

**Planning and Zoning Commission Meeting  
September 21, 2015 @ 7:00pm**

In attendance were Chairman Bob Linett, Commissioners Paul DuCott, and Charles Laskowski, AECOM representative Kyle Gulbranson, Town Code & Building Administrator Eric Evans, and Town Executive Assistant Matt Amerling. Commissioners Jim Koozer and Holly Wingate were absent.

- 1. CALL TO ORDER:** Chairman Linett called the meeting to order at 7:00 p.m.
- 2. PLEDGE OF ALLEGIANCE**
- 3. ADOPTION OF MEETING MINUTES – May 11, 2015:** Commissioner Paul DuCott motioned to accept the adoption of the minutes from the May 11, 2015, Planning & Zoning (P&Z) Meeting. Commissioner Charles Laskowski seconded the motion. Motion was carried 3-0.
- 4. NEW BUSINESS:**
  - A.** To consider for discussion and possible recommendation to Town Council for the consolidation of lots 1-34-12.00-46.00 and 1-34-12.00-47.00 for the expansion of the proposed self-storage units.

Mr. Jeff Clark, of Land Tech Land Planning, stated he is representing Mr. Peter Astorino who is a contract purchaser from Mr. Nino D’Orazio, who has owned this property for years. Mr. Clark stated he wanted to run the two applications concurrently so assuming the site plan application is successful, the two lots can be combined into one tax parcel. Mr. Clark further stated Mr. Gulbranson made a few suggestions for improvements, of which Mr. Astorino and Land Tech have consented.

Mr. Kyle Gulbranson, of AECOM, stated the applicant requested the parcels be combined probably for a number of reasons – ownership, financial and business-wise – and the parcel now is two even though it is one business unit. Mr. Gulbranson stated both parcels are owned by the same property owner and, for those reasons, it beneficial to combine the properties.

Chairman Bob Linett motioned to recommend to Town Council to approve the consolidation of lots 1-34-12.00-46.00 and 1-34-12.00-47.00 for the expansion of the proposed self-storage units. Mr. DuCott seconded the motion. Motion was carried 3-0.

**B.** To consider for discussion and possible recommendation to Town Council a preliminary site plan submitted by Two Mini Inc., to construct three (3) 2500-square-foot self-storage buildings for a total of 7500 square feet.

Mr. Jeffrey Clark, of Land Tech Land Planning, stated this property is zoned C1, or commercial in the Town’s zoning map, and Mr. Clark was at the Town meeting in March 2015 when the Town had adopted an ordinance which allowed a non-conforming use, such as this, to come before

Planning & Zoning (P&Z) and propose a one-time expansion of up to fifty (50) percent of the building footprint which is on the property now, so Mr. Astorino is applying that opportunity with tonight's application since it meets the Town's guidelines. Mr. Clark stated the existing gross floor area is 35,432-square feet, which is noted on the plan, and the three proposed buildings total 7500-square feet which is well below the fifty percent threshold which the Town's ordinance requires. Mr. Clark further stated the use of the proposed buildings is to be three (3) climate-controlled self-storage buildings, and there are three buildings being proposed rather than one because the State Fire Marshall requirements will not allow the applicant to construct a central building larger than 2500-square feet because the property has no central water. Mr. Clark stated the buildings being proposed tonight are each exactly at the 2500-square foot threshold and each building will be separated from each other by at least fifteen (15) feet. Mr. Clark stated the three buildings will be identical and the floor plan is such that they will have a central corridor which has a climate control building and a door at each end of each building with a 10x10 box on the end of each in a utility room for humidity control. Mr. Clark stated the setbacks meet the Town's requirements and there is not any major architectural work yet but it will be a part of the final site plan, but Mr. Clark stated he can say the siding will match the color of the current siding on the existing building. Mr. Clark stated the only thing which came up during the site plan review from Mr. Gulbranson was the roof pitch requirements by the Town are a little different from what one would see on the site, but the roof pitch can be discussed at a later meeting.

Mr. Clark stated in another part of Mr. Gulbranson's review, it was brought to Mr. Clark's attention that he may disturb some of the existing daycare facility currently at the location and the only disturbance will be a piece of the security fence next to the play area will be removed and the actual face/side of the building will become part of the security to join the fence on either end of the center planned building. Mr. Clark stated the Sussex Conservation District, because of the size of the site, has a standard plan review, which involves a sediment erosion control plan, and there will be no stormwater management. Mr. Clark further stated he will show the Town a grading plan so it can see his intention with the drainage. Mr. Clark stated there is a tax ditch which runs along the northern property line now and that is generally where everything is heading.

Mr. Clark stated he did speak with the Delaware Department of Transportation (DeIDOT) and the mini-storage does not need any kind of entrance permit from DeIDOT, but DeIDOT will issue a "letter of no contention," which will be presented to the Town, along with the Sussex Conservation District approval, at the final hearing. Mr. Clark stated he and Mr. Astorino met with Mr. Wayne Fox, who is with the State Fire Marshal's office, and these building configurations are the result of that meeting. Mr. Clark stated he will need to submit a formal application to Mr. Fox so he can review the architectural plans and other detailed plans. Mr. Clark further stated there will be no sanitation or sewer to these proposed buildings, because there is no need for water so there will be no need to get anything from Sussex County engineering.

Mr. Kyle Gulbranson, of AECOM, stated AECOM had a series of comments, including lot consolidation, which has been addressed, but there was also a question of lighting the site. Mr.

Clark stated at this point there is no overhead lighting currently on the site, and, for a storage area, the only lighting will be on the building itself, and that will be a part of the architectural plan, specifically identifying where each light will be placed on the building. Mr. Gulbranson stated the other issues which are still unresolved are how the Route 26 design standards will affect this property and how the applicant chooses to make the requirements possible on the site. Mr. Gulbranson further stated there are three (3) basic criteria he thinks need to be addressed: (1) the roof pitch on the property and how the initial building meets the design aesthetic guidelines for the design criteria; (2) the landscaping technique to the parking lot and because this land is surrounded by C1 zoning, there is no buffer required; and (3) parking lot circulation because AECOM knows there are some buses coming into the parking lot to drop kids off for the daycare center, and Mr. Gulbranson knows the number of parking is adequate. Mr. Linett stated his concern is the site is subject to the design standards and having new structures, they are subject to these standards. Mr. Linett stated he understands the past structures have been built and grandfathered, but now there are these new buildings, which are subject to the design standards and Mr. Linett knows the P&Z Commission can make a recommendation to the Council, but P&Z cannot say the applicant is not subject to the standards. Mr. Gulbranson stated he believes that specifically is why the applicant is here tonight – to see what P&Z would like to see done for the site. Mr. Linett stated there have been at least two (2) plans which have gone through P&Z and each one has had to submit a checklist for the completed design standards, specifically of which standard has been met and which one has not. Mr. Linett further stated he believes this applicant needs to submit a completed checklist for these design standards, and Mr. Linett knows it cannot be done tonight, but believes the checklist should be submitted if P&Z is going to make a recommendation to Town Council.

P&Z Commissioner Paul DuCott asked Mr. Clark, regarding the fence by the daycare facility, if the fence is being removed, the side of the building will be accessible to the children, and do the daycare operators know this. Mr. Peter Astorino stated the daycare operators are aware he is putting in these buildings and right now, the site being discussed is used to park school buses. Mr. Astorino stated the daycare operators are currently aware the property owners, with whom Mr. Astorino is under contract with, are going to develop this and the daycare does not have an issue with it. Mr. Gulbranson asked if the daycare facility is currently fenced off from the storage facility. Mr. Astorino stated yes. Mr. Gulbranson asked if when the fencing is taken away, and the new buildings go up, will there be any fencing to separate the daycare facility from the new buildings. Mr. Clark stated the one fence which is currently there will remain to separate the daycare facility play area from the new buildings. Mr. Laskowski asked where the buses will park if the buildings are going in. Mr. Astorino stated he will not rent the spaces to the buses or trailers anymore, and the buses are not associated with the daycare facility.

Mr. Clark stated in speaking with the applicant earlier, the 6/12 roof pitch issue is not an issue and it is something he needs P&Z to give some guidance on, and whether the roof matches the old building or follows the new standard, it does not matter to him because it is not that costly and is more of an “aesthetic thing.” Mr. Clark stated, as for the landscape, the entire site is either covered by asphalt or gravel so the design standard checklist Mr. Linett mentioned will

have a lot of blank spaces, so the applicant will need guidance by the P&Z with that aspect as well. Mr. Clark further stated the new buildings are not affecting any of the current parking on the property, and if the applicant has to tear up asphalt and plant trees and/or shrubbery, etc., then parking spaces will be taken away from the current businesses. Mr. Clark stated he has no problem filling out the Town's design standard checklist, but, in his opinion, there will be a lot of blank spaces due to non-applicability and, in his opinion, he will be right back in front of P&Z with the same kinds of concerns. Mr. Gulbranson stated he believes some of the concerns with design standards the applicant is not going to be able to address because of the nature of the project and site. Mr. Linett stated, as a P&Z Commissioner, he still cannot advise Town Council to approve. Mr. Gulbranson stated he understands Mr. Linett's stance on the design standard checklist and address things the applicant can address, as well as treating every applicant equally. Mr. Linett stated he realizes the practical situation of this application but P&Z's authority is limited and P&Z cannot recommend to Council without the proper requirements being completed. Mr. Gulbranson stated he believes, like Mr. Linett, there are some easy requirements to be checked off the list, and once the checklist is completed and this way, every applicant with a project has been treated equally, the precedent will be set.

Mr. Linett suggested to Mr. Clark to complete the Town's design standard checklist and bring it back to Town Code & Building Administrator Eric Evans so he and Mr. Gulbranson can review it to make sure the proper steps have been taken.

#### **5. PROPERTY OWNER/AUDIENCE COMMENTS:**

Mr. Bob Gordon, of Atlantic Avenue, stated he has a house west of the shops, and per taking the fence down and leave the wall up for the kids, the applicant may want to rethink that move because with the kids playing kickball up against the wall, there may be a lot of scuff marks on it in the near future. Mr. Gordon also stated there are two school buses which go into the lot – not into the actual site but to the Lord Baltimore Elementary School – and the kids from the daycare walk down to get on the bus and there is not much room for the kids to stand because of the DelDOT work, so that will need to be considered in terms of the parking lot standards work. Mr. Gordon stated his one complaint is there is a lot of trash along the back of the building on the lot and he realizes the storage facility does not cause any trash, people do, but it is a part of the business to make sure it is watched, maintained and cleaned up.

#### **6. ADJOURNMENT:**

Mr. Linett stated the next P&Z meeting in October 2015 would be determined and announced by the Town at a later date. Mr. DuCott motioned to adjourn the meeting at 7:42 p.m. Mr. Laskowski seconded the motion. Motion passed 3-0.

Respectfully submitted and transcribed  
by Matt Amerling, Executive Assistant