

January 2011



Compliments of Bob Weiner, your County Councilman
"Making County Government Work for Us"
Council District 2, New Castle County, DE
Bob@bobweiner.com
lhinkle@nccde.org
Louis Hinkle, aide to Councilman Weiner: 302-395-8362

[Attention civic leaders: You may want to share this electronic newsletter with your neighbors!](#)

NOTICE – MEETING CANCELLED

NEW CASTLE COUNTY, DELAWARE

Comprehensive Plan Public Meeting #1: Land Use

Scheduled for TONIGHT (Wednesday, January 26, 2011)

HAS BEEN CANCELLED DUE TO THE SNOW STORM

**This meeting has been rescheduled for NEXT Wednesday,
February 2, 2011**

Email: CompPlan12@nccde.org

Project Website: <http://projects.jmt.com/new-castle-county-comprehensive-plan/>

Twitter: http://twitter.com/NewCastle_2012

Your input to the 2012 Comprehensive Plan Update will continue the course that guides how the county will grow for many years to come.

Our comprehensive plan is a document which addresses a community’s vision for the future with respect to specific elements, which include at a minimum:

- Land Use
- Housing
- Community Design
- Economic Development
- Transportation Water & Wastewater
- Conservation
- Recreation & Open Space
- Historic Preservation
- Intergovernmental Cooperation

The 2007 Comprehensive Plan relies on four core principles of community planning that have led the County’s land use policies and practices. These principles are:

- 1) Supports blending and connecting of new growth to existing communities.
- 2) Emphasizes the need to locate new growth areas and supports redevelopment in established communities as a method of preserving valuable, limited resources while controlling infrastructure costs.
- 3) Requires the coordinated delivery of public and private sector services to meet the needs of residents.
- 4) Recognizes that an equitable sharing of the costs and benefits of growth comes by expecting that growth in infrastructure or services should pay for itself.



News From the Department of Land Use

WDEL/WSTW Board of Adjustment Request

The Board Of Adjustment Of New Castle County will hold a public hearing on **Thursday, February 10, 2011 at 6:00 p.m.**, at the **Department of Land Use Conference Room, New Castle**

County Government Center, 87 Reads Way, New Castle, DE 19720 to hear the following application:



2727 Shipley Road, Wilmington 19803- Area variance to seek a 3-year extension for an existing office trailer (3-year nonrenewable permit for office trailers). Delmarva Broadcasting. S Zoning. CD 2. (App. #2011-0012-A) TP 06-042.00-017.

This trailer has been at the location for approximately 3 years. Its original intention was to house employees during an expansion of the current building, however, when the market collapsed, the decision to expand was put on hold. Since it was intended to be used as office space during the expansion, it is currently being used as additional office space. Once the building market becomes more viable, WSTW intends to expand and move the employees into permanent office space inside of the newly expanded office space.

Details of the relief requested are as follows:

1. to seek relief from the Unified Development Code Section 40.03.210; Sub Section C temporary office trailers that allow 3 year nonrenewable permit, except that permits for temporary classrooms may be renewed by the Department.

Board of Adjustment Meeting Date: Thursday, February 10, 2011

Meeting Time: 6 p.m.

**Location: Department of Land Use Conference Room, N.C.C. Government Center,
87 Reads Way, New Castle Corporate Commons**

How can you learn more and/or provide public input

Public comments regarding applications should be submitted in writing either: 1) by e-mail to Boardofadjustment@nccde.org; 2) via fax to (302) 395-5443; or 3) by U.S. mail to Board of Adjustment, 87 Reads Way, New Castle, DE 19720. Alternatively, you can attend the public hearing and speak

I. Substantive Law

When a property owner seeks relief from some dimensional requirement of the code (e.g., lot size, setbacks, height, number of parking spaces, etc.) it is considered to be an "area" variance. For an area variance, the test employed by the Board of Adjustment is what is known as the "exceptional practical difficulty" test, in which the Board considers: (a) the nature of the zone in which the property lies; (b) the character of the immediate vicinity and uses therein; (c) the effect of variance on other properties if granted; and, (d) the effect of not granting variance on the property owner. Board of Adjustment v. Kwik-Check Realty, Inc., 389 A.2d 1289 (Del.Supr. 1978); Clear Channel Outdoor v. Sussex County Bd. of Adjustment, 2003 WL 22852147 (Del.Super. 2003).

These court developed standards have been codified in UDC Sec. 40.31.451 (Standards for zoning variances). That section provides as follows:

A. The Board of Adjustment shall hear and decide applications for a variance from the provisions of any zoning code or regulation if all of the following are satisfied:

1. The variance sought will not be contrary to the public interest.
 2. Owing to special conditions or exceptional situation, a literal interpretation of the provisions of any zoning code or regulation at issue will result in unnecessary hardship or exceptional practical difficulties to the owner of the property.
 3. If the variance were granted, the spirit of the zoning code or regulation provision at issue shall be fully observed and substantial justice done.
 4. Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any zoning code, regulation or map.
- B. All case law that has developed, and continues to develop, interpreting 9 Del. C. § 1352 shall be adhered to by the Board of Adjustment.

II. Procedural Law

Section V, subsection 7(c) of the Board of Adjustment Rules provides that the public be given notice and an opportunity to address the Board in response to any application. For the Board of Adjustment Rules and Procedures, please click on the following link:

<http://www2.nccde.org/landuse/documents/BoardOfAdjustment/BoardOfAdjustmentRules.pdf>

Directions to the New Castle County Building

Land Use Conference Room , 87 Reads Way, New Castle, DE.

Directions: Travel to Basin Road . From I-95 Take exit 5A-B to merge onto SR-141 S/US-202 S toward New Castle. Turn right at Commons Blvd Turn right at Reads Way. It is the second building on the left immediately past the first entrance to parking on the left.

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News From the Department of Land Use

AstraZeneca Development & Planning Application

I am well aware that in our highly developed area even minor plans can have a significant impact on our neighborhoods. That is why I am taking the extra effort to notify you of the pending application. I do believe it is important to advise individuals in the community of the development that is taking place.

Project ID: 20110004 - [West side of Concord Pike \(Rt. 202\) north and south sides of Route 141](#) - Resubdivision Plan to revise phasing plan to accommodate ground and parking structure mounted photovoltaic array installations on site. **Astra-Zeneca**. OR Zoning. (App. #2011-0004-S)

Details:

In an effort to "Go Greener" AstraZeneca is installing "green energy" systems on their property that will utilize green technology. This part of the project calls for the installation of solar panels on existing parking structures. The panels will produce electricity for use by outside lights. We were advised that the solar panel structures should not be visible from the road. The reason that a plan was required to be submitted was because the parking spaces for the property are being reduced. We were advised that when the parking spaces are needed in the future, the solar panels will need to be removed from the parking structures.

The Department of Land Use describes this plan as a resubdivision to revise the phasing plan which outlines which improvements are to be constructed with each building. In this case they are proposing solar array panels (which are not subject to plan review) on the site and including on the roofs of parking garages. The phasing plan reflects that arrays on parking garages will need to be removed or relocated when parking requirements necessitate those spaces be available. Department comments were routine so this plan could be recorded in a month or less. However, approval is contingent upon the applicant's intended schedule and when they make their record submission to the Department.

The public may submit written comments to the Department at any time if they wish to do so.

Here's how it works:

An exploratory plan is submitted for a resubdivision.

The Department reviews it and sends comments to the applicant's engineer. (This is where we are in the process.)

The engineer then addresses the Department comments and submits a record plan.

The Department reviews the record plan for compliance with our comments.

We then record the record resubdivision in the Recorder of Deeds.

Once the plan is approved by the Department and recorded, it is entirely up to the owner/applicant/developer when they want to implement the plan. If the question is about the phasing, it is up to the owner/developer which building they wish to construct. The phasing issue under consideration with this resub is merely to insure that adequate parking is provided when any building is constructed.

Understanding the Development Process

The Department of Land Use oversees the review of proposed development plans and rezoning applications to ensure that they meet legal requirements found in the following bodies of law:

- U. S. Constitution
- Delaware State Code
- N.C.C. Comprehensive Development Plan
- Unified Development Code (Chapter 40)
- Drainage Code (Chapter 12)

With input from State and other County agencies, staff review plans and rezoning applications for details and particulars relating to building lots, site drainage and water management, historic resources, transportation flow, sidewalks, transit access, fire safety, integration of utilities and other components. Protection of the site's natural resources is a high priority. Planners and engineers also encourage applicants to advance the best design possible.

In the case of changes to zoning, which must receive County Council approval, the Department issues recommendations on the rezoning application.



Delaware Department of Transportation

Carolann Wicks
Secretary

State Of Delaware
Department Of Transportation
800 Bay Road
P.O. Box 778
Dover, Delaware 19903

January 7,2011

Highway Safety Improvement Project - NCC Foulk and Wilson Intersection Improvement

Dear Sir or Madam:

DelDOT wants to thank everyone who attended the Foulk and Wilson Road public workshops and civic association meetings this past fall. It is through these meetings that we were able to engage in open discussions and dialogue. The Department has taken into consideration all the comments and input that was provided at these meetings. We have reviewed the input as well as focused on the project goals of safety and accident reduction. Consequently, we have made following decisions to complete the project:

- The project will add the left turn lane from northbound Foulk Road onto Wilson Road as previously shown at the last workshop.
- The project will add a small left-hand turn lane from northbound Foulk Road into Fairfax Boulevard on a provisional basis. The Department will continue to monitor this intersection from a safety standpoint. If it is determined that this turn lane results in continued accidents, the Department will remove this left-hand turn at that time.
- The project will make modifications to the island on Fairfax Boulevard so that only a right hand turn can be made onto Foulk Road.
- Left turns out of the Exxon Gas Station onto southbound Foulk Road will be restricted through the usage of signage.
- The Department will work with the community of Bellewood to limit the cut through traffic in the community as a separate traffic calming initiative.

The Department hopes that these measures will meet the overall safety goals of the project while addressing some of the surrounding communities. We are moving towards advertising the project and are anticipating construction to begin in the fall of 20 12.

If you have any questions, please feel free to email me at Joseph.Hofstee@state.de.us or call me at (302) 760-2358.

Sincerely,

Joseph A. Hofstee, P.E.
Project Manager
North Project Development

News from County Executive Paul Clark

Paul G. Clark
County Executive

Gregg E. Wilson
Acting Chief Administrative Officer



County awards first round of bids in curatorship program

Jan. 4, 2011 – New Castle County has awarded separate bids to three private investors who have pledged to rehabilitate and preserve deteriorating historic properties, officials said today.

The bidders -- HyPoint Dairy Farms, the nonprofit BTL Foundation and JR & D Construction – are the first to take part in the county's Resident Curatorship Program launched about a year ago. The program is a public-private partnership allowing individuals or groups to preserve historic properties the county can no longer afford to maintain in exchange for a rent-free lifetime lease on the structure. Through this program, the curator agrees to invest a minimum of \$150,000 to restore the property within five years and maintain it in good condition. The curator also must reside in the structure for the duration of the lease.

Five curatorship properties were advertised in April 2010, with bids opening June 30, 2010. There were no successful bids for the Talley Day or Woodstock houses, and they will be rebid in the future.

The county accepted a bid from Hy-Point Dairy for Jester Farm, along with BTL Foundation's bid for Ivy House and the construction firm's bid for the J. Gregg House. Hy-Point plans to restore the house for use as a creamery. The Ivy House will become a multicultural information center, and the family that owns the construction firm plans to use the Gregg House as a residence. The leases for Hy-Point and the nonprofit are considered commercial and will not be lifetime leases.

Although the bids have been awarded, all three leases still must be negotiated then reviewed and approved by County Council and County Executive Paul Clark. The properties will be regularly inspected by the county and periodically made open to the public.

In March, the county will solicit bids for four more historic properties: including the Hermitage, Lovett Farm-Marl Pitt, Rockwood Gate House and Gardener House.

The following description of the properties can be found on the curatorship page on the county website, along with more information about the program. Visit www.nccde.org/curatorship.

*The J. Gregg House is at 3200 Millcreek Road in the western part of the county. It sits on one acre of land on the grounds of the Delcastle Golf Course and is an example of early development in the Pike Creek area. The three-story, four-bedroom house with a basement was built about 150 years ago and has wood flooring throughout.

*The Ivyside Farmhouse at Bechtel Park is on the National Register of Historic Places and is within the boundary of Bechtel Park at 1301 Naamans Road. Its history of the house can be traced back to 1804. The large main block of the building was most likely constructed after 1853. While the house is conservative and almost 18th century in its exterior, the inside features the larger rooms, higher ceilings, decorative plaster and gas lighting typical of mid-19th century domestic architecture.

*The Jester Farm House is at 2818 Grubb Road in northern New Castle County. The structure is on 1.1 acres within Jester Park. As a rare intact farmstead, it is an example of the early development of Brandywine Hundred. The house, with three floors and a basement, was built in two phases. The main house was originally constructed between 100 and 150 years ago. A second-phase addition is less than 100 years old. There is also a two-story barn with an adjacent single-story building.

News from County Councilman Bob Weiner

Road to park now honors Brandywine Hundred family

BY ROBIN BROWN • THE NEWS JOURNAL • JANUARY 18, 2011

The name of the road to the Brandywine Hundred Library and Talley Day Park now honors the area's past.



New Castle County Executive Paul G. Clark last week announced the road's naming for the late Joseph Harlan Day, with an official ceremony to be held in warmer weather.

Clark said naming the road J. Harlan Day Drive "is a way to recognize a unique piece of New Castle County history."

Since the late 1700s, the Day family farm covered most of what is now the park complex. Day sold the county 20 acres in 1975, with a \$1-a-year lease-back for life, and an adjoining 35 acres later were bought from the Talley family.

Long before Day died in 1981, county officials proposed naming the entrance drive for him.

But it didn't happen.

In 2008, County Councilman Bob Weiner proposed the naming after an oral history forum he organized with James Hanby Sr., also of a longtime area family, to record area elders' memories of childhood days on the farms that dominated Brandywine Hundred for generations.

Featured guest John William Day Sr., born in 1928, grew up where the soccer fields are today. In 1786, Francis Day bought the land that became part of the Manour of Rockland, "100-plus acres from the Shellpot Creek to the back of Brandywine High School," he said.

Day and others at the forum supported naming the road for his father -- and all it needed was the county executive's approval.

But again, it didn't happen.

When Clark became executive after Chris Coons' election to the U.S. Senate, Weiner brought the request to his attention. So did Jonathan Husband of New Castle County's Department of Special Services, who had talked with residents at the 2008 event.

Clark said he wanted to get it done quickly after taking office "in response to numerous requests from Day relatives and community members."

Weiner said, "I'm so pleased on behalf of the Brandywine Hundred community that, after many years, we are finally able to honor the Day family in naming the entrance to Talley Day Park as J. Harlan Day Drive. It's a fitting honor."

Weiner shares more Brandywine Hundred history at www.bobweiner.com/bhh.asp. DVDs of the 2008 oral histories are \$5 from Delaware Digital Video Factory, www.ddvf.com.

Contact robin brown at 324-2856 or rbrown@delawareonline.com.

An Important Message from State Representative Greg Lavelle - Delaware's New Hands-Free Cell Phone Law in Effect

AN IMPORTANT MESSAGE FROM STATE REPRESENTATIVE GREG LAVELLE

**DELAWARE'S NEW HANDS-FREE
CELL PHONE LAW
NOW IN EFFECT**



Cell Phone Law Fact Sheet - Courtesy of the Delaware Office of Highway Safety

- This law - which took effect on January 2nd - bans texting while driving as well as the use of hand held cell phones. This means a hands-free device is required to talk on a cell phone while driving. (However, drivers are allowed to pick up the phone to dial a phone number or to activate or deactivate their wireless equipment. Then, they must put the phone down.)
- It also bans the use of a pager, PDA, blackberry, laptop, portable computer, and two-way communication device while driving.
- Drivers cannot read, write or send messages while driving or browse wirelessly.
- It is a primary traffic offense and carries with it a civil penalty. No points are assessed.
- The fine for the first offense is \$50 and subsequent penalties are for between \$100 and \$200.
- Exemptions include:
 - o Law enforcement, firefighters, EMS technicians, or other operators of authorized emergency vehicles in the performance of their official duties;
 - o Anyone reporting an emergency;
 - o A person driving or operating a farm tractor, non-registered farm truck or farm equipment;
 - o HAM radio operators; and
 - o Business or government employees who use a two-way radio mounted or attached to a motor vehicle to communicate with a central dispatch, base of operation or with other employees (ie: utility companies and DelDOT).
- 29 other states ban texting. Of those states, seven also ban the use of hand-held cell phones – no state completely bans the use of cell phone. Delaware is the 8th state to require hands-free cell phone use while driving.
- Delaware State Police cite 230 distracted driving crashes in 2009 that involved the use of a cell phone. In 2010, about the same number of crashes involved the use of a cell phone.
- National research shows that drivers using cell phones are four times more likely to get into crashes serious enough to cause injury.

An Important Message from Councilman Bob Weiner

Dog owners reminded of license deadline

New Castle County wants to remind dog owners that the deadline for obtaining a dog license has been extended until March 1, 2011. The licensing requirement applies to all areas of the county except for city of Wilmington, which has its own licensing program. County licenses are needed for dogs six months or older.

Information for dog owners can be found on the New Castle County website at www.nccde.org/doglicenses.

In addition to purchasing licenses online, licenses can be purchased by mail and through participating retail vendors. A full list of vendors is available on the website.

A one-year license is \$10 for a spayed/neutered dog and \$15 for an unsterilized dog. Three-year licenses also can be purchased. Owners must provide proof their pet has a current vaccination.

There is a discount available for senior and disabled citizens.

The state of Delaware turned over dog licensing to the counties on Jan. 1, 2010. Any state dog licenses still held by county residents are valid until expiration.

Questions about the county's dog licensing should be directed to 395-5101.

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