

*"A Historic Past"*



*"A Bright Future"*

CITY OF DELAWARE CITY

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**MINUTES  
REGULAR MEETING OF THE PLANNING COMMISSION  
CITY OF DELAWARE CITY  
Monday, January 7, 2019 - 6:30 p.m.  
City Council Chamber  
407 Clinton Street**

**CALL TO ORDER**

Commissioner Snow called the regular meeting of the Planning Commission (PC) together at 6:30 p.m. In addition to Commissioner Snow, Commissioners Wilkinson, Starrett, Dilliplane, Smith and Saunders were present. Also present were Interim City Manager Baylor, City Secretary Hanna and Ms. Danielle Metcalfe from UD IPA.

Commissioner Snow took a few moments to thank Ms. Metcalfe for her assistance over the summer working on the Comprehensive Plan and especially for her return to help with its completion.

**ACTION UPON THE MINUTES OF THE PREVIOUS MEETING**

There were no questions or comments on the minutes from the December 3, 2018 meeting. The motion to accept the minutes as written was made by Commissioner Dilliplane and seconded by Commissioner Saunders. All members were in favor and the minutes were accepted.

**308 Bayard Street - Whittaker Brothers, Inc. - Lot Coverage Variance from 30% to 38%**

Mr. Whittaker said he is planning to build an approximate 1750 sq. ft. home. His target market is for the 50+ buyer who is looking for a custom single level living with an attached 2-car garage and small covered porch.

Delaware City Code is 30% lot coverage and because of this plan he is asking for a variance to increase it to 38% coverage for the footprint. He presented the lot rendering of the house for the Commissioners consideration.

Mr. Whittaker also showed a picture of a similar house he built and explained there will be some design and color differences but it is basically what the house will look like. The Commissioners discussed among themselves the homes that had been built previously in a similar manner.

Mr. Whittaker added he had purchased the lot from Mr. & Mrs. Robert Malinowski and the new house would come forward to equal the Malinowski home, which would give the new house a larger backyard.

Mr. Whittaker and Commissioner Dilliplane discussed the current code regarding setbacks. As he said earlier it would equal the Malinowski home. The Commissioners had no problem with that.

Mr. Whittaker's closing remarks were the dimensional variance is consistent with the other properties in the area and compatible with surrounding property. The granting of the variance will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of the Zoning Code.

The Commissioners agreed this type of request had been approved several years ago. With that said, Commissioner Dilliplane made the motion to accept the request for the Lot Coverage Variance from 30% to 38%. Commissioner Wilkinson seconded the motion. A verbal vote was taken resulting in all ayes. The request was accepted.

**206 Bayard Street - Whittaker Brothers, Inc. - Front Setback from 20' to 10' on Henry Street**

Mr. Whittaker's request is to correct an error when this lot was first subdivided as part of 210 Bayard Street and approved by Mayor & Council on 9/17/18. It was his error that what is now known as 206 Bayard Street (lot #3) as a corner lot from Henry Street (Paper Street) as 2 front setbacks (20' both sides).

Mr. Whittaker's intent has not changed regarding the house plan but in order to conform to the Zoning Code he is requesting the setback variance. He added Henry Street (Paper Street) is a drainage area that will probably never be developed. It has another vacant lot on the other side of it.

Commissioner Dilliplane made the motion to accept the request for a Front Setback Variance from 20' to 10' on 206 Bayard Street at Henry Street (Paper Street). Commissioner Wilkinson seconded the motion. A verbal vote was taken resulting in all ayes. The request was accepted.

**150 Clinton Street - Delaware City Station, LLC - Parking Variance - 32 Spots to 9 Spots**

The Realtor representing Purpose Ministries, Inc. presented their request for a parking variance. He began by giving a history of their search for a permanent home for the congregation of 100 people. In October of 2018 they entered into an agreement with

Delaware Station LLC of Hudson Valley NY for 150 Clinton Street. The building is to be used primarily as a place of worship and a fellowship hall that can accommodate special events of the church members.

As they worked with Delaware City's Building Inspector, Kyle Bendler and Kathy Clifton, Land Use Administrator they were told in order to meet code for that size congregation it was necessary to have 32 parking spaces.

The final plan indicates 27 spaces, which subtracted from the 32 spaces required leaves 5 additional spaces needed. The property immediately adjacent to the building has 7 spaces. To the West on 2<sup>nd</sup> Street there are 8 more spaces. However, this is public property but appears to be unified with the building.

The State Fire Marshall's letter dated January 2, 2019 stated it had been decided the parking arrangement for the existing building was in compliance with the Delaware State Fire Prevention Regulations and approved the parking plan.

The Realtor said Mr. Bendler had suggested the Church's attorney draw up an easement agreement with Delaware City and if/when the Church left it would return to Delaware City. Interim City Manager Baylor said it is public property and should remain as such with no deviation unless there is a transfer of property. He also stated he is not a lawyer but as a steward of the City he cannot give up City property to any entity.

Interim City Manager Baylor suggested the Pastor speak with the Catholic Church and see if an agreement could be made to use the fenced area of theirs for parking. The Realtor added that WSFS has offered their spaces when the bank is not open. This continued to lead to the fact that public areas are open to first come; first serve for parking.

Commissioner Dilliplane mentioned painting lines on the public area and another consideration would be to note this area for compact cars only. Interim City Manager Baylor said he would be addressing the Paving Contractor who recently repaved Clinton & Washington Streets because of damage to the road on 2<sup>nd</sup> Street from parking their heavy equipment and perhaps the lines could be done as compensation for the damage and that being repaired.

Commissioner Snow brought up the issue of insurance liability. Interim City Manager Baylor said when the church is using the area it would come under their liability. Public areas are for the individual's liability. Handicap allocation was also discussed.

Pastor Paintsil expects to make settlement on the property April 26<sup>th</sup>. The Realtor added there was still paperwork that has to be completed for interior work, sprinkler system and final sign off with Fire Marshall.

There was no further discussion and/or questions. Commissioner Dilliplane made the motion *to accept parking proposal as submitted by Purpose Ministries*. Commissioner Starrett seconded the motion. A verbal vote was taken resulting in all ayes. The motion was accepted.

The Realtor and Pastor Paintsil were told the next step would be to appear before the Board of Adjustment. They will be notified when the date is set. The Commissioners welcome Purpose Ministries to Delaware City and wished them well.

**Review of Comp Plan Chapters 2.10, 3.1, 3.2**

Ms. Metcalfe began the discussion by saying she had updated all of former City Manager Houck's notes where she had left off. The mapping has been sent to Sean Neil at the UD for preparation to be included in the final Comp Plan. These may take sometime and will be returned for final review.

Ms. Metcalfe believes the Comp Plan can wait since all that is left is the economic development and land use and believes that should be addressed with the new City Manager. She said Chapter 4 is merely copying all the updates into it and Section 1 is purely organization and can easily be filled in.

Ms. Metcalfe spoke with Mr. Neil of UD and was advised it may be possible to get another extension due to the resignation of City Manager Houck and the search for her replacement. Interim City Manager Baylor said to be sure Mayor & Council are made aware so the process is not slowed down while waiting for a new City Manager.

To assist the PC in finalizing the Comp Plan, Ms. Metcalfe developed a *To Do List* and a *Checklist* for what the PC must review before sending it to Mayor & Council and a *Final Edit Checklist* before submitting it to the State. Ms. Metcalfe asked for copies to be sent to each Commissioner the following day along with all the updates in the Comp Plan.

The Commissioners discussed some points that were important to them: i.e. that Delaware City and Fort DuPont be compatible and recognized as one town; and the need for having viable businesses coming into town that are able to provide services that the residents need and not just be for summer tourists.

Once again, Commissioner Snow thanks Ms. Metcalfe for her help. Ms. Metcalfe responded she would continue to be available.

**ADJOURNMENT**

The motion to adjourn was made by Commissioner Dilliplane and seconded by Commissioner Smith. All were in favor. The Planning Commission Meeting was adjourned at 7:43 p.m.

Respectfully submitted,

*Bonnie Lynn Hanna*

City Secretary