



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

April 20, 2017

Mr. Mark Russo  
VanDemark and Lynch, Inc.  
4305 Miller Road  
Wilmington, DE 19802

RE: PLUS review 2017-03-03, WSFS Bank

Dear Mark,

Thank you for meeting with State agency planners on March 22, 2017 to discuss the WSFS Bank project. According to the information received, you are seeking review of a site plan for a 3,000 square foot bank on 1.84 acres along West Camden-Wyoming Ave. in Wyoming.

Please note that 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 developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the Town of Wyoming is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the Town as well as Kent County.**

**Strategies for State Policies and Spending**

- This project is located in Investment Level 1 according to the *Strategies for State Policies and Spending*. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Thus, the Office of State Planning Coordination has no objections to this development.

**Code Requirements/Agency Permitting Requirements**

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The site access on West Camden Wyoming Avenue (Kent Road 290) must be designed in accordance with DelDOT's Development Coordination Manual (formerly the Standards and Regulations for Subdivision Streets and State Highway Access), which is available at <http://www.deldot.gov/information/business/subdivisions/changes/index.shtml>.

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Phone (302)739-3090 · Fax (302) 739-5661 · [www.stateplanning.delaware.gov](http://www.stateplanning.delaware.gov)

- The engineer for this project has submitted an application to potentially obtain a Letter of No Contention (LONC) / Permit For Entrance Construction (PEC) in accordance with Section P.7 of the Development Coordination Manual. On March 20, 2017, DelDOT found that it was appropriate to process the plan in accordance with Section P.7 and asked the engineer to submit a revised plan subject to the following comments:
  - After reviewing the site, DelDOT is not opposed to waiving the right-of-way requirements (Development Coordination Manual Section 3.2.5 and Figure 3.2.5-a) at this time. This decision is based on the proposed use and this particular case. Should this site ever redevelop again in the future, it is not guaranteed to be exempt from dedicating right-of-way.
  - The sidewalk along the frontage of West Camden Wyoming Avenue is not ADA-compliant and will need to be replaced as part of this redevelopment. DelDOT will require submission of a basic site plan (similar to what was submitted previously) that shows a detail of the sidewalk including spot grades every 10 feet. The sidewalk should have a 1.5% cross slope (2% max) and should be sloped to drain towards the site. Additionally, the plan should include a typical section and call out the thickness of each layer of the sidewalk (5' wide minimum, 4" thick concrete, 6" GABC) and include the item numbers of the materials used. There are existing utility covers in the sidewalk that the applicant will need to make flush and ADA-compliant.
- This project is located within the regulated airspace zones of Jenkins Airport (15N), which is a public-use facility. Federal Aviation Regulation (FAR) Part 77 imposes height restrictions on any structures within these zones. DelDOT requires that the applicant for this project submits a "Proposed Construction/Alteration in Airport Zones Notification Form" in accordance with Delaware Code (2 Del. C. § 602).

This notification form can be submitted during the plan approval process with the local land use jurisdiction, but DelDOT's Office of Aeronautics is willing to test hypothetical height numbers to prevent any future project complications. Please contact Josh Thomas with the Office of Aeronautics at (302) 760-4834 with any questions or concerns. A copy of the notification form can be found at this address:

[http://www.deldot.gov/information/community\\_programs\\_and\\_services/airports/pdfs/aviation\\_obstruction\\_review\\_form.pdf](http://www.deldot.gov/information/community_programs_and_services/airports/pdfs/aviation_obstruction_review_form.pdf).

**Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352**

**Executive Summary.**

The redevelopment of this parcel will create opportunities to preserve natural resources while reducing the environmental impact on-site. As discussed at the PLUS meeting, DNREC is encouraged to see your plan to increase open space and recommend using green infrastructure, pervious pavement, walking paths, as well as biking facilities (i.e. racks and road striping).

The State of Delaware is threatened by climate change and has a goal of reducing greenhouse gas emissions by 30 percent by 2030. Appropriate development and re-development that provides access to public transportation, opportunities to walk and bike to shopping and recreation, and that employs energy efficient building standards are among key strategies to meet these goals. DNREC encourages the use of high performance building standards and consideration of alternative energy sources to promote clean sustainable energy and reduce greenhouse gas emissions. This could mean siting the buildings to take advantage of solar and geothermal systems, and/or including infrastructure for electric vehicle charging stations (funding assistance may be found at [www.de.gov/cleantransportation](http://www.de.gov/cleantransportation)). DNREC further recommend an abundant use of native vegetation and shade trees throughout the landscape to absorb carbon dioxide, protect water quality and provide relief to residents on hot days.

The following pages provide information about applicable regulations and detailed recommendations associated with this project, from various DNREC Divisions. DNREC would like to be a partner in creating appropriate development that protects and highlights the environment as a natural amenity of the landscape. The Department has resources and expertise that are available to help make this a reality, often at no expense to the landowner.

#### **Water Quality: TMDLs.**

- The project is located in the greater Delaware River and Bay drainage area, specifically within the St. Jones River watershed. In this watershed, the State of Delaware has developed specific Total Maximum Daily Load (TMDL) pollutant reduction targets which call for a 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 90 percent reduction in bacteria from baseline conditions (under the auspices of Section 303(d) of the Clean Water Act). A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited waterbody” can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The specific TMDL nutrient and bacterial load reductions for the St. Jones watershed can be viewed here: <http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedAssessmentTMDLs.aspx>

#### **Water Supply.**

- Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.
- All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction

schedule. Dewatering well permit applications typically take four weeks to process, which allows the necessary time for technical review and advertising.

**Sediment and Erosion Control/Stormwater Management**

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Kent Conservation District. Contact Jared Adkins, Program Manager, at (302) 741-2600, ext. 3, for details regarding submittal requirements and fees.

**Air Quality.**

- The applicant shall comply with all applicable Delaware air quality regulations. Please note that the following construction phase regulations in Table 1 – Potential Regulatory Requirements may apply to your project:

<b>Regulation</b>	<b>Requirements</b>
<b>7 DE Admin. Code 1106 -</b> Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none"> <li>• Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads.</li> <li>• Use covers on trucks that transport material to and from site to prevent visible emissions.</li> </ul>
<b>7 DE Admin. Code 1141 –</b> Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products	<ul style="list-style-type: none"> <li>• Use structural/ paint coatings that are low in Volatile Organic Compounds.</li> <li>• Use covers on paint containers when paint containers are not in use.</li> </ul>
<b>7 DE Admin. Code 1144 –</b> Control of Stationary Generator Emissions	<ul style="list-style-type: none"> <li>• Ensure that emissions of nitrogen oxides (NO<sub>x</sub>), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), and carbon dioxide (CO<sub>2</sub>) from emergency generators meet the emissions limits established. (See section 3.2).</li> <li>• Maintain recordkeeping and reporting requirements.</li> </ul>
<b>7 DE Admin. Code 1145 –</b> Excessive Idling of Heavy Duty Vehicles	<ul style="list-style-type: none"> <li>• Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.</li> </ul>

For a complete listing of all Delaware applicable regulations, please look at our website:  
<http://www.awm.delaware.gov/AQM/Pages/AirRegulations.aspx>

### **Hazardous Waste.**

- If DNREC has determined that there was a release of a hazardous substance on the property in question and the Department requires remediation pursuant to the Hazardous Substance Cleanup Act, the provisions of 7 Del.C., Chapter 91, Delaware Hazardous Substance Cleanup Act and the Delaware Regulations Governing Hazardous Substance Cleanup shall be followed.
- Should a release or imminent threat of a release of hazardous substances be discovered during the course of development (e.g., contaminated water or soil), construction activities should be discontinued immediately and DNREC should be notified at the 24-hour emergency number (800) 662-8802. The Site Investigation and Restoration Section should also be contacted as soon as possible at (302) 395-2600 for further instructions.

### **Tank Management.**

- If a release of a Regulated Substance occurs at the proposed project site, compliance of 7 Del.C., Chapter 60; 7 Del.C., Chapter 74; and DE Admin. Code 1351, State of Delaware Regulations Governing Underground Storage Tank Systems (the UST Regulations) is required.
- The following confirmed leaking underground storage tank projects are located within a quarter mile of the proposed project area:
  - DelDOT ROW-Railroad Avenue Facility ID: 1-000791, Project: K1206056, (Inactive)
  - Brown Property Facility ID: 1-000753, Project: K0804038, (Inactive)
- Per the UST Regulations: Part E, § 1. Reporting Requirements: Any indication of a Release of a Regulated Substance that is discovered by any Person, including but not limited to environmental consultants, contractors, utility companies, financial institutions, real estate transfer companies, UST Owners or Operators, or Responsible Parties shall be reported within 24 hours to:
  - The Department's 24-hour Release Hot Line by calling (800) 662-8802; and
  - The DNREC Tank Management Section by calling (302) 395-2500.

### **State Historic Preservation Office – Contact Terrence Burns 736-7404**

- There are historic properties on these parcels that are a part of the Wyoming Historic District (K-6352), which is listed on the National Register of Historic Places (K-6352.180, K-6352.181, K-6352.182, K-6352.225). There are other properties south and east of these parcels that are also part of the Wyoming Historic District (K-6352.223, K-6352.224, K-6352.205, K-6352.205, K-6352.89, K-6352.090, K-6352.091, K-6352.92, K-6352.183, K-6352.184, K-6352.185, K-6352.186, K-6352.187, K-6352.188). The

State Historic Preservation Office strongly encourage the developer to preserve the bank (K-6352.180, K-6352.181 and K-6352.182), which is a significant part of the streetscape in the district. There are federal and state tax credits available for appropriate rehabilitation of income-producing properties, and the State Historic Preservation Office encourages the bank to look into these. Joan Larrivee of this office can provide further information on these. There should also be sufficient landscaping between the development and the neighboring historic properties to block adverse noise and visual effects.

- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role, please review the Advisory Council's website at the following: [www.achp.gov](http://www.achp.gov).

### **Recommendations/Additional Information**

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

### **Department of Transportation – Contact Bill Brockenbrough 760-2109**

- Be advised that the Standard General Notes have been updated and posted to the DeIDOT website. Please begin using the new versions and look for the revision date of August 31, 2016. The notes can be found at [http://www.deldot.gov/information/business/subdivisions/2016/Sheet\\_Notes.doc?083116](http://www.deldot.gov/information/business/subdivisions/2016/Sheet_Notes.doc?083116).

### **Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352**

#### **Additional information on TMDLs and water quality.**

- Pollution Control Strategy (PCS): A PCS to achieve the required TMDL nutrient and bacterial load reduction requirements has been established for the St. Jones watershed.

The web link for the St. Jones PCS strategies is as follows:

<http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedManagementPlans.aspx>.

In support of the PCS, the applicant is strongly urged to reduce nutrient and bacterial pollutants through voluntary commitment to the implementation of the following recommended best management practices, which would:

- Preserve and/or maintain as much of the existing open-space area as possible. DNREC further suggest additional native tree, shrub and/or native herbaceous vegetation, wherever possible.
- Calculate post-construction surface imperviousness with all forms of created surface imperviousness (e.g., rooftops, driveways, parking lots, sidewalks, open-water storm water management structures, ponds, and roads) included in the calculation. Omission of any of the above-stated forms of surface imperviousness will result in an underestimate of the actual post-development surface imperviousness and the associated environmental impacts.
- Make use of pervious paving materials when compatible with concerns for the protection of excellent recharge areas and/or well-head protection areas via assessment by a DNREC hydrogeologist, instead of conventional paving materials (e.g., asphalt or concrete). This will help reduce the amount of water and pollutant runoff draining to adjoining streams and wetlands. Pervious pavers are especially recommended for areas designated for parking.
- Assess nutrient and bacterial pollutant loading at the preliminary project design phase. To this end, the Watershed Assessment Section has developed a methodology known as the "Nutrient Load Assessment protocol." The protocol is a tool used to assess changes in nutrient loading (e.g., nitrogen and phosphorus) resulting from the conversion of individual or combined land parcels to a changed land use; thus providing applicants and governmental entities with quantitative information about the project's impact(s) on baseline water quality. DNREC strongly encourage the applicant/developer to use this protocol to design and implement the best management practices. Please contact John Martin in the Division of Watershed Stewardship, at (302) 739-9939, for more information on the protocol.

**Additional information on tank management.**

- When contamination is encountered, PVC pipe materials should be replaced with ductile steel and nitrile rubber gaskets in the contaminated areas.
- If any aboveground storage tanks (ASTs) less than 12,500 gallons are installed, they must be registered with the TMS. If any ASTs greater than 12,500 gallons are installed, they are also subject to installation approval by the TMS.

- For more information, please visit:  
<http://www.dnrec.delaware.gov/tanks/Pages/default.aspx>

**Additional information on hazardous waste sites.**

- DNREC strongly recommends that the land owner perform environmental due diligence of the property by performing a Phase I Environmental Site Assessment (including a title search to identify environmental covenants) in accordance to Section 9105(c) (2) of the Delaware Hazardous Substance Cleanup Act (HSCA). While this is not a requirement under HSCA, it is good business practice and failure to do so will prevent a person from being able to qualify for a potential affirmative defense under Section 9105(c) (2) of HSCA.
- Additional remediation may be required if the project property or site is re-zoned by the Town.

**Additional information on air quality.**

- Based on the information provided, mobile source emissions were quantified. Table 2 – Projected Air Quality Emissions represents the potential impact the WSFS Bank upgrade may have on air quality.

<b>Table 2: Projected Air Quality Emissions for WSFS Bank Upgrade (Based on projected estimate of 444 trips during peak season)</b>					
Emissions Attributable to WSFS Bank Upgrade (Tons per Year)	Volatile Organic Compounds (VOC)	Nitrogen Oxides (NOx)	Sulfur Dioxide (SO <sub>2</sub> )	Fine Particulate Matter (PM <sub>2.5</sub> )	Carbon Dioxide (CO <sub>2</sub> )
Mobile emissions	1.47	1.94	*	*	*

\*\*Note that emissions associated with the actual construction of the commercial building, including automobile and truck traffic from working in, or delivering products to the site, as well as site preparation, earth moving activities, road paving and other miscellaneous air emissions, are not reflected in the table above.\*\*

- New homes and businesses may emit, or cause to be emitted, additional air contaminants into Delaware’s air, which will negatively impact public health, safety and welfare. These negative impacts are attributable to:
  - Emissions that form ozone and fine particulate matter;
  - The emission of greenhouse gases which are associated with climate change, and



- The emission of air toxics.
- Native Delaware Tree Plantings: To offset the impact of the bank building upgrades, the applicant is encouraged to plant native trees and plants. Trees can significantly reduce automobile emissions including those from air pollutants (NO<sub>x</sub>, VOCs and particulate matter) by trapping gases fumes and replenishing the oxygen into the ambient air. In addition, trees also reduce the effects of heat islands by helping to cool asphalt and pavement which also lessens the chances of ozone formation. Such measures can be used to channel or infiltrate storm water. They also have the added benefit of creating an urban tree canopy that provides shade for parking areas as well as reduces home cooling costs.
- Energy Efficiency: Constructing with only energy efficient products can help your facility immensely, not only in terms of environmental sustainability but financially. Energy Star qualified products are up to 30 percent more energy efficient. Savings come from building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment. Every percentage of energy efficiency translates into a percent reduction in pollution. The Energy Star Program is an excellent way to save on energy costs and reduce air pollution. Providing shade for parking areas can also be of added benefit to this facility. Some approaches may include architectural devices, vegetation, or solar panels. For more about energy efficient options, please see: <https://www.energystar.gov/> or <https://www.epa.gov/greeningepa/energy-efficiency-epa>.
- Multi-modal travel: Maximize multi-modal travel through bike lanes, sidewalks and convenient access to transit opportunities. DNREC encourages the developer to improve its existing sidewalks and crosswalks and to add sharrows or bike lanes where needed to encourage multi-modal travel opportunities. (Sharrows and striping are the easiest and most cost effective option.) Multi-modal travel can significantly reduce mobile source emissions. For every vehicle trip that is replaced by the use of a sidewalk or bike path, 7 pounds of VOC and 11.5 pounds of NO<sub>x</sub> are reduced each year.
- Clean Fuel Measures: According to the EPA's Office of Transportation and Air Quality, the average passenger car emits a cumulative of 10,034.28 lbs. per year of air toxics. It is recommended that at least one parking spot be allotted for the use of alternative vehicle parking and charging alternative fueled vehicles (i.e. hybrids, electric vehicles (EVs)).
- For a site map of local alternative fueling sites, please visit the Alternative Fuels Data Center website here: <http://www.afdc.energy.gov/locator/stations/>.
- Should the developer have any more questions or concerns, the DNREC Division of Air Quality (DAQ) point of contact is Lauren DeVore, and she may be reached at (302) 739-9437 or [lauren.devore@state.de.us](mailto:lauren.devore@state.de.us). The applicant is encouraged contact DAQ to discuss the emission mitigation measures that will be incorporated into the WSFS Bank project. DNREC looks forward to working together with you on this project to achieve our shared air quality, healthy community and quality of life goals.

**Delaware State Fire Marshall's Office – Contact Duane Fox 739-4394**

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

**Following receipt of this letter and upon filing of an application with the local jurisdiction, 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,



Constance C. Holland, AICP  
Director, Office of State Planning Coordination

CC: Kent County  
Town of Wyoming