

October 2016



COUNTY COMMENTS

Newsletter of the
CIVIC LEAGUE FOR NEW CASTLE COUNTY
Informed citizens for sound County growth.

CANDIDATES NIGHT MILL CREEK FIRE HALL

7:00 P.M.

Meet major and minor party nominees for

**U.S. House of Representatives,
Governor,
Lt. Governor,
Insurance Commissioner**

They will answer your questions and discuss their goals.
This is not a debate format.
The public is invited to attend and participate.

Founded in 1962.

P.O. Box 5562
Marshallton, DE
19808

302-529-1529
[www.CivicLeague
forNCC.org](http://www.CivicLeagueforNCC.org)

Jordyn Pusey,
President

The Civic League is a non-profit, non-partisan, volunteer organization. The opinions expressed herein are those of the authors of the individual articles and not a position of the Civic League unless so stated. Authors are responsible for the accuracy of their statements. The Editor will accept corrections and comments, as well as articles from any member including residents of member civic associations. Articles may be edited to conserve space and should be about the County.

THE UDC REVISION PROCESS HAS RESTARTED

With the end of the vacation season, the New Castle County Department of Land Use began once again to hold workshops to obtain the ideas and opinions of civic leaders, developers, lawyers, planners, engineers, landscape designers, and architects who work with the Unified Development Code. Focus groups dealt with specific language that the Department's planners have found to cause difficulty when they are processing plans. The public was invited to look at sketches and consider topics the Department highlighted at an evening session, but few people took advantage of it. Comments were elicited afterward in writing and then those were discussed by persons from the focus groups who wished to add to what was written. It gives all participants a chance to question the consultant, Mark White, who is a nationally recognized planner and attorney. He has been redrafting the Code sections and directing this rewrite process since Eileen Fogarty was the General Manager. A nationally recognized planner herself, she felt we needed an expert to modernize our Code after almost 20 years using it.

Concepts seem simple, but this process requires dealing with details. One of the first results the public will see is a return to having meetings with the developers before a major development is proposed. The difference will be useful as a County planner will attend each meeting and concept drawings must be rolled out at this stage if the changes are adopted. Four members of the Civic League Board have been participating. Each studies these sections with years of seeking better development practices to inform their opinions. They try to represent the concerns of our members and residents that repeatedly surface in land use fights.

The Civic League meets the third Tuesday of each month except July, August and December. Unless special events are being held, the meetings are usually at the Christiana Presbyterian Church Social Hall on old Route 7 in Christiana. The public is welcome to attend all meetings which generally start at 7:00 P.M. The agenda of the group is focused on New Castle County government and those State issues that impact County government or our quality of life in this County.

For further information, please visit our website.

An editorial to stimulate ideas....

SHARING THE MISERY: MONSTER TRUCKS

At rush hours, Northern Delaware is overrun by interstate traffic using our inadequate State roads. Pennsylvania's industrial region around York and agricultural/tourist region around Lancaster produce hundreds of trucks that must pass through Delaware each day to reach I-95. Some of these trucks are over 60-feet long to make delivering goods to New York City as well as our businesses more efficient. Shipping exports and receiving imports, returning home, or carrying toxic waste to the special landfill on Pa. Route 10, these behemoths are making our residents along Del. Routes 41 and 48 miserable. Many were directed off of 4-lane Route 7 (Limestone Road) when residents protested the congestion many years ago.

Route 41's History with Trucks

Two years ago the residents on Rt. 41 started pointing out the safety concerns and misery the trucks were causing on the Newport Gap Pike. With the new Cooke School providing a bus turn-in right off the highway and students having to walk to school along it, safety concerns increased. The traffic-stopping wreck of a truck that skidded on the icy, steep down slope from Cedar Heights one winter first heightened the realization these vehicles did not belong on a squeezed two-lane road. Those who got stuck there had a terrible time getting out and who knows how long it took to remove the truck.

DelDOT surely cringed when they heard the concerns of people on 41. They knew from the traffic studies that more businesses and many more homes had been located on 48 recently. The widening of portions of it to 4 lanes several years back did not prevent the traffic congestion all the way into Wilmington that occurs when Pike Creek Valley commuters merge with Hockessin region commuters. After studies and a hearing, however, they had to conclude the safety concerns and proximity of homes to the travel lanes merited an attempt to get the larger trucks off of 41.

How to Make a Bad Situation Worse

Something failed in specifying "larger" trucks when the order was carried out. Three permanent signs were erected directing just trucks to 48. Worse, it was done during the height of the tourist season. No doubt the DelDOT folks from Dover had no idea that when summer tourists hit Delaware and Maryland beaches by the hundreds of thousands, the number of food-shipping trucks from Lancaster increases a lot. Nor would they have known that the discount shopping malls that appeal to tourists to Amish country are served by an increase of goods being shipped from New York City's designers. Finally, a lit portable sign was put up in Hockessin directing only "trucks over 60 feet" to use Rt 48. By then, the misery had become unbearable and residents organized to protest.

Not All There Is

There is more to all this, however, than what is happening from Rt. 141 or Rt. 2 to the Pa. border. Reports have come to me that trucks are being directed off I-95 southbound at U.S. 202 to follow 141 to 48 going west. Also, trucks are being sent into Wilmington on Lancaster Ave. to I-95. DelDOT surely is not causing this severe wear on the Tyler McConnell Bridge and not endangering the kids and school buses on Lancaster Ave. in the morning and not increasing the awful congestion at rush hour by choice. Is this a temporary situation caused by the reconstruction of the Rt. 141 bridge over I-95?

The Route 48 Coalition Demands Relief

Before a full auditorium at Wilmington Christian School on Oct. 5th, Secretary Cohan, Reps. Hudson, Williams and Brady, Sen. Blevins and Lavelle on stage and Rep. Ramone and Senator Sokola in the audience heard the details of what over 300 trucks a day can do to the lives of people who deal with the noise and emissions. They were told of the difficulty of workers in the three nursing homes within a half mile trying to cross the roads after work to get to the bus stops. They heard the anger that comes from being unable to get to work or take kids to school in a reasonable length of time and the fears that when the CSC building is complete, it will only get worse. They were warned about student drivers having to deal with these rigs while still novices behind the wheel. Sanford is on 41/48, but Tatnall and Wilmington Christian School are just off of 48 and Wilmington Charter and Odyssey further into Wilmington. Senior drivers told of their fears. But the worst problem is that of Old Hobson Farms. DelDOT kept raising the highway years ago and increasing what was a difficult incline to get out onto the highway. One cannot exit quickly, so they get stuck during longer rush hours with the increased traffic. With an older population, we have to think of the problem of Emergency vehicles not being able to get through if called to any of the nursing homes or developments so locked in during rush hours. The State must do something. For OHF, has anyone considered the possibility of building a road up to connect to the development above them reached by Old Wilmington Road? Is there a viable alternative? They cannot sell their homes. Think about what that does to creating a retirement income. Most of the residents no doubt bought them when there was little traffic.

Temporary and Permanent Fixes Needed

Given all this, one could almost conclude that highway congestion is the single greatest problem in Delaware. But like all the other severe problems we face, it depends on money for solutions. As we try to bring in more money by increasing development, the congestion gets worse. So this lack of money to solve our problems is the single greatest barrier to preserving the quality of life we say we hold dear. However, when we turn to the federal treasury, as would be appropriate to widen a road that is overloaded with interstate traffic, we are once more seeking handouts adding to the millions we are already given. \$39 million to repair a wetland preserve. \$50 million to help provide affordable

housing. Millions for beach replenishment, to build 301, to provide Medicaid.

Can we allocate costs to those who cause them in this case—perhaps with a toll booth at the border of PA? Are there other possibilities? At least temporarily can we spread the larger trucks between three roads with the use of technology? Can we restrict their use of our roads at rush hours with notice to those truckers who routinely travel through here? **Send us ideas. If 1400 people signed the coalition petitions, surely together we can figure out solutions that work for all.**

If you have an idea or suggestion, please send it to Bill_Done@msn.com.

* * * *

PROTECTING YOUR PROPERTY VALUES FROM GOVERNMENT ACTION

The Civic League often gets calls from home owners who have been surprised to learn some major construction is about to disturb his or her quality of life. It used to happen because they did not read the newspapers on Saturday. So the Land Use Department began to require that developers put up large yellow signs with a plan on them to inform the neighbors an application had been filed at the Department. Then the curious could Google the County website and find out what was in the process. But over time the signs became commonplace and a new generation busy with survival perhaps may not be aware of their meaning.

Civic leaders need to be sure all the members of their associations are alert to redevelopment, infill, and redesign that will determine the future of our older neighborhoods. Also watch for Board of Adjustment applications that can set bad precedents for your neighborhood if too extensive variances are granted. If you are in a large development that has access to more than one external road, you need someone to pay attention for the association to any signs that may go up near any of the entrances. But it is not just the near developments that may cause a traffic or sewer impact in the older areas. Projects on an arterial road can increase traffic.

Association leaders also need someone who enjoys computers to keep an eye on the Department of Land Use list of New Applications for Developments and then follow anything near you on the List of Active Applications. They are organized by Council District, so you need to know the number of your own or you have to scroll down the list until you find the roads in your district as projects are identified by streets and roads as well as project numbers.

Go to <http://nccde.org>, select “services” then under “Development and Planning” select “Active Plans”. The link is <http://nccde.org/410/Active-Plans>. Once you find the plan you want to see, select the hyper link and you will be able to view all the documents the Department has relative to that land development plan and you can download any specific ones you want. You will see 11 topics listed on the selected plan and you select the + next to the topic in order to see everything scanned into the record related to that topic. It is all saved in a pdf format.

There is another link into which you can type the name of the project to search. That search engine will give you everything including Board of Adjustment applications, Historic Review Board matters, engineering, etc. The link is as follows: <http://www3.nccde.org/project/search/>

You will find the planners in the Department always willing to answer questions and helpful to those who are not familiar with the process.

While the UDC is not a document for casual reading, it can be accessed online and the Table of Contents will help you find topics of great public interest such as traffic quite easily. It is referred to as Chapter 40 of the New Castle County Code and it is further divided into Divisions and Sections. When you access the cover page, click on unframed version at the bottom, then enlarge the boxes above the title. Click on Browse to bring up the Table of Contents. In front of the division titles you will see a plus sign and a file symbol. Click on the file to bring up sections and the + sign to bring up further subsections. Traffic is under Transportation Impact. There are two ways to open the Code. czo.nccde.org is one and www.nccde.org/229 is another.

For those without computers, hearings and meetings of the Planning Board, the Board of Adjustment, and the Historic Review Board are advertised each Saturday in the *News Journal* at the bottom of an interior page usually not in Section A of the paper. That large ad also lists new applications for plan approval.

Also in the *News Journal* on Saturday is a long County ad on the right hand side of a page in the Classified Ads section. That ad contains the official notices of County Council meetings with agendas, its committee meetings and hearings, and its actions taken at the previous meeting.

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**WORKSHOP SCHEDULED ON NORTH
CLAYMONT MASTER PLAN
OCTOBER 24, 2016
THIRD AND FINAL PUBLIC WORKSHOP
ARCHMERE ACADEMY
3600 PHILADELPHIA PIKE
In The Patio, North side of parking lot.**



**CONTROVERSY
CORNER**

When issues pop up that are controversial, the Editor will attempt to offer both viewpoints.

POINT

Remarks to the New Castle County Planning Board on Neighborhood Preservation Overlay District and Economic Empowerment District Ordinances

by Vic Singer

The strategies embedded in the NPOD & EED proposed ordinances are fascinating. The ordinances would merely enable two new “overlay” zoning districts which would not become realities until individual ordinances are enacted for each individual affected parcel.

The NPOD and EED proposed ordinances merely add new Articles 16 and 17 to the UDC to ENABLE two new overlay zoning districts.

Existing UDC standards aim at assuring that land use intensifications occur no

worse than concurrently with essential supporting infrastructure. Those standards minimize public costs in the long run but can be sometimes burdensome in the short run. Eliminating whichever of those UDC standards stands in the way of some short run goal is postponed until later when the individual ordinances to impose the new overlays on particular parcels are advanced. Postponing the mischief until later lets the current proponents deny culpability.

Moreover, postponing the mischief until later relieves the current planners of any obligation to show - WITH NUMBERS - that the long term and short term public costs and other burdens are reasonably balanced.

Indeed in his introductory remarks on the EED proposal, Mark White, the LU Department’s consultant, acknowledged that it is the intent of the CURRENT proposal NOT to

alter the controls currently in the UDC. His work products, the NPOD and EED proposed ordinances, clearly set forth the recipes by which the selective eliminations of current UDC standards are to be achieved in the individual parcel rezonings – LATER – to impose the overlays.

The mere appearance of these recipes in the NPOD and EED proposed ordinances assures the public that the heralded announcement of no intent to relax existing UDC standards is simply a tongue-in-check denial of a share of culpability for the mischief. FOR SHAME ! FOR SHAME ! Clearly the public is betrayed.

COUNTERPOINT

Response from the DLU Planning Consultant

by Mark White, Esq.,

White & Smith / LLC Planning

and Law Group

We appreciate the Civic League’s contributions to the UDC process. We are aware of fears expressed at this week’s Planning

Board hearing about the impact of the EED and NPOD on the County's infrastructure requirements. In response to suggestions from Civic League members, both the EED and NPOD include a provision that they do not affect site capacity and concurrency requirements, environmental standards, transportation impact requirements, sewer and water impact requirements, impact fee requirements and bufferyard requirements. These were inserted to clarify that any EED or NPOD is subject to all of those requirements. Any attempt to establish an EED or NPOD with a waiver of those provisions would violate the terms of the enabling ordinance. This is a protection not found in other special or overlay districts today. These protections are not illusory. While the County can amend its ordinances, it can amend or repeal any provision of the UDC at any time. However, both the

NPOD and EED include a significant level of public engage-

ment prior to their application – with neighborhood outreach and notification protections beyond those that apply to the County's existing zoning districts. This serves as an additional layer of protection to insure that any EED or NPOD remains subject to the County's concurrency, environmental, or infrastructure requirements.

CHANGES IN CIVIC LEAGUE OFFICERS

After the well-organized Primary Candidates Debate that the Civic League held in August and that was put online for voters to see, we lost the services of our new President, Donna Shankie. This unfortunate experience has made our need to adopt new By-

Laws and better organize our regular activities a high priority. The Executive Committee is now as follows:

President – Jordyn Pusey

1st Vice Pres. – Bill Dunn

2nd Vice Pres.– Nancy Willing

3rd Vice Pres. – vacancy

Treasurer – Scot Sauer

Recording Secretary – Mike

Johnston of the MLCA

Corresponding Secretary

–

Barry Shotwell

The Chair of the Nominating Committee will propose that Barry be elected to the vacant 3rd Vice President's position.

For his service as Recording Secretary-- which was a post he tried to fill because no one else would do the job—he has earned the privilege of staying on the Executive Committee in the opinion of the majority at the last meeting.



CIVIC LEAGUE

For New Castle County

Annual Membership Enrollment Form Fiscal year from July 1 - June 30

*This information will be entered in the Civic League's **Confidential** database and will not be released to any third party for any other use.*

Please print or type as to be shown in Membership Directory

Organization: _____

Name: (Mr., Miss, Ms, or Mrs.) _____

The following additional information is essential for our database - but will not be printed in the Membership Directory unless you place a checkmark in the box at the beginning of each line.

Mailing Address: _____

Phone/s: _____

Email: _____

(Needed to receive Civic League communications)

Alternate Contact:
(Not shown in directory)

Name: _____ Phone: _____

Email: _____

MEMBERSHIP DUES

Individual \$25	Dues	_____
Nonprofit \$25	Contribution	_____
Business	Total Payment	_____
99 or fewer employees \$25		
Over 100 employees \$50		

Please make your checks payable to: CIVIC LEAGUE for NCC

Mail to: Civic League for NCC

P.O. Box 5562
Marshallton, DE 19808

OR even easier Pay online:
via credit/debit card/Paypal
at WWW.CivicLeagueforNCC.Org

PARTICIPATE – YOU CAN MAKE A DIFFERENCE !

We are always looking for individuals who would like to assist the Civic League in any of the following areas. If interested in volunteering, or if you would like more information, please email President@CivicLeagueforNCC.Org

Civic Association Assistance
Council Meetings Observer
County Comments (Newsletter)
Environment/Waste Mgmt

Code Enforcement
Government Structure
Highways/Transportation
Land Use/Zoning

County Budget
Water Resources
Membership
Telephone Contacts

Parks & Open Space
Program Development
Public Safety
Publicity