

**MINUTES
BUSINESS MEETING
NEW CASTLE COUNTY PLANNING BOARD
DEPARTMENT OF LAND USE - NEW CASTLE ROOM
87 READS WAY, NEW CASTLE, DELAWARE
August 20, 2019
9:00 A.M.**

The Business Meeting of the Planning Board of New Castle County was held on Tuesday, August 20, 2019 in the New Castle Room of the Government Center Building, 87 Reads Way, Corporate Commons in New Castle, DE.

The meeting was called to order by Chairperson Karen Peterson at 9:05 a.m.

The following Board members were present:

Joseph Daigle
William McGlinchey
Karen Peterson
Linda Porras-Papili
Ruth Visvardis
Kiana Williams

The following Board members were absent:

Leone Cahill
Robert Snowden

Planning Board Attorney, Office of Law

Randolph Vesprey

The following Department of Land Use employees were present at the meeting:

Richard Hall	Marisa Lau
Antoni Sekowski	Matthew Rogers
George Haggerty	

The following members of the public were in attendance:

None.

MINUTES

July 16, 2019

DEFERRALS

None.

BUSINESS

App. 2019-0397-T, Text amendment to amend New Castle County Code Chapter 40 Article 3 (“Use Regulations”) and Article 33 (“Definitions”) regarding landfills. **Ord. 19-046 is a text amendment to amend several articles of the Unified Development Code to provide standards for landfills.**

At a business meeting held on August 20, 2019 the Planning Board considered the recommendation offered by the Department of Land Use. On a motion by Ms. Papili, seconded by Ms. Visvardis, the Planning Board voted to recommend APPROVAL of Ordinance 19-046 as introduced. The motion was adopted by a vote of 6-0-0-2 (Yes: Daigle, McGlinchey, Peterson, Porrás-Papili, Visvardis, Williams; No: none; Abstain: none; Absent: Cahill-Krout, Snowden).

In discussion preceding the vote the Board members offered the following comments:

Ms. Peterson stated that the Board was told it would receive a substitute ordinance addressing several issues discussed at the public hearing, such as a horizontal expansion limit for landfills. While referencing a letter she had received from Counsel to Council, she asked if there was any further explanation for why the sponsors decided to move forward with the draft ordinance as introduced. Richard Hall, General Manager for Land Use, replied that the Department is working together with Council on this ordinance. The sponsors had asked for the Department and Planning Board to consider the draft ordinance as introduced. As the legislation moves forward, Council will have the opportunity to make further changes to the ordinance.

Mr. McGlinchey and Mr. Daigle stated that they had not attended the hearing but had read the transcript in its entirety. Ms. Visvardis disclosed that she had received two phone calls from people who wanted to discuss this application with her. Ms. Peterson added that several of the board members had disclosed similar ex parte communications.

Ms. Papili asked for the approximate number of parcels zoned Heavy Industrial (HI). Mr. Hall replied that there was not a lot of HI-zoned land and any proposed landfill would need to go before the Board of Adjustment at a public hearing, if this ordinance is approved. Ms. Peterson added that she had checked the land use maps in the 2012 Comprehensive Plan Update and about six (6) parcels are zoned HI. Ms. Papili also expressed concern that the County is being put in a position where it must adopt new regulations for landfills although this issue should be addressed at the state level. Ms. Peterson pointed out that Representative Cooke had introduced a bill regulating landfills in the House. She also noted that the County clearly has the authority to regulate landfill uses through its zoning code. Mr. Hall added that the state permitting process for landfills directs the permitting agency to look at local ordinances. Additionally, at the Preliminary Land Use Service (PLUS) Review, the Office of State Planning had made it clear that they weren’t able to comment on the ordinance at this time due to the pending application for vertical expansion of the DRPI landfill.

Ms. Peterson reiterated her concern about the proposed edits to Sec. 40.03.323.B. The language appears to permit existing non-conforming landfills to expand up to 140 feet, although Counsel had indicated at the hearing that that wasn’t the intent. She added that she would like to see this concern addressed in a more finely-tuned version of the ordinance.

Ms. Papili asked for clarification of language in the PLUS section of the Department recommendation. Mr. Hall replied that it was standard language often used by the state to reserve the right to comment on the application in case drastic changes are made to the project.

REPORT OF COMMITTEES

None.

REPORT OF GENERAL MANAGER

Rich Hall, General Manager, reported that the next meeting for the Southern New Castle County master plan will be scheduled for late September. Having incorporated public feedback, the Department is considering several land use scenarios and alternatives for future growth south of the canal. A rough draft of the study will be released following the public meeting this fall.

REPORT OF CHAIRPERSON

None.

OTHER BOARD MEMBER COMMENTS

None.

COMMENTS FROM THE PUBLIC

None.

OTHER BUSINESS

None.

ADJOURNMENT

The Board voted to adjourn the meeting at 9:22 a.m.

ATTEST:

Richard E. Hall, AICP Date
General Manager
Department of Land Use

Karen Peterson Date
Chair
Planning Board