

**Planning and Zoning Commission Teleconference Meeting
June 11, 2020 @ 7:00pm**

In attendance were P&Z Chairman Pat Plocek; P&Z Secretary Marshall Gevinson; Commissioners Cathy Scheck, Glen Faden and Tim Roe; Town Manager Debbie Botchie; GMB Representative Andrew Lyons, Jr.; and Town Code & Building Official Eric Evans.

Ms. Botchie stated this open meeting of the Millville Planning & Zoning (P&Z) Commission is being conducted remotely consistent with Governor Carney's Executive Order of March 13, 2020, due to the current State of Emergency in regards to the Coronavirus pandemic. Ms. Botchie stated in order to mitigate the transmission of the virus and reduce risk of COVID-19 illness, the Town has been advised and directed by the Governor to suspend public gatherings, and as such, the Governor's order suspends the requirement of the open meeting law to have all meetings in a publicly accessible physical location. Ms. Botchie further stated all members of public bodies are allowed and encouraged to participate remotely. Ms. Botchie stated the order allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting, hear the comments of the Commissioners, who must in turn be able to hear the comments of all those participating. Ms. Botchie stated the other rules and procedures applicable to public meetings remain in effect. Ms. Botchie stated for this meeting, the Millville P&Z Commission is convening by teleconference, as posted on the Town's website identifying how the public may join, and please note that this meeting is being recorded. Ms. Botchie stated all supporting materials of this body are available on the Town's website and the public is encouraged to follow along using the posted agenda.

1. **CALL TO ORDER:** P&Z Chairman Pat Plocek called the meeting to order at 7:00 p.m.
2. **ROLL CALL:** P&Z Chairman Pat Plocek stated everyone was present.
3. **ADOPTION OF MINUTES**
 - A. April 16, 2020

P&Z Commissioner Cathy Scheck motioned to adopt the April 16, 2020, P&Z minutes. P&Z Secretary Marshall Gevinson seconded the motion. Motion carried 4-0-1 abstention.

4. **NEW BUSINESS**
 - A. Review, discuss and vote on a possible recommendation to the Town Council, a Preliminary Site Plan submitted by Plitko LLC on behalf of Kevin Martin, for Atlantic Auto Shop and a restaurant. The proposed businesses are located on Tax Map Parcel #134-12.00-352.00 and zoned C1 - Commercial. *Synopsis:* The Auto Shop and Restaurant Outdoor Seating received its conditional use approval from Town Council on March 10, 2020 with the condition of adding some sort of fencing around the restaurant's outdoor seating area, to ensure safety of patrons, especially children.

Mr. Rob Plitko, of Plitko LLC, stated this is a two-point-zero-nine (2.09) acre site consisting of agricultural land with some forested area in the front of the property along Route 26. Mr. Plitko stated the applicant is proposing an auto repair ten (10)-bay facility with an office, as well as a

proposed restaurant with outdoor seating. Mr. Plitko stated the auto repair shop and outdoor seating are conditional uses which were approved (by Council on March 10, 2020), and Mr. Plitko shows the fenced-in seating area on the site plan to meet the condition of conditional use approval. Mr. Plitko stated they are currently in the design phase with DeIDOT and the applicant has an entrance in the process as well as stormwater management. Mr. Kevin Martin, of Atlantic Auto Repair, stated the Fire Marshal report has also been turned in.

Mr. Andrew Lyons Jr., of GMB, stated he reviewed the plans and the fence is on the preliminary plan, which meets one of the conditions which was a part of the conditional use approval. Mr. Lyons stated there were two (2) comments from his letter which weren't addressed, one of which asking whether all the sidewalks will be concrete. Mr. Plitko stated yes. Mr. Lyons stated the other question is whether the parking lot will be asphalt. Mr. Plitko stated they planned on doing asphalt for the main parking and maybe gravel for extra overflow parking. Mr. Lyons stated gravel for overflow parking is possible but he would like to see exactly how that works out; but, again, all the required parking would have to be pavement. Mr. Lyons stated the only other issue he had in his letter was on the elevations but Mr. Lyons checked them and they did meet all of the requirements. Town Code & Building Official Eric Evans stated regarding the parking requirements, the applicant went with square footage, and the applicant needs to incorporate one (1) parking space per employee for the auto repair shop, as well as, for the restaurant, one (1) space per four (4) chairs, so because the outside seating is probably going to incorporate about ten (10) tables and with four (4) chairs each, there will be an update needed for parking spaces. Mr. Evans stated when he looked at the building plans, the stairs on the proposed auto garage are in the side yard setback so they are not permitted within the Town Code. Mr. Evans stated this aspect needs to either be changed to have interior stairs or the applicant will have to go before the Town Board of Adjustment (BOA). Mr. Evans stated when he looks at the proposed restaurant, the way the building was designed, it looks like the applicant has a gas tank where the trash dumpster is located. Mr. Martin stated if Mr. Evans looks at the southern elevations, there is a separate space for the gas tank and the trash cans are on the Route 26 side, which is the northern elevation. Mr. Evans stated he was concerned about the northwest side, which is where the trash dumpster is located, and the proposed left side of the drawings is where the garage doors go out to the parking. Mr. Martin stated the garage doors open toward where the outdoor seating is located. Mr. Evans stated yes, so the proposed rear, which would be the northwest side, would be where the propane tanks go. Mr. Evans stated when the applicant starts designing the building, Mr. Evans doesn't have a problem with everything but the way the plans are laid out on the building, it's difficult for Mr. Evans to read where both buildings will be within the same area. Mr. Martin stated the dumpster is located on the northwestern side and if Mr. Evans looks at the southwestern side, he will see there is a little notation to make a separate area for the propane tank. Mr. Evans stated he knows the applicant uses oil heaters to heat the garage but does the applicant have a location to store the oil? Mr. Martin stated he has a proposed one-thousand (1000)-gallon oil tank located on the southern end of the auto repair shop, to keep it away from everything else, and it is a proposed above-ground tank; and Mr. Martin will update the plan to show the trash bin location.

Mr. Gevinson asked if the oil tank will be located where the dumpster is located. Mr. Martin stated yes, behind the dumpster along the southern wall, so it will be out of view and away from everybody. Mr. Gevinson asked Mr. Martin how he will drain the tank. Mr. Martin stated there won't really be a drain and he will have two (2) other tanks inside the building itself so the oil is

warm before it goes into the heating system, and once a week it will be a matter of taking a coffee can and draining out whatever condensate builds up on the bottom of the barrel. P&Z Commissioner Tim Roe stated reading the design standards and guidelines for Route 26, it states all parking should be behind buildings and with this design it would be difficult. Mr. Roe asked if the parking location will be an issue when this plan goes before Council. Mr. Evans stated it is apparent to him the parking is behind the required front yard setbacks on the site plan, and, in regards to the building structures, the applicant does meet the design standards for Route 26. Mr. Martin stated he did read the Code for required parking, and from what Mr. Martin read, it states although the parking is not required to be in the rear, Council would like to see most of the parking in the rear. Mr. Martin stated he and Mr. Plitko did make it a point to try and make sure they addressed that aspect properly and because there needs to be the appropriate amount of parking as well as having well-placed handicapped parking right in front, there was the parking located where P&Z sees it, but a good eighty-five percent (85%) of the parking is in the rear of the property. Mr. Lyons stated parking is allowed within the side and it would be for Town Council to approve, but the applicant meets the requirements for such a request to be asked, and almost ninety percent (90%) of the applicant's parking is behind the buildings.

P&Z Commissioner Glen Faden stated looking at the overhead plan, on the location map, there is an acreage listed of two-point-zero-seven (2.07) acres but the actual drawing is saying two-point-zero-nine (2.09) acres, and he's not sure if it should be changed to match or not. Mr. Lyons stated the two-point-zero-seven (2.07) acreage is coming off the location map, which is published by the County and Mr. Lyons isn't sure how County would correct that number, but the tax maps are not always completely accurate when a complete survey is done, so they have a little bit of error in them. Mr. Faden stated the site plan indicates sixty-eight (68) parking spaces but Mr. Faden counted a total of sixty-six (66) and it includes the three (3) handicapped parking spaces. Mr. Martin stated he agrees the spaces were hard to count out, but even with the 68 spaces, he's still way above the limit for what is required for the property. Mr. Plitko stated he just counted the spaces and it is 68 spots. Mr. Lyons stated he can also verify that number of 68. Mr. Faden asked what the dimensions are for the outside seating area. Mr. Plitko stated the final dimensions haven't really been set yet but he will provide them on the next site plan for review. Mr. Evans stated if you take the proposed restaurant and look at the proposed outdoor seating area, it's approximately sixteen- (1600) to eighteen-hundred (1800) square feet, and you're probably looking at about twelve (12) to fourteen (14) tables outside. Mr. Lyons stated he has about forty-five (45) feet by forty-five (45) feet. Mr. Martin stated his intention with the outdoor seating is more of a stand-up area outside to socialize and not so much eat, so it will be more of a social family area.

Ms. Scheck stated one of her questions is in regards to the staircase in the office building and the propane tank adjacent to the trash area. Mr. Martin stated the propane is not in the trash area, but is rather on the other end of the wall, about thirty-five (35) feet away from the garbage area. Mr. Martin stated as far as the stairs go, Mr. Martin is guessing he will have to relocate the outside stairs to the inside like Mr. Evans suggested. Mr. Plocek stated his agreement of having the area measurements of the outdoor seating area placed on the next set of site plans. Mr. Roe asked if the elevations from the conditional use application have changed. Mr. Lyons stated the changes are very minor and, in fact, there is more detail on the elevations now, but the elevations do meet the Town requirements in the design standards.

Mr. Roe motioned to recommend to Council for approval the preliminary site plan submitted by Plitko LLC on behalf of Kevin Martin, for Atlantic Auto Shop and a restaurant with the addendums and modifications as discussed. Mr. Gevinson seconded the motion. Motion carried 5-0.

5. CITIZENS PRIVILEGE

There were no comments.

6. ANNOUNCEMENT OF NEXT MEETING

Mr. Plocek stated the next P&Z meeting is scheduled to be on Thursday, July 9, 2020.

7. ADJOURNMENT

Mr. Gevinson motioned to adjourn the meeting at 7:38 p.m. Mr. Faden seconded the motion. Motion carried 5-0.

Respectfully submitted and transcribed
by Matt Amerling, Town Clerk