



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
STATE PLANNING COORDINATION**

April 12, 2006

Mr. Roy Lopata
City of Newark
220 Elkton Road
Newark, DE 19711

RE: PLUS review – PLUS 2006-03-03; Newark Comprehensive Plan Amendment

Dear Mr. Lopata:

Thank you for meeting with State agency planners on March 22, 2006 to discuss the proposed City of Newark comprehensive plan amendment to revise the Newark Adjacent Areas land Use Plan Planning Area 2 maps to show this area separated into two new sections. Planning Area 2A would replicate the original Planning Area 2 in terms of land use with the areas specified in the plan to include primarily the Stine Haskell DuPont Company property, nearby adjacent properties on Elkton Road and the Newark Freezer Plant site. Planning Area 2B would encompass the old Iron Hill Lumber site as well as land opposite the property on the west side of Elkton Road and would reflect the addition of “single family residential” medium density as well as the continuation of the previous uses suggested in the plan.

Please note that additional changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: Herb Inden 739-3090

This is a comprehensive plan amendment that is essentially the same request for the proposed project that would allow an age restricted housing project in an industrial area. The State does appreciate the recognition by the City of Newark for the significance of the properties that encompass the Stine-Haskell site by removing the possibility for residential uses in this area. The State still supports the annexation of the property behind the old Iron Hill Lumber site in that it will eliminate an enclave. However, we still have strong reservations on the appropriateness of residential uses in the midst of an industrial area. As we stated in our September 9, 2005 letter:

- The rezoning will reclassify rare and valuable industrial-like land that could be used for economic development and job creation. The parcel itself seems ideally suited to such use due to its location in the vicinity of existing industrial uses and a rail line.
- The parcel does not appear to be suited for residential use due to the proximity to the above mentioned industrial uses and the rail line. Residential development in this location may lead to health and safety issues as well as noise complaints from future residents.

We again suggest that if age restricted housing is truly needed in the Newark area then the City should amend its comprehensive plan with locations more appropriate for this type of housing, paying particular attention to walkability and to amenities and services that such a population might desire and/or require. We would further offer the assistance of the Delaware State Housing Authority and the Office of State Planning Coordination in such an effort.

Division of Historic and Cultural Affairs – Contact: Alice Guerrant 739-5685

The Division of Historical and Cultural Affairs has no objection to the change in uses proposed for this area. There are areas of potential for prehistoric archeological sites. The DHCA would be happy to help the City or the developers with planning for the protection of such sites.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

The subject comprehensive plan amendment is a revision to an amendment reviewed at a PLUS meeting on August 24, 2005 (PLUS 2005-07-03). That amendment would have permitted the development of residential uses in Planning Area Two, which is large and primarily industrial area, dominated by the DuPont Company's Stine-Haskell

Laboratories. The amendment was sought by the Lang Development Group to permit the development of an 18.4-acre, 88-unit age-restricted housing development to be known as the Villas of Twin Lakes, on a portion of Area Two. It was rejected by the City Council, apparently due in part to the fact that it would have permitted residential development of the Stine-Haskell property.

Now the City and the Lang Development Group propose that Area Two be divided into two portions. Area Two "A" would retain all of the current characteristics of Area Two except that it would be reduced in size by the creation of Area Two "B." Area Two "B" would consist of the land for the Villas of Twin Lakes and a smaller parcel on the opposite side of Elkton Road. Area Two "B" would differ from Area Two "A" in two significant ways. First, the Recommended Uses would be expanded to include single-family residential (medium density) and multi-family residential (medium to high density). Second, the Rationale for Recommended Uses would be expanded to include "Residential with appropriate safeguards for Community, Environment and Traffic Flow."

By allowing residential uses in only part of Area Two, the revised amendment would address a significant objection raised by the Delaware Development Office in considering the original amendment. DeIDOT is concerned, however, that "with appropriate safeguards for Community, Environment and Traffic Flow" is too general and suggest that these safeguards be further detailed. In their view, residential and industrial uses are generally incompatible and the present proposal to place housing for the elderly in an industrial park is fundamentally flawed. A copy of my comments on PLUS 2005-07-03 is enclosed. You may refer to it for the specific concerns about the Villas of Twin Lakes.

**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-9071**

Water Supply

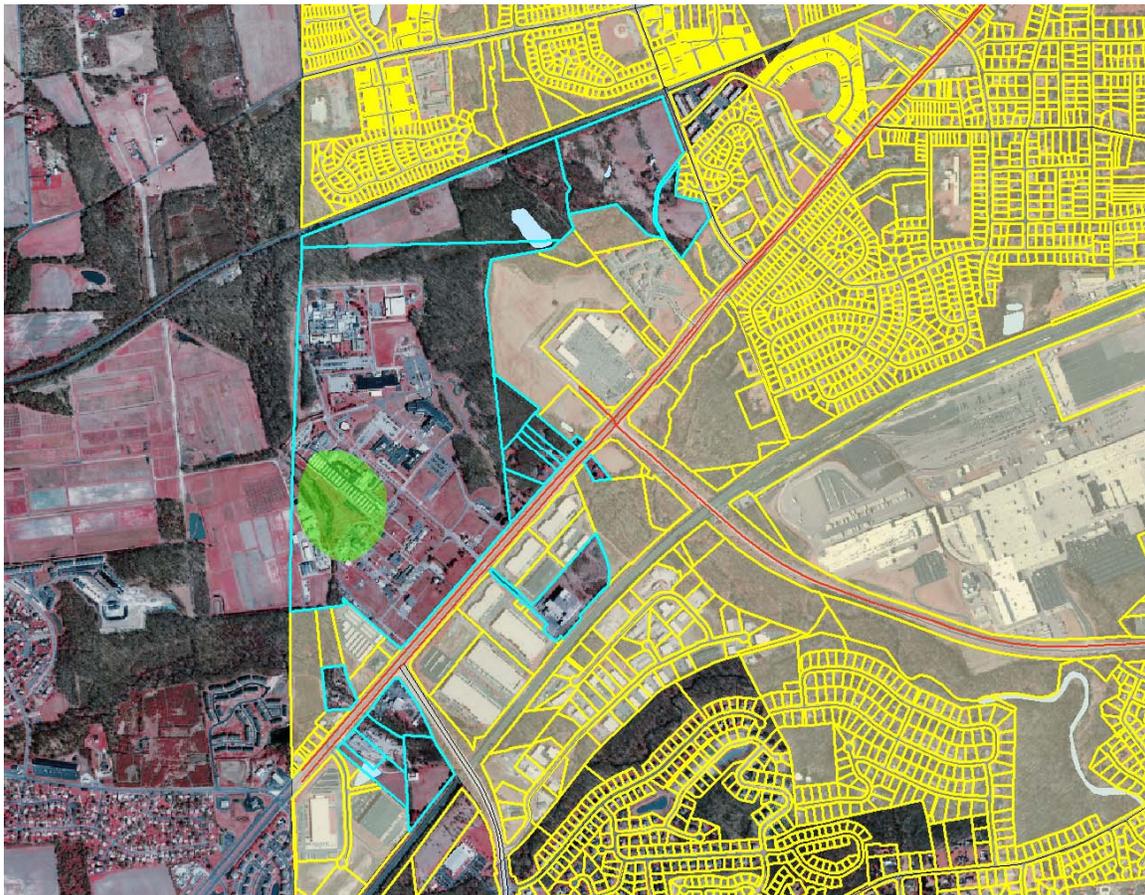
The applicant has not addressed the question of adequacy of water supply. The property in question should not be re-zoned to multifamily residential until some assurance of adequacy of water supply has been provided.

Water Resource Protection Areas

The DNREC Water Supply Section has determined part of the area impacts an excellent recharge area (see map below). Excellent recharge areas have highly permeable sediments at the surface that provide rapid infiltration of precipitation as well as potential groundwater contaminants.

This parcel that will become part of the City of Newark will then come under City of Newark Article VII. Water Resource Protection Regulations: Section 30-54 Use Regulations Part a. Wellhead Resource Protection Areas. This regulation addresses specific distances away from the excellent recharge areas for certain construction types and maximum impervious cover limits for those construction types. There are provisions in this regulation that specify that volume and quantities of groundwater recharge be maintained.

Map of Annexation areas (parcels outlined in light blue) west of City of Newark with excellent recharge areas shown in green.



Site Investigation and Restoration

DNREC-SIRB has no comment regarding the proposed site at this point. However, if during the course of the construction, should a release or imminent threat of a release of hazardous substances be discovered at the proposed site, please discontinue construction activities and immediately notify the DNREC at the 24-hour emergency number (800-662-8802). Also, please contact SIRB as soon as possible at 302-395-2600 for additional requirements.

Underground Storage Tanks

The Tank Management Branch does not have any additional comments or concerns on the City of Newark Comprehensive Plan Amendment at this time. However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized it will need to be changed to ductile steel with nitrile rubber gaskets in the contaminated areas.

Department of Agriculture - Contact: Milton Melendez 698-4500

The Delaware Department of Agriculture has no objections to the City of Newark Comprehensive Plan. The *Strategies for State Policies and Spending* encourages responsible development in areas within a Level 1 area.. In addition, the department would ask the city to consider working to provide green solutions for the inclusion of this residential parcel within such a heavy commercial and industrial area within the community; such approaches may include the following:

Right Tree for the Right Place

The Delaware Department of Agriculture Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

Native Landscapes

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Department of Education – Contact: John Marinucci 739-4658

The Department of Education has concerns regarding mixed commercial and residential uses as well as commercial industrial development proximity to residential development, particularly in relation to student transportation and pedestrian traffic. Deed codified age restrictions would mitigate the aforementioned concerns.

Delaware Economic Development Office – Contact: Gary Smith 739-4271

The Delaware Economic Development Office strongly opposes the changes to the City of Newark's comprehensive plan to allow single family and multifamily in addition to us earlier suggested at the Iron Hill property. To access this property individuals living in this community would have to drive through an existing industrial park which is not a good mix. Businesses located in the existing park could be forced to reconsider their location as a result of this project. The Elkton Road area is a major employer base for New Castle County and to jeopardize this with an adult community or single family homes or multifamily homes is not in the best interest of the employees who work in this area or individuals who would be living in the community.

Following receipt of this letter, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in black ink and is positioned above the printed name.

Constance C. Holland, AICP
Director