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November 7, 2025

Town of Millville
36404 Club House Road
Millville, DE 19967

Attn: Eileen Scerra
Town Manager

Re: Hershey Exteriors
Concept Site Plan Review
Millville, Delaware
GMB File No. R250242

Dear Ms. Botchie:

We have completed our review of the Concept Site Plan received on October 1, 2025, as submitted by Piltko Engineering. The site is located on Tax Map Parcel 134-12.00-1742.00 and zoned C-1 and is a corner lot which will have 2 front yards and 2 side yards with existing entrances on Atlantic Avenue and Old School Lane. The submission was reviewed per Town of Millville Code Section 155 Zoning and generally accepted engineering principles. Specific comments were made regarding individual components of the submittal and are discussed below.

General

1. According to Town Code Section 155-36 Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;

B. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. Any remaining portion of the building or structure shall be removed from the premises without delay, and in any case, within 180 days of the date of the damage;

C. In the event that the cost of repair or replacement is 50% or less of the physical value, the building or structure may be repaired and used for the same purposes, provided that the original nonconformity is not exceeded, and repair or reconstruction is begun within 180 days of the date the building

or structure was damaged. The new construction must comply with all new or revised ordinances other than the original noncompliance;

D. When a conforming or nonconforming building is destroyed by fire, explosion, or by any other cause, the debris from such building shall be removed from the premises within 30 days so that the same shall not remain as a nuisance thereon;

E. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved;

F. Any existing lot on which a building or structure is located and which lot does not meet the minimum lot size, or a structure which does not meet all the yard requirements, may have additions to the principal building and/or construct an accessory building without an appeal to the Board of Adjustment, provided:

- (1) The total permitted building coverage is not exceeded;
- (2) The accessory building and/or any addition do not violate any other requirements of this chapter, such as but not limited to height, setback, and parking; and

G. If any such nonconforming use of land ceases for any reason for a period of more than a year and a day, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

The proposed plan has non-conforming structures that as proposed will meet the requirements of section 155-36 of the Town Code. The proposed site plan changes to the parking areas will decrease the lot coverage, and provide a landscape area between this location and Lot 10 of Southern Landing. Please see comments below.

2. Per the Town Code Section 155-66, Paragraph E, Item 3, Part i: Location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjoining the property;
 - a. **The site setbacks have not been shown on the parcel. The existing building onsite is already non-conforming to the 20' front setback. The 15' side setbacks and 20' front yard setbacks should be shown. The side yard setback should be shown per the Town Code Section 155-13, Subsection E, Paragraph 1, Part (a) item [5] :**

[b] A buffer planting strip not less than 10 feet wide shall be provided along all side lot lines which form a common lot line with any residential district or residential use.

b. The site shows the existing 10' access easement to parcel 134-12.00-1740 which is to remain.

3. Town Code Section 155-13, Paragraph E, Item 3; Maximum coverage: the maximum coverage of the lot, including all buildings, parking areas, and other impervious surface areas shall not exceed 60%. Maximum coverage may be increased to 70% if the applicant presents a plan placing the building near the street with parking located to the side or rear of the primary building and the additions of streetscape, plazas, courtyards and permanent site furnishings such as benches, tables, bike racks, trash cans, planters, lighting and additional landscaping, etc. Such increase in coverage will be at the discretion of the Town Council based on the findings by the Planning and Zoning Commission that the above improvements are incorporated and are in excess of the minimum requirements established in the "Development Design Standards and Guidelines for Route 26 and Route 17," and provide increased development quality to the site.. **Currently, the coverage is 88.6%. The owner has agreed to removal of gravel areas to reduce to the lot coverage to 69.9%**

If you have any questions, please contact me at 302.628.1421. Thank you.

Sincerely,



Andrew J. Lyons, Jr., P.E.
Project Director

AJL/

