

The Mayor and Council of Middletown

General Administration

19 W. Green Street
Middletown, DE 19709



PLANNING & ZONING MEETING NOVEMBER 19, 2020

ATTENDEES: Charles Roberts, Acting Chair
Morris Deputy, Town Manager
Frank Bailey, Fire Chief
David Chillas (via Zoom)
Gene Bloemker
Joe Pontak
Gretchen Rachko
Craig Sherman
Scott Unruh

AGENDA:

1. 1070 Industrial Drive, Suites 1-3 – Conditional Use Permit request for an electric transmission company (Silver Run Electric) to locate administrative offices in a small warehouse building for equipment in an M-I zoned area. CU-18-20. Tax Parcel No. 23-012.00-020.
 2. 1035 Industrial Drive – Conditional Use Permit request for an electric transmission company (Silver Run Electric) to locate a material storage yard for equipment in an M-I zoned area. CU-19-20. Tax Parcel No. 23-012.00-011.
 3. 215 N. Cass Street – Conditional Use Permit request for a church (Middletown Church of the Nazarene) to locate a rooming house on the third floor of the private residence for the temporary and emergency housing of guests, in an R-2 zoned area. CU-20-20. Tax Parcel No. 23-029.00-094.
 4. 2 Hogan Circle – Conditional Use Permit request for an online shipping business (Express Mind) in an R-2 zoned area. CU-21-20. Tax Parcel No. 23-029.00-092.
 5. 208 Porky Oliver Drive – Conditional Use Permit request for an online shipping business (Same Day Shippers LLC) in an R-2 zoned area. CU-22-20. Tax Parcel 23-029.00-028.
 6. Ash Boulevard Minor Subdivision Plan to create a parcel for the expansion of the Ash Boulevard pump station. Tax Parcel No. 23-003.00-010.
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1. 1070 Industrial Drive, Suites 1-3 – Conditional Use Permit request for an electric transmission company (Silver Run Electric) to locate administrative offices in a small warehouse building for equipment in an M-I zoned area. CU-18-20. Tax Parcel No. 23-012.00-020.

Eric Schroeder represented Silver Run Electric. The purpose of this request is to set up a local field operations office with a warehouse to store inventory for the recently built substation on Silver Run Road.

Chip asked if any hazardous materials would be stored.

Mr. Schroeder said no hazardous material will be stored; only hardware and materials for the transmission line/substation equipment such as electronic devices, IT equipment, and fittings and hardware for conductors and cable assembly.

Moved by Joe Pontak and seconded by Scott Unruh to recommend Mayor and Council approve 1070 Industrial Drive, Suites 1 – 3, Conditional Use Permit request for Silver Run Electric to locate administrative offices in a small warehouse building for equipment in an M-I zoned area. CU-19-20. Tax Parcel No. 23-012.00-020. Motion Carried Unanimously.

2. 1035 Industrial Drive – Conditional Use Permit request for an electric transmission company (Silver Run Electric) to locate a material storage yard for equipment in an M-I zoned area. CU-19-20. Tax Parcel No. 23-012.00-011.

Eric Schroeder represented Silver Run Electric. This request is to allow Silver Run Electric to use 5 acres at 1035 Industrial Drive as a material yard to store transmission tower structure segments and large cable reels.

A security fence, automatic gate and low-level security lighting will be installed. The property will be surfaced, complying with water and erosion controls. The existing tree line along Industrial Drive will remain.

Joe Pontak questioned the stormwater management area shown on the plan.

Mr. Schroeder said the property will be graded to move the water from where it is shown on the lot, to the retention pond on the other side of the parcel.

Craig Sherman questioned the storage of the tower structure segments.

Mr. Schroeder said the towers are used to hold up the overland cables. The structures are mono pole sections that slip-fit over the sections to build the tower assembly. Those tower segments range in size from 30 to 50 feet in length. No oil or hazardous material is stored on site.

Moved by Craig Sherman and seconded by Gretchen Rachko to recommend Mayor and Council approve 1035 Industrial Drive, Conditional Use Permit request for Silver Run Electric to locate a material storage yard for equipment in an M-I zoned area. CU-19-20. Tax Parcel No. 23-012.00-011. Motion Carried Unanimously.

3. 215 N. Cass Street – Conditional Use Permit request for a church (Middletown Church of the Nazarene) to locate a rooming house on the third floor of the private residence for temporary and emergency housing of guests, in an R-2 zoned area. CU-20-20. Tax Parcel No. 23-029.00-094.

Ryan Scott requested approval to use the third floor of his home (one bedroom and one bath room) to shelter individuals requiring emergency or temporary housing. The space won't be advertised. He said he met with County Councilman Carter and a group of non-profits and it seems there will be a need for this type of service going forward.

Frank Bailey asked how temporary housing differs from an apartment.

Mr. Scott said anyone staying there will use the same entrance, there is no separate kitchen and there is no fee. He said it would be the same as having guests in his home.

Morris Deputy said the area has to have its own bathroom and a fit-out permit would be required.

Joe Pontak asked if there is a maximum number of people that could stay there at one time.

Morris Deputy replied the Town's plan reviewer (Ray Hudson) will review the plan for compliance with the building code requirements for safety, Fire Marshal approval, ADA compliance, number of people per the space, etc., when Mr. Scott applies for a fit-out permit.

Gretchen Rachko asked if parking was available.

Mr. Scott said currently the driveway has space to park 8 cars. Street parking is also available.

Gretchen Rachko commented the parking on the street is tight. She then asked if the neighbors were aware of their proposed use of the house. She noted a nearby house is for sale and commented the new owners should also be made aware of the use.

Mr. Scott said their current neighbors are aware.

Moved by Gene Bloemker and seconded by Joe Pontak to recommend Mayor and Council approve 215 N. Cass Street Conditional Use Permit request for the Middletown Church of the Nazarene to locate a rooming house on the third floor of the private residence for temporary and emergency housing of guests, in an R-2 zoned area. CU-20-20. Tax Parcel No. 23-005.00-094. Motion Carried 5 to 1.

4. 2 Hogan Circle – Conditional Use Permit request for an online shipping business (Express Mind) in an R-2 zoned area. CU-21-20. Tax Parcel No. 23-029.00-092.

Cossie Yekpe requested Conditional Use approval to operate an online shipping business from his residence. He purchases items such as snacks, candy, etc. from BJ's and ships to Amazon. Amazon in turn sells and ships to customers. He said he does not have any contact with customers; no changes have been made to the house; the garage is the only part of the house used for purchases to be shipped.

Joe Pontak commented it could create an issue for the neighboring residents if packages are picked up from Mr. Yekpe's residence.

Craig Sherman suggested Mr. Yekpe should also check with the HOA to see if this type of business is permitted under their regulations.

Frank Bailey asked if any ammunition or flammables are purchased and shipped out. Mr. Yekpe said no, only food stuff.

It was noted the Fire Marshal's Office will be notified of the change in use at the residence.

Moved by Scott Unruh and seconded by Gene Bloemker to recommend Mayor and Council approve 2 Hogan Circle, Conditional Use Permit request for an online shipping business (Express Mind) in an R-2 zoned area. CU-21-20. Tax Parcel No. 23-029.00-092. Motion Carried Unanimously.

5. 208 Porky Oliver Drive – Conditional Use Permit request for an online shipping business (Same Day Shippers LLC) in an R-2 zoned area. CU-22-20. Tax Parcel 23-029.00-028.

Francis Rop was represented by Brenda. She said their business is the same as Mr. Yekpe at 2 Hogan Circle. She confirmed that their HOA approves of the business. They've been operating their business for over 2 years and it was just brought to their attention they needed a license and approval from the Town. No modifications have been made to their home; they just package and ship product to Amazon. She said they ship beauty, health care, grocery, candy products, etc. They purchase wholesale and ship to Amazon.

She asked if a permit was needed for just an online business since no changes are being made to the residence.

Morris Deputy responded that anytime anything changes to a dwelling or business in Town, the Town is required to notify the Fire Marshal. The Fire Marshal might want to know what is being stored in the garage, etc. In this case, a business use is being added to the residential use of your home. All businesses in the Town are required to have a business license.

Moved by Gretchen Rachko and seconded by Scott Unruh to recommend Mayor and Council approve 208 Porky Oliver Drive Conditional Use Permit request for an online shipping business (Same Day Shippers LLC) in an R-2 zoned area. CU-22-20. Tax Parcel No. 23-029.00-028. Motion Carried Unanimously.

6. Ash Boulevard Minor Subdivision Plan to create a parcel for the expansion of the Ash Boulevard pump station. Tax Parcel No. 23-003.00-010.

Morris Deputy: Upgrades are being made to the Town's pump station on Ash Boulevard that necessitates the Town acquiring .07 acres of land from Ramunno's property, adjacent to the pump station. The Town will subdivide the property and Mr. Ramunno will deed the land to the Town.

Joe Pontak asked why the Town was only expanding on such a small parcel if more growth is anticipated.

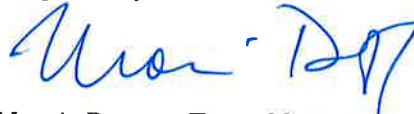
Morris Deputy responded that this expansion will handle the new Wawa, Reybold's storage area proposed a few years ago and some other miscellaneous development to the north. Future development will be restricted in that area without major sewer upgrades. The Town can only purchase what Ramunno is willing to sell.

Moved by Joe Pontak and seconded by Gene Bloemker to recommend Mayor and Council approve the Ash Boulevard Minor Subdivision Plan to create a parcel for the expansion of the Ash Boulevard pump station. Motion Carried Unanimously.

Moved by Joe Pontak and seconded by Joe Pontak and seconded by Craig Sherman to adjourn. Motion Carried Unanimously.

We believe these minutes accurately reflect what transpired; however, we will appreciate comments involving a different understanding of what occurred. Unless we are notified in writing to the contrary within 10 days after receipt, we will assume all in attendance concur with the accuracy of this transcription.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Morris Deputy", written over a faint, illegible printed name.

Morris Deputy, Town Manager

Ry 11/24/20
Cc: Mayor and Council
Planning & Zoning Members
All Attendees
Duffield Associates