

Town of Milton
Planning and Zoning Commission
Minutes
March 18, 2003

Members Present:

Linda Rogers
Mick Filicko

Dean Sherman
John Hopkins

Denny Hughs
Noble Prettyman

- 1. An application from Design Consultants Group, LLC. representing Michael Zimmerman for preliminary and final site plan approval if all requirements are met on Milton Park Center, LLC. phase II located at the intersection of Route 5 and Route 16, also identified by Sussex County Tax map 2-35-14.15 parcels 68.00 and 68.01.*

Linda Rogers introduced the application and Ken Christenburry representing Milton Park Center LLC presented the site plan for review. Mr. Christenburry stated that the proposed site was originally set aside for a 7200 sq ft addition and the proposed was going to be 4200 sq ft., the architecture of the building was to be the same as the current Food Lion building already approved. Bob Kerr stated the 10'x14' Fire Pump House was an addition not on the original site plan. Mr. Kerr also stated the Town of Milton would not be responsible for the 6-inch high pressure fire main and the prints should read as such. Also required is a no objection letter from Soil Conservation and the State Fire Marshal on the new addition. Sheets 3, 7 & 9 of the original final site plan will need to be updated and the data on sheet 3 should be revised to show this addition. Final As-Built plans will need to be provided to the Town of Milton upon completion. It was regular moved by Dean Sherman to approve the site plan with the stipulations and seconded by John Hopkins. All approved.

- 2. An application from Adams-Kemp Associates representing the Pettinaro Construction Co. for a major subdivision titled Wagamons West Shore and further identified by Sussex County Tax map 2-35-20.00 Insert sheet E, Inserts A and B. Proposed 240 total lots on 90 acres +/- .*

Linda Rogers introduced the application and Charles Kemp representing the Pettinaro Construction Company presented the site plan to the Planning and Zoning Committee. Mr. Adams stated the proposed sidewalks have been added to the subdivision. These sidewalks proceed along one side of the street through out the subdivision. The main avenue of entrance will have a 60' right of way with a 36' wide street with an integral curb and gutter type 2. The interior streets will have a 50' right of way with a 26' wide street with the same curb and gutter. The sidewalk will have 5' on each side for utility use. Bob Kerr stated the current town ordinance requires 34' interior streets and sidewalks on both sides of the street and the curb is no more than 8' from the right of way line. Tim Willard informed the Committee that

they should use the current ordinances that the previous preliminary site plan was very old and do to the time lapse he felt the current standards could be used. Mr. Kemp stated there are proposed landscape buffers to be placed around the adjoining properties. The homeowners association will maintain the buffers and the storm water ponds. There was concern from the public about the location of the storm water ponds location being close to their personal fresh water wells. There was also comments stating that the narrower the street the slower the traffic and the less water run off will be generated. Tim Willard reiterated that the committee should not consider grandfather issues do to the lapse of time frame. Tim Willard stated that the committee could give preliminary approval based on the current ordinances and the applicant would have to get a variance for the sidewalks and street widths if they chose to use this plan. Dean Sherman proposed giving the site plan tentative approval based on getting approval for the variances of sidewalks and street widths. Mike Filiko Second the motion. All voted in favor of the motion.

3. *An application from Marvin Ingram for preliminary and final site plan approval if all requirements are met on a retail store to be located at 900 Palmer Street Extended also identified by Sussex County Tax map 2-35-14.00 parcel 114.01.*

Linda Rogers introduced the application and Marvin Ingram presented his site plan. Mr. Ingram stated that the requirements set by the Planning and Zoning Committee from the previous visit have been met except the curbing however a contract has been signed and weather permitting the curbing should be installed in about a week. Mr. Ingram stated the pizza sign will be moved to the front of the building and installed on the awning/shed style roof. Mr. Ingram stated the curbing was going to be asphalt curbing and Bob Kerr stated that was acceptable because the curbing was not along a roadway. John Hopkins made the motion that the site plan be approved based on the curbing being installed and Noble Prettyman seconded the motion. All voted in favor of the motion. The applicant can continue with the tenant fit out but cannot occupy the facility until curbing installed. Mr. Ingram also stated that the trees that have died would be replaced.

4. *An application from Del Phoenix LLC / Phoebe Sachs for preliminary site plan review for a major subdivision titled Turn Key and further identified by Sussex County Tax map 2-35-20.08 parcels 59 and 60.*

Linda Rogers introduced the application and Jessica Nichols from Meridian presented the site plan. Ms. Nichols stated that the site plan went before the BOA for variances and the current site plan reflects these variances. Bob Kerr informed the committee about the DELDOT standards in regards to minimum radii. Mr. Kerr also proposed that curb along coulter street be placed along the property line to widen coulter street and make the entrance to the subdivision more accessible and for traffic turning from coulter to Collins st easier. Also the gravity sewer line at the intersection of Coulter and Collins Sts. is 4' deep and the further lots would need to have grinders for their sewer systems or a force main be installed. The Town of Milton would not want to maintain a small force main so the recommendation is individual sewer grinders for each lot. Due to the curve in the road the vegetation around the storm water pond will need to be low growing vegetation for visibility purposes. The plat will need to be changed to read the roads will be dedicated to the Town of Milton. Mr. Kerr

reiterated the curbing will be installed along the property line and the developer will install black top/pavement to widen the area for traffic. Mike Filiko made a motion to approve the site plan and Noble Prettyman seconded the motion. Dean Sherman questioned the motion for clarification. The landscaping around the storm water ponds will remain low growth? Confirmed by Ms. Nichols, the storm water run off near the cul-de-sac will need to be addressed with Soil Conservation for height. It was regularly move and seconded to approve the site plan all voted in favor of.

5. *An application from Charles and Patricia Wagner for final site plan approval of a major subdivision titled Helmsman's Quarters and further identified by Sussex County Tax map 2-35-14.00 parcel 89.10.*

Linda Rogers introduced the application and Charles Wagner presented the application for the final site plan. Bob Kerr stated the final site plan needs to be change with the following corrections; The gravity sewer line should be designed with a minimum slope of .04 feet per feet of .4% and the following note to be added to the plat; "The Town of Milton shall be responsible for maintenance of all water and sanitary sewer facilities from the location they enter the site to the building sanitary sewer clean out or water meter. A 20 foot wide easement centered on the utility lines is hereby granted to the Town of Milton." Motion was made by John Hopkins and seconded by Dean Sherman to except the final site plan with the stipulation that Mr. Wagner would have to get Town Council permission to wave the sidewalks. All voted in favor.

6. *An application from Richard Bryan for preliminary and final site plan approval if all requirements are met for a change of use from a repair garage to an office which is located at 211 Broadkill Road further Identified by Sussex County Tax map 2-35-14.15 parcel 94.00. Property currently owned by Russell Benson.*

Linda Rogers introduced the application Richard Bryan presented the application for a change of use from a garage to a office. Mr. Bryan introduced Charles Adams to discuss the site layout. The parking area was defined and the parking area was described as being existing pervious area except for approximately 760 sq ft of additional area. Mr. Kemp stated that the site shows landscaping across the back with trees and at the corner of the property along 16. Mr. Bryan showed a sketch of the proposed elevation of the building. Signs would be located on the front of the building and along the side of the building along Bennett St. The signs would be lighted with a down light to wash them. There is also a old location of a sign on the corner of the lot that would be used for a Re/Max sign. Mr. Kerr asked about the fence along the back of the property and Mr. Bryan stated the fence would be removed and a green buffer barrier would be provided. Mr. Kerr stated that if DELDOT requires entrances to be installed then a landscape design and curbing should be considered. Dean Sherman stated he would like to see more information on the signs and the fence along the back of the property, and the location of the dumpster area on the final site plan. Denny Hughs made the motion to approve the site plan as a preliminary site plan stating the applicant would need to receive a no objection letter from DELDOT or approval for a new entrance. Noble Prettyman seconded the motion. All voted in favor of granting the preliminary approval.