

meeting. Again we are doing a preliminary site plan review. Robin have all of the adjoining properties been noticed properly?

Robin Davis: Yes they have; there were 30 on the list; I've received the confirmations that 25 were received by Mr. Jefferson, the engineer for the project and there are five still outstanding; but all 30 were sent out.

Don Mazzeo: Thank you. At this point, could we have a representative of the applicant with us this evening?

Byron Jefferson, Engineer for Mr. Ingram: I would like to first address some of the comments I just heard, before I get on with it. One, I apologize for not having the correct owners listed on our site plan, the up-to-date owners; we took it off of the survey. The survey wasn't that old a survey; very recent, but anyway, we took the owner's names off of the survey; but as you mentioned, all the current owners have been now notified. On the fencing, I've not discussed this with Mr. Ingram. An 8' fence that everybody was asking for is a lot harder to do than a 6' fence. A 6' fence needs a lot less support to hold it up in the wind; it's just a lot. If the town feels that we need a fence and Mr. Ingram is agreeable to it, I would lobby for the 6' rather than 8'; because I believe that would keep people out. People can still climb over, bust through it; but I mean Milton is kind of a walking town; you have a lot of places where people walk around homes, through the town. You don't want to discourage people from doing that here. It's your choice on what you want to do as far as the fencing for it. On the storm water pond, the ground is well drained; the water table is very deep and the storm water pond is an infiltration pond; it's not a wet pond or a ... It's certainly not a wet pond. If it's a wet pond, it's failed in its job as an infiltration pond. It would be drained dry within 72 hours, after a 100 year storm. So, it's not even a dry pond. A dry pond in concept, that's an _____; it fills up and then it meters the water; this has no _____; this holds the whole storm and it filters down into the ground. So it should dry, except right after a rain event. So it wouldn't be... Unless it fails, unless there's something wrong with it; it's not a mosquito haven; it's just a temporary repository for the water until it filters down into the ground. I'm sure I missed responding to some of the comments, but you'll remind me later on. Those are the ones that I remembered. Since we were here at the concept plan, we have changed the site around to try and incorporate the ideas that the town had given us; the concerns that the town had given us, for example, moving the building further forward; having less parking; less drive area. We also incorporated some of the comments we got from agencies; Fire Marshall, DelDOT and the storm water people. The reason we're at 18 rooms; there was a concern about the number of rooms; we're talking about 18 rooms to rent out for people to stay in; 18 people renting a room by the day; but there are some other rooms, the kitchen, main conference room in there to support that activity. But it's a maximum of 18 rooms to be rented and we're limited to

that 18 because of DelDOT. If we got over the 18 rooms, we got into a class of entrance that was problematic in this area; and we would end up with a traffic impact studies; improving intersections; it would make problems for a project of this size; so we're down to 18 rooms to work with DelDOT on it. I don't expect a problem with a 25' entrance with DelDOT; they certainly didn't have a problem when we met with them. If the town has a problem, then let us know and we can deal with that. The Fire Marshall found out that... Before we had multiple small buildings to try and not have to sprinkler the buildings; fire protect the buildings; but we found out the Fire Marshall really didn't care the square footage of the buildings, as long as the roofs did not each have their own access to the outside, like a Motel 6, or the kind of motel that we don't want. As long as they didn't meet that, he wanted the building sprinklered. Whether there were two rooms or 100 rooms, he wanted them sprinklered. So when we found out the limit of 18 and would have to sprinkler it, unless we went through a style of building that nobody wants, the exterior balcony like the motel where Martin Luther King, Jr. was assassinated; we wanted those style of building; unless we went to that, we were going to have sprinkler it, so we wanted separate buildings that eat up more room, so that's why we went back to the one building and the 18 room limit. I just thought about one of the comments about the sewer; as far as I know, the sewer does come into these existing houses from the rear of the property, but we're showing it on the new plan that we're going through the front of the property; we talked to Tidewater and we're going to sewer it to Route 16 and the water will be coming from that location also. The landscape plan that was prepared by the landscaper in Millsboro; he used one of our drawings in progress and he marked it up with his landscape ideas. So that drawing in progress had notes that weren't current. It still has some of my notes on it, that aren't crossed out; it says things like sign, future information of sign, to be provided, or something. I mean, he's got his notes and he's dealing with his concept of landscaping and I noticed that some of the comments by the town reviewers that we should have more detail on it as far as the size of plantings; there was a question about what we do with the existing trees; well we didn't mark the location of every tree that's existing on there, but the plan is to leave every significant tree. I'm not talking about every little bush or weed; but every significant tree that's not taken out by the other plants, to leave that in place and work around it.

Don Mazzeo: All right, before you move on, you just said a word that kind of bothers me. "Significant". Can you define what do you feel is significant; one inch, five inches, thirty inches?

Byron Jefferson: I consider one inch significant; I'm talking about a tree, rather than a weed. If a tree was this tall, I wouldn't consider that significant; if a tree was as large or bigger than the trees that we're

planting, then that's significant and it means that we don't have to plant a tree there; because there's already one there that size. So that's what I would think. I believe the normal size of a tree balled and in burlap, you're normally looking at like 5 or 6' trees; and so if a tree was as big as the ones that we'd be planting, why take it out? It would stay.

Don Mazzeo: So it is basically your intention, the applicant's intention, to keep as many trees as possible during the construction and simply thereafter.

Byron Jefferson: Yeah. The landscape planning shows some trees on the banks of the storm water pond; well they wouldn't be there. We wouldn't have a tree on the bank of the storm water pond. But I'm glad that at least one person found the storm water pond to be of interest to the community; but I think if we fenced around the property, I think we would need to keep it on the property, so we can deal with it, not dedicate it to the neighborhood. The building plans, there were some comments by the town, that the building plans needed to be more detailed; they would like to see side views, rear views; we would like to have a canopy over some of the entrances and we understand that the town would need to sign off on the final building plan. We will provide a final building plan at that time; I think it's a little premature, if you need more extensive plans at this time, we can do that, but I've run out of steam. I'm ready for...

Don Mazzeo: At this time, I would like to refer to our engineer, Mr. Bob Kerr. Please if you could go through your checklist, as it relates to this particular application.

Bob Kerr, CABA Associates, Town Engineer: Thank you. I've prepared a memorandum that I believe all of you have and I won't read it verbatim, I'll just try to hit the high points. It's already been said, but it's an 18 room motel. There was some confusion there, but there are 18 rooms to be rented; there are additional rooms within in; but there are 18 rentable units according to the building plan that is provided. We've been referring to it as a motel, this evening, but really it needs to be referred to as a Hotel. It's a minor definition change in the ordinance, but motel by the town's ordinance has an outside entrance for each room; whereas a hotel has a single entrance to the building that then has a common hall. So it's not a big thing, but this, I guess, for the record, is a hotel not a motel.

Don Mazzeo: As noted.

Bob Kerr: The water main in front of the property is only 4". I don't have any information at this point on the requirements for the fire flow, but there is concern with the building being sprinklered whether there will be enough flow in that, so that's something during the design that will have to be reviewed. It may require an up size of the main; but until we know actual flows, that can't be determined. Just wanted to make sure that the developer is aware that that might be a need. Curbing and sidewalk are shown on the plans across the front of the property; that is a town

requirement. It's something that along 16, DelDOT and the Town have gone kind of back and forth a couple of times over the year, whether it's DelDOT sometimes doesn't want it; sometimes they want it in different locations; but the Town has always prevailed; a curb and sidewalk will be provided. Oftentimes, DelDOT requires additional right-of-way to be obtained or dedicated by the developer; so before you go too much further into final plans, make sure what DelDOT is going to do there; oftentimes they'll require an additional 10 or 15' to be dedicated.

Byron Jefferson: They said at our meeting that they didn't, but unless somebody else changes their mind.

Bob Kerr: They're going through a lot of change right now. On the storm water pond, there weren't details whether it was a wet pond/dry pond, but it has been stated this evening that it is going to be a dry pond. I was a little confused over what water... Which portion of the site will drain to the storm water pond; there are some swales shown that go out to the road; and the directional arrows kind of get a little confusing. I wasn't sure whether all the water was going to the storm water pond or whether some is going out to the highway system; there's a catch basin out along the highway.

Byron Jefferson: In addition to directing all the site run-off out to the storm water pond, we also have to take half of DelDOT's road back there; so from the center line of the road, over to the Windsor(?) property, we have to handle that also. That's the swales are exact that????

Don Mazzeo: Is that the way that is engineered right now and on the plans?

Byron Jefferson: No, that's the way the swales are run; the storm water pond is not fully engineered. That's a preliminary estimate on the side so he can change the size of that pond which may change bigger or smaller; that's our preliminary estimate on the size needed; but we're planning and we're showing the swales to direct water back from the road and we're showing the swales to pick up water from the paving around the building and take it back to the front.

Bob Kerr: The Town Code requires that the percentage of impervious surface for both buildings and paving be provided. It wasn't provided and that would need to be part of the final submission. They do meet the requirement for parking; they require 26 spaces and they're showing 32 at this time. And then we heard during the Public Hearing concern over the zoning ordinance required and as far as landscaping or fencing along, so you need to determine; the Commission needs to determine if there is sufficient landscaping along the residential areas and whether that be a buffer through landscaping and/or fencing. Locations of signs shown on either side of the entrance and there is an 11X17 exhibit of the signage; but whether there is any interior signage as far as office in this direction; or parking; or that type of thing, is not shown. And whether there would

be any signs other than basically this one entrance monument sign that they're showing on the 11X17 exhibit. There's been discussion about which trees are to remain and I wasn't as concerned about kind of individual trees, but when you ride by the property at this point, you really can't see very far into the property; there's enough trees along the road. Typically hotels don't like to be hidden, so what percentage of those trees, especially along the road, are going to be removed and then the concern of what percentage of the trees along the borders of the residential areas? Just a little more information there would be nice. There is a separate landscape... Along the parking areas where the swales are shown along the site plan; but that's also where all the landscaping is shown; so it's just a conflict that would have to be worked out; that the swales and landscaping can't be in the same exact area, unless you're using vegetation that is part of your landscaping filter system, or something; and I don't believe that was what was shown. Again, the landscaping doesn't show what trees are to be left or which ones you're cutting out. And then, if you do get your approval, there's a list of other approvals that are needed before they come back and just some guidance for the developer; what has to be done before it comes back for final approval; it goes through my office and Debbie's office for review and things before it comes back to you.

Don Mazzeo: Did you happen to review the turn around the rear portion of the hotel; it's 26' wide and is that typical and sufficient for a large piece of fire equipment to get in there?

Bob Kerr: Yes it appears that it meets the fire code; there's a certain length that if it is not greater than a certain distance, that they are allowed to back out, as opposed to having a turn around and it meets with that. One of the approvals necessary before it goes to a final, if it gets preliminary approval, would be a Fire Marshall review; where that would be up to them.

Bob Heinrich: Mr. Chairman, may I ask a question?

Don Mazzeo: Absolutely.

Bob Heinrich: I would like to revisit the parking issue. From what I understand, forgetting about the exact numbers you've allowed for; I think the plan calls for 26, you've allowed for 32 parking spaces or something like that. Not all parking spaces are created equal. Have you calculated the width of each parking space and would they accommodate SUV's, trucks, cars, compact cars; because you can make more parking spaces out of smaller spaces or fewer parking spaces out of larger spaces. I don't know what the standard is, it may be 6, 7 or 8' wide. I don't know.

Byron Jefferson: Ours are 10X20'; which is the normal standard before you start skipping and trying to squeeze more into less. There are some standards with a category you could go narrower than 10'; I'm not counting it as narrow; but anyway 10X20' is the normal size; for a full size

parking space.

Bob Heinrich: Is that what these are?

Byron Jefferson: It won't accommodate a van, it wouldn't accommodate a bus. If somebody comes in with a larger vehicle, they'll have to park crossways or across one of these 6 empty spaces. But all of these parking spaces are 10X20'.

Bob Heinrich: Thank you.

Seth Thompson: If I could chime in on that, too; for any parking spaces that are perpendicular, the Town has a minimum requirement of 10X20'.

Byron Jefferson: That's the criteria.

Don Mazzeo: While we're on parking, let me ask you a silly question.

Because it's a silly question, it may have a silly answer. The applicant is looking to have a daily rate rooms. Is it possible that we may have an 18-wheeler truck driver coming down 16 who wants to park his truck on your property and spend the night? Where would he put it?

Byron Jefferson: We don't have provisions for 18-wheelers; in my opinion, he would have to go to WalMart's parking lot somewhere; maybe not _____. It's not set up for 18-wheeler parking; it's not a truck stop; it's now a hotel. On a hotel/motel, we started thinking big and realized that Bed & Breakfast didn't describe what we wanted to do and then we thought that a motel best described what we wanted to do. But that was back when we had three buildings. So we don't have any problem with hotel parking, but it's not to be a truck stop.

Dick Grieg: Sir, I have a question. I live on Union Street. I've lived here 9 years; I'm a retired High School principal and I've lived in a number of states; I've been on the planning board before; I think my question is realistic. I do want to commend the townspeople who have come here tonight. You've asked very good, solid, practical questions. Here's what my question is, and it is not practical. Why should we be pleased, as townspeople, why should we be pleased that somebody is going to build a hotel/motel in our town? Do we have any kind of need for that?

Byron Jefferson: I don't know how busy your current Bed & Breakfast's are; how they stay booked up; but, you should be proud of Milton and think that people may want to come and visit. I used to come here myself every once in a while, walk around town, so I mean Milton could be a destination of its own, rather than a stopping place on the way to Rehoboth, for 18 select people.

Dick Grieg: Let's go back to the first part of my question. Why should we be pleased that your company wants to put a motel, and particularly in that particular spot.

Byron Jefferson: That's the spot. We don't have a choice of all the possible spots, because this is the spot that Mr. Ingram owns and it is zoned property for it and I think the motel will be an improvement over the use of the site now. There should be a definite upgrade in the appearance,

from what you're seeing.

Seth Thompson: If I could chime in again. The applicant is correct, that that is a permitted use within that zone, so as long as requirements are being met and that's really what the key focus is at this hearing. But, again, we're not here for a variance or a special use exception. That's permitted use based on the zoning.

Dick Grieg: Sir, I understand all of that, but my question is why no one has asked this yet; why should we be pleased that this motel/hotel is going to be located in Milton; and particularly in a very difficult spot as far as traffic goes; established lot; churches; houses?

Byron Jefferson: Well you don't have any... I don't believe there are any motels in Milton now.

Dick Grieg: Do we need one? Has anyone done due diligence and actually done research on this, to see if there is an actual need?

Byron Jefferson: I have not done any research.

Dick Grieg: I'm not opposed to a motel, per se; I don't like the location and I don't think the town needs it.

Seth Thompson: Again, I'll just step in to make it clear, that true, it's a free market and I suppose the applicant can make that kind of business determination and if he wants to do his due diligence beforehand; that's certainly up to him. Obviously the Planning & Zoning Commission can establish any sort of conditions that they deem appropriate in dealing with some of your concerns in terms of the location. A lot of good comments were made in terms of fencing, for instance. But again, as far as the actual use as a hotel, that's a permitted use in the current zoning area. If there are more specific questions in terms of conditions that can be attached to that, that's fine, but as far as the applicant's right to erect a hotel; again, as long as he fits within the conditions, he has that right.

Dick Grieg: I'm not questioning his right; legally he can do that. We established that; now, what I'm saying is why should we be happy about that? The whole idea of building a motel.

Don Mazzeo: Regardless of whether you or I or anyone in the public likes or dislikes or wants this particular building put on that particular location, is almost irrelevant, because the zone is Commercial; it is a piece of property that meets the criteria and this particular applicant has every right to put up, literally, anything that meets the criteria of the Commercial Zone.

Dick Grieg: Doesn't this Commission have an obligation to protect the town?

Debbie Pfiel: If I can interject. Your Comprehensive Plan, which is a public document that has public input determines the future land use and existing land use of the town. During the Comprehensive Plan, when it was written before, it determined this land to be Commercial. The Council, at one point in time, either made this property Commercial or it

was brought in as Commercial; when you give a property that right, you go through the permitted uses and they're allowed to do those permitted uses as long as they meet the remaining requirements of the Code. So when this property was zoned, it was given a right for appraisal for market value, for the tax base, etc. It was given a right. So when somebody buys it, they buy that right. So, I think I would concur with the attorney and the Chairperson; our job right now is to get the best product we can with the considerations from the public, as well as the considerations from your Consultants and the Commission. That right was already determined, as far as the uses.

Dick Grieg: I understand that. I'm not talking about rules and laws; I'm talking the sense that the community has about this. I'm talking about ethics.

Byron Jefferson: To try to address that, anyway, the one gentleman brought up that as far as commercial uses, permitted commercial uses go, a well-run motel is far from the worst thing that can be there. That's not threatening law; you hear about some people doing this; they can do a hog farm there; well a hog farm is not permitted by commercial use anyway; but there are a lot... You can be pleased for it, because of the other things that could go there that you would be less pleased about. I think that a well-designed; I think that an attractive motel there would be a plus for the area.

Dick Grieg: Are you saying this is a lesser of many evils?

Byron Jefferson: I don't know how you would characterize it.

Dick Grieg: That's what I heard you just say; there are things that are worse.

Byron Jefferson: There are certainly things worse; but I think this is an improvement over what's there right now. This is an improvement on the property over the older homes stuck back at the end of the lane that are there now.

Don Mazzeo: Are there any other questions for the Engineer? Or from the Engineer.

Bob Kerr: If I can make one additional comment. There's also at the back of my memorandum a checklist of things going through the site plan review and there are a few items that were not provided. I won't go through each one of them, but such as, we don't really have a name for the project. I don't think this is going to go down in history as Mr. Ingram's Hotel. There isn't a name on the drawing that we refer to it as whatever.

Byron Jefferson: We left that clear by not calling it Mr. Ingram's Motel.

Seth Thompson: Is the drawing that says Morning Bell Inn; was that the intention?

Marvin Ingram: I just put that on there for something to put on there, really.

Seth Thompson: Just to see how it looked? Understood.

Bob Heinrich: Mr. Chairman, I have one more question.

Don Mazzeo: Okay.

Bob Heinrich: I just would like to go back, not parking, but is there any traffic consideration been considered with regard with how the traffic may be impacted along 16 with any traffic coming in or going out of the property and with regard to traffic lights or signs or whatever that might... I know 18 rooms doesn't indicate a lot of traffic, but one never knows how these things can turn out.

Byron Jefferson: Our consideration there was downgrading it from what we wanted to do, to what DelDOT felt wouldn't create a traffic problem. Going down to 18 rooms was a response to those factors. To do the upgrades on Route 16 necessary to do the traffic studies and the signal lights improvements that we would have had to do, with more traffic generated at 18; it wouldn't have been economically feasible. Does that answer your question?

Bob Heinrich: Economically feasible? In terms of what?

Byron Jefferson: It costs too much money to upgrade. If we put a 50-room motel in there, it would cost too much money to upgrade 16 along that area to handle that.

Bob Kerr: If I can help clarify that. If it was a 50-unit motel/hotel, DelDOT would require a full traffic impact study at a large cost. More than likely, pick a number of 50 or 100 units, that may require the developer to pay for a light at Mulberry and 16. It might require turn lanes at 16 and Union, that DelDOT's pretty good at fixing all the problems on 16, if there's a large project that comes along; and so when you start spending a couple of million dollars on Route 16, before you start anything on your property, 18 units is a whole lot cheaper.

Don Mazzeo: Basically, a feasibility study says that 18 units precludes them having to deal with DelDOT.

Bob Heinrich: So we don't foresee any traffic problems as a result of the building of this project?

Bob Kerr: What DelDOT is saying is that with 18 units and I don't remember the exact number that DelDOT would use, but each unit would generate maybe four trips a day, so you're talking 72 turns in and out of the project, per day. In the overall scheme of the traffic on 16, it's not a substantial increase in the traffic.

Bob Heinrich: I don't know, I drive by there a lot, and sometimes 16 at the lights there; at the light by the Food Lion, it can back up pretty good there and if you've got a motel business; with people coming and going; you can't predict when people are coming and going; it seems to me it might impact the traffic on 16, that's all I say.

Debbie Pfiel: Yes and the difference is that it's DelDOT's jurisdiction; it's a state-maintained roadway.

Bob Heinrich: I understand, I understand; I'm just saying what my concern

would be as a resident of Milton.

Marvin Ingram: But you're all assuming that it's going to be 100% filled, seven days a week. You may be renting two or three rooms five days a week and it may only full on Fridays and Saturdays.

Don Mazzeo: Excuse me, one second, could you please come forward and state your name and address for the record. I know who you are, but everybody else may not. Your name and address, Sir.

Marvin Ingram, Lewes, DE: I'm the owner of the property. This is assuming these 70 some trips in and out of that property, that is rented at 100% every day. That's almost impossible; if you could get 60%, you're going to be very, very lucky. I would be tickled to death with 60%.

Thank you.

Don Mazzeo: Are there any other questions?

Lynn Ekelund: Bob, on point four, I didn't quite understand your difference here between the curbing and 5" wide sidewalk are shown; the curb shall be an 8" integral curb and gutter.

Bob Kerr: The curb, the type of curb, 8" interval curb and gutter; and that's the type that comes across to _____, so it looks like that, as opposed to just a straight up and down curb.

Lynn Ekelund: Got it, thank you.

Bob Kerr: And DelDOT and I go back and forth on integral curb vs. the straight up and down curb vs. the mountable curb that's this.

Lynn Ekelund: That's the part that got me confused. Thanks.

Don Mazzeo: At this time I would like to have our professional planner, Debbie Pfiel, comment please.

Debbie Pfiel: Thank you. I just do have to give some compliments; the project's come pretty far from the conceptual stage, so I do want to give some compliments to the applicant. They did listen to our comments in the conceptual round, which was appreciated. That saved us a lot of discussion back and forth. As Mr. Kerr did, if you have no objection, I do not want to read it verbatim for the record.

Don Mazzeo: It is not needed.

Debbie Pfiel: But I will give a couple of highlights. I also agree with the definition of the Hotel. The plot, the plan, the application, the advertising for final, if approved for preliminary, would need to reflect the Hotel, instead of the Motel wording. If you look at my bullet number 2, a) Parking; I'm also worried about the outdoor lighting for the off-street parking. It says in your Code that it should be designed to shield adjacent properties from glare and once again, it is unknown because there's not a lighting plan attached and I don't know the type of fixtures to the illuminated areas. So without the proper lighting plan, I do not know the illumination and how far it will go out to the neighboring properties; and you really want the property owners to be able to see that, because maybe some people want it close to the line, for security; depending on the fence

situation and you just have to make sure that it's not on somebody else's property. So I am looking for a lighting plan.

Marvin Ingram: If I can ask you, isn't the lighting plan something that we can address between now and final?

Debbie Pfiel: You can. The reason I recommend bringing it up at preliminary, is you risk having final tabled until you get it right. That's your call; but what happens is, is if you get going through preliminary and we get all the discussions done, usually there are not major changes at final; however, if you haven't provided enough data to review, just to let you know it might not be a one-shot meeting. We may have to go back and forth until we get the right product, which is what you want to do at preliminary. So you can come in before the final and make the changes and come in and make the changes before you submit for final; to make sure.

Don Mazzeo: However, that being said, my recommendation would be that I and this panel would like to see a lighting plan, so that we know, for sure, that the lighting is going in the direction that it should be going; it is not interfering with the neighbors; because, quite honestly, if I was one of those neighbors, I would want the light away from me, not towards me. I know that would be a condition, but without a lighting plan, engineers and the planners just have nothing to look at; so we really would like to see that.

Debbie Pfiel: As I said, if you bring that in for final, a detailed plan for final, you just risk them saying, we want it improved and we want it changed to this way and you would have to redraw and bring it in for the second, third, fourth or fifth submittal, or whatever, final. But I do need to see that information if you want me to do a proper review for the neighboring properties. On the landscaping, once again on Page 2 of 3, it's going to be item 3, a) which is Landscaping. Once again, the buffering and landscaping requirements shall be determined. I reiterate what Mr. Kerr said about it being up to the Commission, with my typolitic conception up there; it's the same comment. I also concur that it does not show the existing vegetation; this is no offense to the applicant, but I can't tell you how many times I've heard we're going to save all the trees and you get out there on the site and it's completely bare. So they even have gone to the point where they tie ribbons and then... It's hard for a field person; it's hard during construction phase; if you just do not know existing vegetation vs. proposed; and it's not a trust thing, it needs to be on the plan so everybody knows what we're going into when it's constructed. So I agree with Mr. Kerr, the front, the sides, and the rear, the existing vegetation needs to be a little bit more defined. So that way it's clear when the Commission and the City want to sign off on it.

Byron Jefferson: Now are you talking about the final plan.

Debbie Pfiel: Once again, I can't make a recommendation on you meeting

the buffer and landscaping, because right now it's not determined exactly what's going to be saved or not; that can be counted as a buffering; you know, part of a buffering mechanism if we knew; so I can't make a good detailed recommendation to the Commission without knowing the vegetation that is being saved and we'll talk about landscaping in just a minute. That to me holds the same regard as the lighting plan; in my recommendation, but for the Commission in the end.

Don Mazzeo: It falls very closely to what I just said about the lighting. If we don't see it, we can't look at it and approve, disapprove or make recommendations for possible change; so if we have a blank piece of paper in front of us that doesn't do me any good or do anybody on this Commission any good, it certainly doesn't do the professionals any good.

Byron Jefferson: We have for the lighting plan, we had lights shown and shielded on the plans, but didn't have details on the intensity of them or the exact style of them or whatever.

Debbie Pfiel: You can just provide access to detailed lighting plans; it needs to show your illumination patterns. I need to find out how tall your fixtures are; what they look like; how far the illumination is going up; and that's not provided, so once again, I don't know if that's a 30' pole, a 20' pole, a 10' pole.

Byron Jefferson: Both the lighting details and the landscape buffer details, they would kind of depend on what the town wants to impose, as far as fencing.

Debbie Pfiel: Actually, no. The lighting code states, I read it verbatim, the actual lighting code states that the design should shield adjacent properties from glare. You can design it to make sure that doesn't happen. So that's not up to the Commission; that is up to your design.

Byron Jefferson: No, what I'm saying is the way we have put lighting on the site and the way we'll do landscape buffering, would change on whether there was no fence or an 8' fence. I'm just saying it would be different.

Debbie Pfiel: I agree with you the buffering could change in the landscaping; there still could be buffering landscaping on the inside of your fence. It says it's determined by the Planning Commission, the Planning & Zoning Commission, so they can in that regard, they do have the luxury of determining if a fence is appropriate or not, in some parts or not; maybe they're not looking for this to be a compound where there are fences all the way around. Maybe they want some landscaping on the front and then a fence to sit further back. There can be a combination thereof; but you will have input from them. Usually what happens is you come in with a plan of how you would like to see things go. You and your property owner will have a meeting to say are you going to commit to the fence; do you want it all the way around; have you even talked to the neighbors around to see if everyone wants a fence or not? You design it

and come in. If you risk them designing it or our input, you can go back and forth and it will cost more money to have eight of us design it. So I would recommend that you meet with your client and see what you can come up with based on the comments you've heard tonight; and Bob's got a comment, as well.

Bob Kerr: Just to add to that a little bit. One of the comments during the public hearing was discussing the cedar trees along the west property line. It wasn't clear to me who owns those. They're basically shown near the road to be off the property; but at the back of the road to be on the property, so it's one of those where somebody went out and planted trees close to the property line. So, whose trees are they? Which changes who can cut them down.

Byron Jefferson: I think the trees are so I'll use that word "significant" and close to the property line, wandering down the property line, that they need to stay. They need to stay whether they happen to be 6" on our property, and certainly if they're 6" off. Then this chain-linked fence is not on this property, so it has to stay. I mean either the town _____ any chain-linked fences, but it ain't ours, so it stays.

Bob Kerr: Those are the types of things that had they been noted on the drawing, would have helped, just in the review a little bit; that existing chain-linked fence on adjoining property, not to be disturbed, or something like that.

Byron Jefferson: We're showing it off the property line, I believe, right?

Bob Kerr: Yes. But it gets a little bit...

Don Mazzeo: The tree line is not specific enough that I can read it and that anyone else on the Commission could probably read it. It's shown, but it doesn't testify who owns them.

Debbie Pfiel: And even if you didn't put who owns them, I would at least recommend a comment to remain; this existing vegetation is to remain; so when we go out there, we know that those aren't for construction to get backhoes or bulldozers in.

Bob Kerr: It would be a _____ as you said, _____.

Debbie Pfiel: I'm back to Page 2 or 3, number 4, Structure. I did put this on, the elevations are required in the preliminary checklist and I do want to commend the applicant; as I said, we have come a long way since the first application. But on the elevations, I'm also a person that on the planning side, Bob gets to make it flow, smell good and all that good stuff; I try to get to make it look good; regarding the character. I do commend you for the elevation, however, I do not know if the side is just going to be vinyl siding and salt treated lumber for the steps or if the rear is going to have any kind of windows in it, or any kind of architectural features. A lot of larger buildings, and I'm saying two stories or more, in a smaller town; a lot of larger buildings with that height have a tendency to forget about the back and sides. The front looks really, really good, but to the

neighboring properties or people driving east, west, north or south, to be able to see the building, it's great that everybody has curb appeal on the front, I just don't want to forget about a little bit of curb appeal on the sides and the rear. It's not a requirement, however, the Planning Commission can make the recommendations; so I'm all about the architectural features and I think you've done a great job in the front; it would be a shame if you didn't carry it forth a little bit in the back and the sides. As far as the canopy recommendation that I made, I like the drive thru in the front, where the passengers can come in under the drive thru underneath; my recommendation was just for door canopies of any kind. When people enter those doors on the ends, or on the rear, it's nice and if they use a swipe card system, which we'll talk about; a security system; it's nice if they can just have a little bit of overhang. Sometimes you can't get in, you have kids, you have luggage, you have strollers, everything; it's just a recommendation; when you're a customer at a hotel or a motel, you appreciate those little things and those can also be an architectural feature for you. So it's a dual role of protecting your people coming in and looking good from the back and the sides. That's parking on the exterior. The other thing was the vinyl siding, as I said, I would assume as I always do, but I could be wrong; that this is a vinyl siding.

Byron Jefferson: No.

Debbie Pfiel: No, it's not? Okay.

Don Mazzeo: Bad assumption.

Debbie Pfiel: Well, you called me out on that one, I'm happy about that. What I would like to see then, on your elevations is and it is also required in the Code for you to put a description of the building materials. If this isn't vinyl, would you please provide that to us, what it is; because, once again, this is not a code requirement other than to show us your detailed drawings; if this is all vinyl, I was going to say, have you tried some stone or brick or something at the bottom, just to break it up? As I said, it's a pretty large building, but once we get the color elevations, which the Planning Commission can recommend or we have your building materials, it will probably take away a lot of those thoughts. I'm just here to protect this can go up as all vinyl siding, with no windows in the back, no windows on the side.

Marvin Ingram: We're hoping that it was cedar.

Debbie Pfiel: So hoping will be, you'll let us know at final before we make our decision. So once again, I have to commend you on the architectural features and if you can work on the rear and the sides, you can definitely...

Marvin Ingram: It's the same, all the way around.

Debbie Pfiel: Well it wouldn't be able to be the same, because you don't have a drive thru, so...

Marvin Ingram: No, but I mean as far as the windows and the siding and the dormers, it's all the same.

Debbie Pfiel: So we're going to be looking at shutters for the sides and you need your light fixtures; those kinds of things, just the architectural features and if you get the door overhangs, we'll be seeing that, so we will require the four sides that says elevations. It's great that the front is done; I would recommend that the Planning Commission would want to see all four sides before you're approved. Once again, what could happen is the field person goes out here, the building inspector; the front looks great and the sides, if we do not see it, you'll never know what she did. Just to kind of protect the approval method of the town. Once again, I do recommend that if you wanted a color rendering, the Planning Commission can do that recommendation to see one color rendering. It's kind of nice of see the contrast of different things; it's not a requirement, but she can request it. Number 5 is Signage. I do think it's a very welcoming sign. I'm very happy to see it's not a neon, flashing, scrolling, LED, like so many other things that we've seen on the highway, so I do want to commend you on this; however, without knowing the dimensions, I don't know if this is 50' wide and 20' tall or so on; I know it's just scale and it's a good drawing. The signage that was drawn does not match the plan, the plot, the site plan vs. the landscaping plan, so that coordination will need to happen once you have the dimensions, which is on the landscaping plan, it shows it to be in a different location on the landscaping.

Byron Jefferson: As I mentioned, for the landscaping plan, the landscaping was put on a preliminary drawing; a drawing in progress. I tried to draw this on to here, with _____.

Debbie Pfiel: And I saw those. When we do a sign plan though, one of the requirements that we have to look at is does this meet the minimum square footage in the signage code and I don't know; and it's counted as two signs, so we'd have to know the height, width, depth, everything, if we can have this and also the landscape plan will have to match; which I'll get to landscaping in just a minute. So I do want to commend you; it looks like it is upright lighting, so it's not internally eliminated, so we'll make sure that that is on the plan, which you would have to put not internally illuminated, just to protect it in case these two attempt to get out of the records each with each other. The drainage, I think Mr. Kerr has covered. I do have some miscellaneous recommendations. These are not code requirements; once again I get to think outside of the box as the planner, so the first one is under 7, a). Under your previous plan, I do have to commend you, you had an outdoor recreation area for the patron's use. I thought that was wonderful. I honestly have to tell you, I know it can be a hang-out for a different crowd, as well; so that is going to be a management issue. Just like you can have a bad crowd downtown, you can have a bad crowd in the parking lot; but you did have an outdoor recreation area, which we questioned if it was passive or active. Maybe you might want to consider an outdoor picnic area, a gazebo, or benches

closer to your building; not next to the neighboring properties, as much; but closer to your building so on nice days they can go out there and they can have some of your breakfasts or lunches, whatever you serve, outside an area. It's just an amenity when you go to there as a customer; it's things to think about. I try to think more like a customer on my last comments; so if you can think of something like that, I think, those are inexpensive costs; I'm not talking about a barbecue pit or anything; but I think those are inexpensive costs for your people to get outside; and, then again, some management issue if there's trash around, if there are smoking butts, etc. Also, installing bicycle racks. That's something everybody forgets about, as the bicycle traveler. I know that this is going to be short term, but if you're talking about marketing to the people that are touring, or maybe your rates are going to be way cheaper than Lewes, so people are going to stay here and then go to the beach or Rehoboth. So installing bicycle racks isn't a bad idea. Milton is a good town to walk or bike in, so I think that would be an option; maybe your workers are going to be local, that are going to work here and they want to bike to and from work; so I think a small bicycle rack isn't a bad option. The vending machines, it looks like you have all the vending machines inside. Once again, another thing that I try to look at is how many rows of vending machines and Red Box machines and everything, can you get outside. That type of commercial look can detract from the character from your building; it looks like they are all inside on your plan, so I want to say that you did a really good job on that. I thought, that just to insure that if they are going to be outdoors, maybe you want to look at the rear. That might an area. Or maybe you want to look at some kind of cupola or something; not cupola; but some kind of protection that goes around them so that winding light of the neon signs aren't the first thing that the neighbors see in the morning. I have a couple of questions for the Commission, if we can address those? The laundry room; I've seen some hotels that run a full laundry room and it's not for the patrons. I mean people can go in there and your patron use turns into more than just the hotel people; it looks like you have a limited amount of washers and dryers in there, so it doesn't look like you'll have a big issue being a coin-operated laundry facility for other than hotel guests. I just want to make sure that that is clarified for the record; that's not opened to the general public; it's only for guests.

Marvin Ingram: Yes.

Debbie Pfiel: I talked about the overhang, which is e). f), the other one I had, and this is more of a security thing, is does the motel have access to the doors that would allow the general public to enter any other location. This is something to think about. If you're not going with a national chain, most national chains will have this swipe for your card. A lot of the smaller motels or hotels that do not have chains, tend to leave all their doors open; so for security, if you hire one person at the desk and you

don't have security on-site; hopefully you don't have a need to; people can come in at all 4, 5 or 6 doorways and you don't know what's going on. It's the security for your patrons; this is just a recommendation that you might want to have the secured doors; whatever system you use; I'm not saying one or the other, but you might want to look at secure doors other than the front.

Byron Jefferson: I had assumed on that we had a problem. I had assumed that those side doors, those second level doors, were exit-only fire safe doors that they would lock and you couldn't come in on that side. I might be wrong.

Debbie Pfiel: I don't know. I brought it up because I don't have it in the plan and once you have the building plans in... I know the back door to... There's a back door entrance it looks like. Is there a hallway back there? I thought I saw, yes... On the first floor, there are five doors on the first floor. So if it's a push bar like that exit door, for example; where it's a push bar and you can't get back in; I'm just bringing this up for a security issue. You might want to think about in operating and the neighbors also. It's harder for people to get in to your customers. Will the office be operated and manned 24 hours a day, 7 days a week? You don't have a requirement to do that, I just wanted to know if it's something where it's going to be one of those places where you knock on the garden door and here comes the guy that you wake up. The last one I have is when we first saw the application, we talked about your kitchen facility and what you basically said; I think that the first conception; if I'm wrong, please correct me Commission; was that it wasn't a full blown kitchen facility; it was just going to be heat-up, microwave, Continental Breakfast; and it was just going to be for the guests. In looking at the kitchen, we actually have a griddle, a stove, you have a refrigerator, the three sinks on your _____, so it looks like it's going to be full blown kitchen; which is fine, you have that requirement; the question I have is the grease trap. For a grease trap, we don't do sewer, but is a grease trap going to be installed, and, will it be for the patrons only?

Marvin Ingram: Just for patron use only.

Debbie Pfiel: Just for patron's use only. So you will not be having a little cafe to be able to serve?

Marvin Ingram: No.

Debbie Pfiel: The other one to think about, this is another common sense thing to me, is your kitchen location is to the right rear of the room; the right rear the building and your trash dumpster could not be any further away; so you know that they're going to be hauling their trash; if they have trash cans, which 9 times out of 10 they will and put them right outside the back door. If you need to have the need for trash cans right beside the door; maybe you could just put a fence barrier or something, to have a place that would buffer it a little bit from the parking lot. I don't

recommend that you necessarily have trash cans, but I know what happens because you don't really want trash in a small kitchen. Those are just some things that I had with the Commission; there's one more item that I heard tonight; this is not Milton's jurisdiction, however, I would ask that the Commission maybe make a recommendation that the applicant contact Tidewater, if it is the case that we verify the sewer line is back there; are they just going to disconnect it or are they going to abandon it and coordinate with the neighboring property, if it runs on their property? Rather than just cut it off, are they going to actually dig it up and remove it or are they going to abandon it? That is something that the Commission may want to have the applicant coordinate with Tidewater and the neighboring property, because they might just cut it off and stop it at the property line. What about the line that is on her property, if there's no easement? So I think that coordination needs to take place so that the neighboring property is taken care of a little bit, and the abandonment of that; and it is showing water and sewer to come off of the highway.

Byron Jefferson: Off the highway.

Debbie Pfiel: And that's all I had unless you have any questions for me.

Don Mazzeo: Are there questions from the Commission or the Planner? For our professionals, are there any questions from the Commission to the applicant or the applicant to the Commission?

Lynn Ekelund: I have. When we were here this summer, and I too agree, you guys have really done a great job incorporating a lot of our comments in which you have finally come up with and I think we all appreciate it. I know we talked about pets last time; have you decided if you're going to have pets and if you are, are you going to have any sort of a pet area. I know you talked about outdoor amenities, which we thought were great, but if you're going to have pets; I think there ought to be someplace designated for the pets to go when they need to do their business.

Marvin Ingram: We have been thinking about it and we don't know really what we're going to do first. Most older people have pets and dogs and when they go on a trip, they would like to have a place to put them that's comfortable and cool or warm; and we just haven't come up with anything yet; we really don't know, to be honest with you.

Lynn Ekelund: And then on the kitchen, is it going to be just breakfast?

Marvin Ingram: Uh-huh.

Lynn Ekelund: The reason I ask that, is I see that you have a Conference Room here. If you're planning on renting the Conference Room out for any sort of events or conferences for local businesses, are you going to be serving them coffee or donuts or...?

Marvin Ingram: I don't know that.

Lynn Ekelund: Okay. It's just something else that I thought of.

Marvin Ingram: It may be catered or something.

Lynn Ekelund: Okay, but the kitchen would be breakfast only and to

patrons only and it would be your staff that would be operating the kitchen?

Marvin Ingram: Uh-huh.

Lynn Ekelund: Are there any security cameras? I looked, but I...

Byron Jefferson: We didn't show any.

Lynn Ekelund: Didn't show any?

Byron Jefferson: No.

Lynn Ekelund: Are you planning on installing any?

Marvin Ingram: To tell the truth, I hadn't thought about it.

Lynn Ekelund: I see you've got one room on the first floor, at least it looks to me to be ADA compliant. Is that the only one?

Marvin Ingram: What was that?

Lynn Ekelund: The one room on the first floor that is ADA compliant; it says accessible, is that what that means?

Marvin Ingram: Uh-huh.

Lynn Ekelund: Yes. Is it just the one room, out of the 18, on the first floor.

Marvin Ingram: That's correct.

Lynn Ekelund: Okay.

Don Mazzeo: Is there a requirement of more than one or X number of units that are rentable?

Seth Thompson: That's a good question. It certainly is not in your Town Code, but the ADA is obviously a Federal piece of legislation.

Don Mazzeo: So it supersedes us.

Seth Thompson: Right.

Debbie Pfiel: Your Code recommends ADA compliance, but that's all it says.

Seth Thompson: Which is kind of like recommending breeding.

Debbie Pfiel: Exactly.

Lynn Ekelund: I don't know the answer to that, but there is just one per 18.

Marvin Ingram: Of all that's proposed, now there's one.

Lynn Ekelund: The hotel is going to be one 24/7, 365 days?

Marvin Ingram: Yes.

Lynn Ekelund: Are you going to have live in staff or are you going to have staff that...

Marvin Ingram: Not live in, but they'll be there 24 hours a day.

Lynn Ekelund: They will be. And would the same person that is manning the desk in the morning be preparing the breakfast.

Marvin Ingram: I would say no.

Lynn Ekelund: No.

Marvin Ingram: Somebody would come in to do that.

Lynn Ekelund: Okay. That's all I have, thank you.

Don Mazzeo: Are there any further questions from the Commission, of the applicant. I have one that's a follow-up on a Conference Room.

Recognizing that indeed he could have a conference of some sort, 15-20

people perhaps; catered, if that be the case. Do you feel that there is enough parking to handle both your 60%, if you're so lucky to get that kind of condition of occupancy; along with perhaps 15 or 20 visitors to that conference room?

Byron Jefferson: Well we did add the 6 extra parking spots and we would hope that the people attending a conference, would be staying at the hotel.

Debbie Pfiel: Well 32 X 19' is not a large conference for a conference room; you're not going to compete with Dover Downs.

Don Mazzeo: If you get 20 people in there, it would be kind of tight.

Debbie Pfiel: The Fire Marshall's going to determine your occupancy for the room.

Marvin Ingram: Correct.

Don Mazzeo: I would like to go on to the security issue that was brought up by the folks here this evening, in particular. Would the applicant be enamored to put in a 6' fence; completely around the property on three sides, not in the front?

Marvin Ingram: I would hope not; I would just think it would be an eyesore, myself.

Debbie Pfiel: Just to clarify. We don't know if that's what all the property-owners want, so part of my recommendation before they come back for final was I think they need to coordinate some things with the neighbors; because if you walk the property; I haven't walked the property, I've walked in front of it, because, of course, I don't have the authority to do that, but the large cedar trees are pretty phenomenal out there.

Byron Jefferson: They are, they're beautiful.

Debbie Pfiel: And it's a nice buffering and maybe if you do some landscape or you do some berms and it could be a combination thereof to get that front look; but I do think there should probably be, instead of maybe the Commission determining it or we determine it; it's up to the Commission; you might want to have some coordination there because instead of it looking like a compound, there might be some neighbors that specifically want 8' or want 6' or want, etc.; and if they coordinate that information and bring it back, they would come back with a design vs. us just saying 6' or 8' all the way around. It's just a thought; it's up to the Commission, but it's just a thought.

Marvin Ingram: I thought all the neighbors were here tonight.

Don Mazzeo: I'm sorry Ma'am but you can not speak; the public portion has been closed for this evening. I know you'd love to say something.

Esthelda R. Parker-Selby: I will leave you my statement.

Don Mazzeo: You may do so after the meeting, but during the course of this meeting, the public portion was closed, prior to your arrival and I'm sorry, but you just cannot speak.

Esthelda R. Parker-Selby: That's fine, I'm still leaving my statement in the back.

Bob Heinrich: On the right hand side of the property where you have the chain-linked fence and the evergreen trees, that would be problematic to do a good job with a fence along there. You've already got one fence; you've got trees right on the property line; how close to the trees you get with a fence; you can't get the fence between the trees and the...

Marvin Ingram: The existing fence.

Bob Heinrich: Yeah, once you got on the other side of the trees, you'd have a fence like that, that would be mostly off the property; because the trees are right on the property or staggered back; so it would be problematic along there and you're really buffering it visually from the people under the ground; I mean from the cemetery and the church. But, I mean, I just point that out, because it may be better to have a more extensive landscape along that side, rather than a fence.

Don Mazzeo: I happen to like lots of landscaping; I like green; I'm a tree-hugger; so the more trees that you leave, the happier I get; but again, I'm one vote on this Commission and I've said that to everyone who was here at the very first meeting. I'm just one vote. I'm a tree-hugger; I like green; I don't like mosquitoes; but I do like security and the neighbors need security.

Debbie Pfiel: I'm sorry to interject again Mr. Chairman, I think the comment would be if they designed it; because like I said if you can get the landscaping plan, if you look and I'm sorry I didn't cover that; but you do know that in our letter, basically, was that this was inadequate landscaping; it's a great first shot at it; it has to be on a current plan; but we need to see how big everything is going to be and existing vegetation. But if you look at the landscaping plan, I completely understand the neighbor's; I completely understand the thought around the storm water pond, the rear and the left side; I shouldn't say the left, I should say the east side of the property. The right side of the property, maybe the front, might be a thing where you want that character; you want the greenery, you want the shrubbery, you want the tree-hugger approach, as you would say; but in the rear, there is nothing back there but a utility area or an area that might be an area where things could happen or not happen, I should say. So I completely understand with the comments; but as I said, they've heard the comments tonight and they will hear more from the Commission; they've heard comments from us; I think it is up to them to design; I don't think you have enough information to determine it, because the landscaping plan, the lighting and maybe the fence buffering; I think you need to go back and work on that and bring it back to the Commission.

Don Mazzeo: Absolutely.

Debbie Pfiel: Those are three big things for the neighboring properties and those are the three things that the Planning Commission can do to protect the character of the area. But if we want to design it, it will cost him a lot

more for us all to design it.

Byron Jefferson: Would the town prefer that we came back with landscaping or fencing; without the guidance of the town, or would you rather give us the guidance on whether you want to see fencing or not.

Don Mazzeo: Realistically, the folks that are sitting down here are the ones that are going to be impacted on a day-to-day basis. My recommendation, again, it's my recommendation, it's not the recommendation of the Commission yet, but it will be; that you coordinate directly with these neighbors and let them have their say so on the design, with you. You're the professional. You're the owner. These are the people that are going to be impacted. We want them NOT to be impacted negatively.

Seth Thompson: Just so the record is then clear, I guess I'll chime in for my little bit; so that, in essence, if the applicant wants to come back at another date, that's fine; that would be their decision. In terms of the Commission's abilities, you can either approve, disapprove or approve with conditions, those conditions relating to acceptable lighting plans, landscaping, you can incorporate by reference all the professional's recommendations. Those are a lot of conditions, obviously, we could walk through it that way or, if the applicant wants to come back, that's fine. I just want the record to be clear since technically a decision needs to be issued within thirty (30) days if indeed the applicant is saying this is what I'm giving you and please decide it based on this alone. So, if that's any sort of guidance, I hope that was clear to everybody; because again, I just want the record to reflect whether or not the submission is tonight or whether the plan is to come back for a subsequent meeting so that the Planning & Zoning Commission is then in a position to determine whether or not they are under a deadline, basically.

Don Mazzeo: Then I'm going to ask your input. Seth, can the Commission put an extension on this particular need; without placing specific conditions, other than those which we will enumerate that suggest certain things take place?

Debbie Pfiel: Can we sidebar for just a second?

Seth Thompson: Yes. (A private conversation occurs between the Commission, Seth Thompson the Town Solicitor, Bob Kerr the Town Engineer and Debbie Pfiel, the Town Planner.)

Don Mazzeo: Have the town professionals come to a consensus of opinion? We are back in session. Thank you.

Seth Thompson: Really, it was more of a procedural issue, because the way the Town Code reads, a decision needs to be rendered on the preliminary site plan within thirty (30) days of the Public Hearing, which is obviously today; which makes tabling very difficult, as well as rescheduling without renoticing and going through the Public Hearing all over again; so having spoken with the professionals, it could be approved

with specific conditions of a lighting plan, a landscaping plan, a fencing plan all being acceptable. Again, we would have met the Public Hearing requirement tonight; rather than going beyond the thirty (30) days and needing to do the Public Hearing all over again.

Don Mazzeo: Can I hear the pleasure of the Commission, excuse me...

Seth Thompson: I'm sorry, there's one other item that I should have brought up previously, and that was, Robin, did we receive any written public comments prior to the start of the Public Hearing?

Don Mazzeo: There is one written document that was presented to Robin Davis apparently last week or earlier this week. This is regarding R. M. Ingram Motel on Route 16. "Dear Mr. Davis and Mr. Ingram. This is from a Steven Dexter of 100 Milton Ellendale Highway. I have been to Town Hall and looked at your plans for the motel on Route 16. I will not be able to be at the meeting. I am pleased in general with the style of motel building and entrance. I live diagonally across Route 16 from the proposed motel and I am an amateur astronomer, so keeping the sky as dark as possible at night, is very important to me. In this regard, I would like to strongly urge you to use what is called full cut off lighting at your new facility. This term means that no light goes toward the sky and just a minimum out to the sides. The drawing shows that you will be using low spot lights shining horizontally at the two motel signs on the curb entrance wall. This is commendable, especially if you could use having the hood on top so none of that horizontal light goes up in the sky. The parking lot lighting and building lights also will be important. Use of full cut off lighting in those applications will ensure that all the light you are paying for, will shine down, where it is really needed. The parking lot lights at the Food Lion shopping center are of this full cut off type, except that they are so high that spray light still comes sideways to our property. Hopefully, your parking lot lights will be lower because your parking lot is smaller. Examples are very poor lighting are at the Clipper Square Shopping Center and at the Milton Landing Housing Development. The building lights in the housing development are not hooded, so they throw a lot of their light up to the sky. Hopefully your design will do a much better and more efficient job of giving your new facility a pleasing appearance, while getting the necessary light where you need it, without lighting up the night sky, as well. I would be happy to discuss this in more detail with you, any Tuesday evening at the following phone number. Thank you very much for taking my concerns into account as you move forward. Sincerely, Steven Dexter" That should have been read into the record at the time.

Seth Thompson: Mr. Chairman, I'll leave that up to you.

Don Mazzeo: I will read this into the record, since this young lady was nice enough to come to the meeting this evening and has not created any issues.

Esthelda R. Parker-Selby: I will not do that, because this is my hometown.
Don Mazzeo: “The Town of Milton, April 19, 2011. Citizen concerns about the proposal to build an 18 room motel on Milton Ellendale Highway. As a lifelong resident of Milton, Delaware growing up at 112 Milton Ellendale Highway, and as a young adult opting to become a resident and raising my family at 114 Milton Ellendale Highway, I am very concerned about many things resulting in change for Milton, but if it is change that will benefit our town and neighborhood, I welcome it within reason. My mother and neighbors received letters about this meeting, where a proposal to build an 18 room motel would be presented. That would be located directed in front of my mother and across the street from me. I immediately thought about that road infrastructure to the churches and our neighborhood period. I have seen what has happened to Milton Ellendale Highway over the years and especially since the majority has and is becoming more and more commercial. Plain and simple, we have a harder time getting in and out of our yards, when full traffic patterns start and that is no fun. We are also concerned that the road will need to be widened and how will that affect our front yards, even though we are back from the road now, somewhat. Taking too much off of our fronts can cause many environmental problems. I now have a sinking front yard since the sewer and water systems were upgraded and the underground wiring had to be considered. Health wise, the more traffic closer to our windows and house openings, the more toxins and fumes get into our homes and physical bodies. What about the water and sewer pipes, as I see it in other updates, which means roads and yards torn up. I ask for how long? What about fire hydrant locations. I am one who is used to change. I am a progressive open-minded person who is happy to see Milton grow and add job opportunities to our community, but I hope and pray that the change consider people's lifelong heritage, health, neighborhood, security, infrastructure and environmental stability. In my lifetime, I have observed greed that has money in mind, but no consideration for the people or of the change that will be affected around the money making opportunity. I would like to be sure that all things have been and will continue to be considered with such a project in mind. I also request continued updates about this proposal. Thank you. Esthelda R. Parker-Selby, 114 Milton Ellendale Highway”. So this is now in the record. Okay. Based on what our Town Solicitor has suggested, do I have any motions from the table?

Seth Thompson: Again, Commissioner, what you can do is to incorporate based on what the professionals have requested a signage plan, a detailed landscaping plan, detailed lighting plan, engineering plan, comments and coordination with the neighboring property-owners and Planning & Zoning comments, as well as coordinating with Tidewater. I recognize that those are a lot of conditions...

Debbie Pfiel: And an update property-owners names.

Seth Thompson: And an update of the property-owners names on the plans. So those are a lot of conditions. At the same time, I think the goal was to address the concerns and I think that does do it, so you would be in a position to approve with those conditions; and obviously, then that could get the project in line and moving forward for final approval, if that indeed is what you elect to do. The other thing, it's important that any reasoning, and I would recommend a roll call vote and then any reasoning for a vote, one way or the other, be put on the record, so in essence, and you can incorporate other Commissioner's comments, obviously; but a simple yes or no makes it very difficult for any reviewing body to understand why you made that determination and they would defer to your reasoning, as long as there is a reasoning on the record.

Debbie Pfiel: Just to reiterate to the thirty (30) days, when we looked at that as the consultants, the problem here is that it is only twenty-eight (28) days before your next scheduled meeting and I think the applicant needs some time to hit some of these and communicate, coordinate and also for us to be able to do a proper review with ample time for the next meeting. So that was the recommendation.

Bob Kerr: And get it to you.

Debbie Pfiel: And give it to you in a timely manner vs. my letter two days before. But I agree with Seth that we came up with a list that on top of whatever else you recommend, that would probably be appropriate and then on the process side, they could come back in before final, as Mr. Kerr was alluding; they could find some things when they go to State Agencies, that could switch some things around; so if they wanted to come in between and address these items and get these more rectified before final, that's recommended. If not, you could risk multiple final meetings. I think it would be good to be worked out so when you come to final, everybody is aligned. It's their option, but it's nice to have the interim contingencies worked out before they go to final.

Don Mazzeo: Do we have any other questions or comments from the Commissioners? In any area.

Bob Heinrich: This is my first attendance at one of these meetings; I've just been appointed, so my apologies if I'm asking things that might seem inappropriate. I don't want to slow things down, but, I do want to go back to the security issue that I thought I heard; that I didn't think I heard any security cameras or any kind of other security procedures on the site for the security of the people that are staying there; and that concerns me a little bit as far as safety is concerned, and I would just like to see more of that included in what's visited the next time around; because right now I'm not comfortable seeing any kind of a new structure built without any kind of security attached to it; protecting both employees and the people that are staying there. Something, what doors are locked at night; is it going to

be a magnetic type card entry system or a key lock system; any kind of alarm system. I think that's what I'm kind of looking to see more of. And, once again, my apologies if this has been addressed, but...

Don Mazzeo: No apology necessary, it's a good question.

Byron Jefferson: I confess we didn't consider that; didn't consider it probably this time; at this stage of it. If that's one of the conditions that you would like to see addressed, further, before we final reviews, as you mentioned then I encourage you to put it on the list. It certainly is something that we would have to consider before opening the place, so if you want to see our proposed security measures, as another item before final approval...

Bob Heinrich: You can't do enough security these days, that's my feeling.

Byron Jefferson: Concertina fence around it may be a little extensive.

Bob Heinrich: Thank you.

Don Mazzeo: Are there any other questions, comments, or concerns?

Seeing none, I will ask for a motion.

Lynn Ekelund: I'll take a shot at it. I would like to move that we approve the Preliminary Site Plan subject to receipt by the Planning & Zoning Commission of: a landscaping plan after the applicant confers with it's neighbors; an update on the site plan of the correct names of the neighbors affected; security, signage and engineering plans; and some sort of a report of the coordination of the removal of the sewer line from the back of the property affecting Ms. Sexton's property, with Tidewater.

Debbie Pfiel: Lighting.

Lynn Ekelund: Okay, last but not least, a lighting plan.

Bob Kerr: All four sides, you want a drawing.

Debbie Pfiel: That's in the engineer/planning comments. They have to address...

Lynn Ekelund: I had that in here already.

Don Mazzeo: The engineer/planners comments are to be included in the conditions.

Bob Kerr: Got it.

Debbie Pfiel: Thank you.

Don Mazzeo: We have a motion to approve, do we hear a second?

Gene Steele: Second.

Don Mazzeo: I would like a roll call vote, please:

Gene Steele

Yes. I feel that the applicant has answered the questions of the residents to the best of their ability and if he comes forward with the request, there should be no reason to deny him.

Lynn Ekelund

Yes. I feel that since the conceptual plan, the applicant has come back and listened to

Bob Heinrich

and incorporated our comments to a great degree and I'm hopeful that he will do the same with our requests with respect to lighting, signage, engineering and planning comments and coming up with a landscape plan that would be acceptable to the Commission and the neighboring properties. Can I say yes, with reservations; because I haven't heard enough from the applicant to make me comfortable to say yes with full agreement; but I sense from what the other Commissioner's have said, that the applicant will do as asked and provide the additional information and concerns. If that moves forward appropriately and accordingly, I would say yes completely. So I'll say yes.

Dick Grieg

I don't want to say yes, because my mind hasn't changed. I think we have a number of elements here, not with this one motel, but if you watch, you will see various people here and there, there are all kinds of businesses, professional offices and every other suburban town and small town in the United States, it's going to look like Savannah Road and then I'll shut up. When my wife and I moved here, we were looking for a town that had a lot of old houses. We bought one that was built in 1790; that's a lot of trouble and that's what we wanted. We care whether there's a motel in this town and I'll bet you that none of the people who moved here in the last few years, even question at all whether there was a motel. But we do have a great house. Wonderful town. I love it; but I'll say yes; I didn't mean it, but I said yes.

Don Mazzeo

Yes for preliminary approval. Basically the applicant has met the criteria; he appears to have given us the design that we looked for after the conceptual plan; he has modified that accordingly and as long as the conditions that he is now being put under, are met, there should be no reason why this project should not be going forward.

Don Mazzeo: The motion is approved.

8. Adjournment

Gene Steele: I make a motion to adjourn at 8:53 p.m.

Lynn Ekelund: Second.

Don Mazzeo: We have a motion and a second to adjourn. All in favor say aye.

Opposed. Motion carried. Thank you all.