

**Town of Milton
Planning & Zoning Meeting
Milton Library, 121 Union Street
Tuesday, July 16, 2013
6:30 pm**

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

1. Call Meeting to Order – Don Mazzeo called the meeting to order at 6:30 pm

2. Roll Call of Members

Barry Goodinson	Present
Lynn Ekelund	Present
Tim Nicholson	Present
Bob Heinrich	Present
Don Mazzeo	Present

3. Additions/Corrections to the Agenda

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

Lynn Ekelund: I would just like to note that the minutes of June 18, 2013 have not, as yet been transcribed, so we should delete Item No. 5.

Don Mazzeo: So noted. Any other corrections or deletions?

4. Approval of agenda

Don Mazzeo: Seeing none, all in favor to accept say aye. Opposed. Motion carried.

5. Minutes of June 18, 2013

Don Mazzeo: Obviously there are no minutes as we've just read. They're not finished being transcribed. Okay, we'll have those next month.

6. Discussion and possible vote on the following item:

A special permitted use application. The applicant, Truitt Jefferson, is requesting a special permitted use review/approval for the construction of a parking lot to be used for supplemental parking for an adjacent property. Proposed parking lot would be located at 201 Broadkill Road. Property is zoned C-1, Commercial and is further identified by Sussex County Tax Map and Parcel # 2-35-14.15-101.00

Don Mazzeo: Do we have representation this evening from the applicant?

Amy Rae, the owner of The Backyard, LLC: which is why Truitt Jefferson, Trustee, is trying to build a parking lot next door. So we're hoping that you will let us build the parking lot there; otherwise I can't open my business. How was that?

Don Mazzeo: That was short and sweet. Do you have anything to offer to us as questions for us to be concerned with, such as why do you want these spaces? Is it because the Town has an Ordinance and/or...

Amy Rae: I don't. I was actually under the impression this was the final approval. We were here in January.

Kevin Kelly: Right.

Don Mazzeo: Correct.

Amy Rae: And you gave us a list of things; we have fulfilled that entire list, so we're looking for final approval. How's that?

Lynn Ekelund: Short and sweet.

Barry Goodinson: Straightforward

Lynn Ekelund: Bob?

Bob Kerr, CABE Associates: Yes.

Lynn Ekelund: To your knowledge has everything that we asked Ms. Rae to do, been done?

Bob Kerr: I believe so. In fact, there's a couple of things that we discussed and said that weren't required, that DeIDOT did require, such as a sidewalk in front of the existing parking. It's one thing in particular, but I believe they've provided all of the issues that came before Planning and Zoning and that were added to the motion.

Lynn Ekelund: And I noticed you have moved the two handicapped parking spots that we wanted slid over.

Don Mazzeo: Questions, comments from the Commission?

Barry Goodinson: I have none. It responded to all the requests that we made, so I have no concerns.

Bob Heinrich: I'll bring up something that when you and I briefly touched upon and I don't know if you intend to talk about it; but on the drawing, I'm noting that Item No.2, the additional parking lots in the leased area are only to be accessed by Parcel 94; and if, in the future, Parcel 101 develops, access to these parcels shall be reevaluated by DeIDOT. Is that something that you were going to address; or did I just do it for you?

Lynn Ekelund: You just did it for me and much better than I would have.

Bob Heinrich: I didn't know if you were finished or not.

Lynn Ekelund: That's fine.

Don Mazzeo: Is there anything that we could do in a legal fashion, though, to identify that concern that Bob just brought up?

Seth Thompson: It sounds like an issue within DeIDOT's jurisdiction, as opposed to the Town.

Don Mazzeo: Okay.

Lynn Ekelund: I just meant to bring it up as something that I had a question about, because I do remember we brought it up earlier, that it was a separate lot and I had noticed that that lot had been up for sale separately, so this is something that I assume... If DeIDOT has addressed, then I'm fine with it.

Seth Thompson: Yes, that's correct.

Don Mazzeo: Any other questions, concerns? Hearing none, seeing none, do I have a

motion?

Barry Goodinson: So moved.

Don Mazzeo: To what?

Barry Goodinson: To approve it.

Don Mazzeo: Okay, we have a motion to approve.

Bob Heinrich: I'll second.

Don Mazzeo: And we have a second. Let's do a roll call vote, just because:

Barry Goodinson	Yes
Lynn Ekelund	Yes
Tim Nicholson	Yes
Bob Heinrich	Yes
Don Mazzeo	Yes

Don Mazzeo: This is a final approval. It does not need to go any further than where we are right now. Town Council does not get to see this again.

Bob Heinrich: Get that built and give us some good food.

Amy Rae: Thank you. I'm trying.

Robin Davis: Motion to adjourn.

Don Mazzeo: Before we adjourn. Thank you. You could even go home now if you so desire. I guess, it's a question. It's not on the agenda, but I would like to open up a discussion for subsequent meetings regarding things that we, as a Commission, would like to address within the Code and/or within the Ordinances that we have either come up with, seen, have come up against and not had the opportunity to review beyond this table. I'm not asking to do any discussion tonight, but is it appropriate to ask for that to be placed on the agenda for next time?

Seth Thompson: Yes and the way that I've always operated, a Committee member, a Commission member, a Council Member, any of the elected officials or appointed officials can request that an item go on an agenda. They would just need to give, I guess it's Robin that sets your agenda, at least seven days notice so that it can be properly noticed; but any individual can make a request that an item go on the agenda.

Don Mazzeo: Okay. Under those circumstances, I will be requesting an agenda item to be placed for the month of August, with Robin, and he'll see it on the agenda, but it's going to be what I just commented about; things that we've seen, addressed, could not address, would like to have seen addressed and have that as an open discussion. Such as, to give you an example. The setbacks for Light Industrial separated from Residential. I believe it's only like 25' or something of this nature. I don't know the exact number. But do we think, as a Commission, that that's an appropriate number? I'm saying that, because I don't think it's an appropriate number. I think it should be bigger; but if it's in our Ordinances today, as 25'; the only way we do that is to discuss it and recommend something to Council to review and ask them to come back to use and then we review that. Capiche?

Seth Thompson: I think that's perfect. You just need to give Robin enough

information so it can be properly noticed and Robin could always contact me, if it's a question of wording, that sort of thing.

Don Mazzeo: Okay.

Barry Goodinson: That's the question I have is, there have been things that have come up; so for example when we were talking about the buffer for wetlands. I was shocked to find that there was no buffer for wetlands that were not tidal and I felt, well, somebody's got to do something about that. Who would that be? I'd like it for us to be us.

Don Mazzeo: To start here. Absolutely.

Barry Goodinson: But do we have the authority to do that? So what's the scope of our authority and how do I test that? So if I say I want to introduce a buffer; how do I go about that? How do I test the authority? Who do I talk to?

Seth Thompson: Let me look at the exact language in your Charter.

Don Mazzeo: But the members of the Commission do understand what I'm looking towards.

Barry Goodinson: Yes.

Don Mazzeo: Because we're sitting here and we have seen things that just don't make sense. Let's try to make sense out of it.

Barry Goodinson: Yes, I would like us to be more proactive in sort of pushing the Master Plan of the town forward; rather than just reacting to things as they come to us.

Don Mazzeo: Absolutely.

Seth Thompson: I didn't find it expressly provided in your Charter. It is in your Town Code, that it says the Town Council of the Town of Milton may, from time to time, on its own motion or upon a petition or upon a recommendation by the Planning and Zoning Commission, amend, supplement, or change by Ordinance, the boundaries and regulations of the District. So, again, you can certainly do that work and then make a recommendation to Council. My suggestion would be to phrase it in a somewhat broad manner, so that you don't run afoul of... you don't want to hamstring yourself, based on your notice, in terms of what exactly you're discussing, but you do want to give people fair notice, so that they, if the public has some comment and if the Commission wants to welcome it; people can come and give their input.

Don Mazzeo: Definitely it would be in an open forum fashion.

Seth Thompson: I would probably suggest some sort of discussion, if the Commission then comes up with some wording or maybe just some concepts that they would like me to put into a Draft Ordinance for them to consider at the next meeting, that's probably... I would make it a two-step process in that regard.

Don Mazzeo: Very good.

Barry Goodinson: Great.

Don Mazzeo: Any other questions, comments regarding that?

Lynn Ekelund: No, I think it's a great idea. Before you send it to Robin, do you think you could circulate it to the members of the Commission and then we can chime in if necessary?

Don Mazzeo: Absolutely. I'll send it out and then, if anybody wants to add generalizations to it, because I'm not looking for specifics; more of a generalization.

Lynn Ekelund: Sure.

Robin Davis: If I could. I would prefer that the other member's comments go back to the Chairperson; then come to me; so I don't have seven members bombarding me with different comments on what they added and what they didn't add.

Don Mazzeo: Bombard me. That's fine.

Seth Thompson: And Bob Kerr pointed out something expressly that I probably should have said, expressly. That second meeting, after the first more general discussion, that second agenda, is going to need to narrow the focus so that people know what specifically we're talking about.

Barry Goodinson: Sure.

Don Mazzeo: We may wind up with fifteen items we want to discuss at the outset and get it down to two and then open it up a couple of months later for additional.

Seth Thompson: Right.

Don Mazzeo: Okay.

7. Adjournment

Don Mazzeo: And with that, I'll entertain a motion to adjourn.

Lynn Ekelund: Motion to adjourn.

Don Mazzeo: All in favor say aye. So moved. Meeting adjourned at 6:41 p.m.