

PLANNING & ZONING MINUTES

JUNE 17, 2021

ATTENDEES: David Chillas, Chairman
Morris Deputy, Town Manager
Frank Bailey, Fire Chief
Gene Bloemker
Bruce Orr
Joe Pontak
Gretchen Rachko
Charles Roberts
Craig Sherman
Scott Unruh

AGENDA:

1. 128 Patriot Drive, Units 11 and 12 – Conditional Use Permit request for JAKL Beer Works, LLC, to host a food truck (mobile food unit) on the M-I zoned Property during its open hours. CU-09-21. Tax Parcel No. 23-041.00-015.

Andrew Kulp, owner of JAKL Beer Works, requested approval of Conditional Use Permit CU-09-21 to allow food trucks at his establishment between the hours of 4 p.m. to 9 p.m. Monday through Thursday; 4 p.m. to 10 p.m. Fridays; Saturdays from noon to 10 p.m., and Sunday from noon to 7 p.m.

According to the diagram presented, the food truck would take up 4 or 5 parking spaces. Eight parking spaces are allocated to his leased space; on weekends about 30 parking spaces are available. A vote was taken after a brief discussion on parking.

Moved by Bruce Orr and seconded by Joe Pontak to approve 128 Patriot Drive, Units 11 and 12, Conditional Use Permit request for JAKL Beer Works to host a food truck (mobile food unit) on the M-I zoned property during its open hours. CU-09-21. Motion Carried Unanimously.

2. Review Ordinance 21-06-01 to annex the property at 4991 Summit Bridge Road. Tax Parcel No. 13-017.00-077.

Tim Anderson represented property owner Growmark FS, Inc.

- The parcel is approximately 4.57+/- acres located at the intersection of Summit Bridge and Marl Pit Road.
- Milford Fertilizer previously occupied the site.
- The property is located in the “future annexation area” in the Comp Plan.
- Proposed zoning is C-3 for commercial/retail/restaurant use.

Joe Pontak asked if any soil testing had been done – DNREC’s comments indicate groundwater contamination is present.

Matt Hershberger with Environmental Alliance said a Brownfield Development Program has been submitted to DNREC. The final plan should be released within 4 to 5 months. They will do whatever DNREC recommends.

A question was raised regarding the Town’s liability for the brownfield after the property is annexed.

Morris Deputy said the liability falls on the property owner; the Town has no liability for the property.

Moved by Joe Pontak, seconded by Charles Roberts to recommend Mayor and Council approve Ordinance 21-06-01 to annex the property at 4991 Summit Bridge Road. Tax Parcel No. 13-017.00-077. Motion Carried Unanimously.

3. Introduce Ordinance 21-06-02 to annex the property at 504 Marl Pit Road. Tax Parcel No. 13-017.00-076.

Denis Hulme represented the property owner Marlpit Road LLC.

- The 9.15+/- acre parcel is located on the southeast corner at the intersection of Marl Pit Road and Summit Bridge Road.
- The existing use of the site is a Bulk Material Handling Facility.
- Requested zoning is C-3.
- An existing entrance is on Marl Pit Road.
- The actual use for the property is not known at this time.

Moved by Gretchen Rachko and seconded by Gene Bloemker to recommend Mayor and Council approve Ordinance 21-06-02 to annex the property at 504 Marl Pit Road. Motion Carried Unanimously.

4. 1999 Middle Neck Road – Revised Preliminary Major Subdivision Plan for Wellington Estates (formerly known as Money Farms) a 362 unit (169 single-family and 192 attached units) age-restricted community. Tax Parcel Nos. 13-026.00-042 and 13-026.00-027.

Bill Rodunda on behalf of Middle Neck Investments LLC, presented the plan for Wellington Estates.

- The plan is requesting approval for 362 units. The units will be 24 to 28 feet wide.
- This is a by-right plan and meets code.
- A landscape architect was consulted to provide expertise on planting a buffer to help mitigate odors and other concerns discussed at the last meeting. It was agreed a fifteen-foot (15) landscape buffer consisting of two rows of five (5) types of evergreens will be planted along the property line between the egg farm and the proposed development. The trees will be staggered to form a dense buffer. Mr. Puglisi will also plant a buffer on his property. The developer has offered to pay Mr. Puglisi \$50,000 towards the buffer cost; Mr. Puglisi will be responsible for the maintenance of his buffer.
- A note will be included on each purchaser’s deed stating the adjoining farm property has a permitted agricultural use in accordance with Delaware Code.

- Two over-flow parking sections providing forty-four parking spaces were added. It was noted the single family homes could also park 2 vehicles on the street in front of their homes. The street width is 32 feet. Parking meets code.

Phasing of construction and planting the evergreens for the buffer were discussed. Concern was expressed that the houses would be built before the evergreens were planted. Mr. Rodunda said he would check the time line for construction and planting the evergreens.

Stewart Ramsey from the Department of Agriculture stated that the Puglisi Egg Farm is the only significant egg producer in the state and pointed out numerous benefits the farm provides, in addition to the economic impact with purchasing soy beans, corn, etc., to feed the animals.

Moved by Charles Roberts and seconded by Scott Unruh to recommend Mayor and Council approve 1999 Middle Neck Road Revised Preliminary Major Subdivision Plan for Wellington Estates (formerly known as Money Farms) a 362-Unit age-restricted community. Tax Parcel Nos: 13-026.00-042 and 13-026.00-0267. Motion Carried Unanimously.

Moved by Charles Roberts and Joe Pontak 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,

Morris Deputy, Town Manager

Ry 6/25/21

Cc: Mayor and Council
Planning & Zoning Members
All Attendees
Duffield Associates