



**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!](#)

Anti Graffiti Brigade News



Dear community leaders,

The Citizens Anti-graffiti Brigade will be cleaning the Smith Bridge over the Brandywine River in the next week or so. It is a beautiful structure; unfortunately is defaced occasionally. Please stop and thank our citizen volunteers. The Farrow's Anti-graffiti Machine unit was donated by Nigel Farrow and his company. For details about how you can help us eradicate graffiti from our community, contact my office at 302-395-8362

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Robert S. Weiner**

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www.bobweiner.com
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Councilman Weiner Submits Proposed Ordinance to Prevent Abuse of the “Redevelopment” Law

In response to the introduction of a new law drafted by Land Use Department General Manager David Culver to expand the abuse of the redevelopment law by including “paper redevelopment”, I introduced a counterproposal at the March 22, 2011 County Council meeting, which would curtail use of vacant green fields as acceptable “redevelopment” projects. For a copy of the ordinance, click the link here for [11-026](#) posted at

<http://www2.nccde.org/council/PendingLegislation/default.aspx>

Under current law, development projects accepted under the “redevelopment” process in New Castle County undergo a relaxed standard of review, pay no impact fees to the County and need not conduct traffic impact studies to obtain approval.

Text amendment [11-026](#) better defines “redevelopment” as applying to existing, already constructed structures. Relaxed approval and study standards would only apply if the same or less intensive future use is proposed from a traffic standpoint, to avoid a disastrous additional, unfunded strain on limited infrastructure. It is in stark contrast to the approach taken by the County Land Use Department’s “redevelopment ordinance” [11-020](#).

The Reda/County Land Use Department's proposed revision to the current redevelopment ordinance [11-020](#) affords “paper redevelopment” proposals, such as Governor Square III, even more special treatment than current law provides. In fact, this project is a prime example of the type of development the Reda amendment would assist. The result: no traffic study, no road improvement concurrency, and no benefit to the community through the mitigation of blight or vacancy. Despite DelDOT's decision to deny a TIS for the Governor Square III project and the negative traffic impact DelDOT predicts in its letter, [11-020](#) would allow this and similar projects to proceed anyway. Similarly problematic proposals will also be approved, ultimately overwhelming State owned roadways and thus placing unbudgeted, unanticipated and unplanned financial strain on state roadway infrastructure in New Castle County. Redevelopment status should be more limited to protect our State owned infrastructure.

See my attached comparison matrix for a summary comparing [11-020](#) [drafted by the County Land Use Department], and my draft [11 026](#).

Even under the present redevelopment ordinance, the Department of Land Use has not even made developers adhere to the requirement that at least a 50% demolition of existing structures has to take place to qualify as a redevelopment. Instead, green open fields are fair game for these relaxed standards. When I saw that the proposed revision allows any recorded, unbuilt plan to qualify as a redevelopment, not just those that earned grandfathering by building part of the recorded structures within 5 years, I felt that an incorrect view of the Unified Development Code was being ratified and expanded upon, so I decided to propose something different.

The League of Women Voters asked me to provide them with “...straight and unbiased answers” to their questions posed to the authors of each proposed ordinance. My answers to the questions are listed in my letter of response embedded below. Land Use Department General Manager David Culver did not provide answers to the League of Women Voter's important questions.

The public has an opportunity to comment on the Weiner draft redevelopment ordinance 11-026 on Tuesday, July 05, 2011 at the Planning Board Public Hearing held at 7 p.m. at the Gilliam Building

Multi-Purpose Room, 77 Reads Way. Make your plans now to attend. ([For directions click here](http://www2.nccde.org/Buildings/Gilliam%20Building/default.aspx) <http://www2.nccde.org/Buildings/Gilliam%20Building/default.aspx>)

Please see my attached comparison matrix for a quick summary comparing current law, Mr. Reda's proposal, 11-020 [drafted by the County Land Use Department], and my draft Ordinance 11-026

COMPARISON OF CURRENT LAW AND 2 NEW REDEVELOPMENT PROPOSALS

Requirements	Land Use Proposal	Current Law	Weiner Proposal
Paper Redevelopment Allowed	Yes—100% credit for previously recorded but unbuilt SF	No—has to be at least 50% demolition of existing GFA, but with credit for unbuilt GFA	No—existing structures must be vacant, blighted, abandoned existing gross floor area or former legally existing gross floor area demolished by at least 50%
Sunsetting of Plans	No—any <u>recorded</u> plan eligible for paper redevelopment regardless of whether it has otherwise sunsetted (i.e., no longer effective)	Yes—a plan must not have sunsetted in order to be eligible for redevelopment, but would either have to be a minor or some physical implements made	Yes, same as current law
Site Improvement Required?	Yes—in an amount equal to the percentage of approved but unbuilt GFA—as determined by Department	Proportional compliance required of at least 400%	Proportional compliance required of at least 400% or more if some GFA unbuilt
Traffic Study	No, DeIDOT can't require a TIS for redevelopment plans under MOU between DeIDOT and NCC.	No	Yes—for all major plans proposing a change in use or increasing GFA
Traffic Improvements	No, unless DeIDOT requires, even if intersection is E or F	No, except to site itself (i.e. entrance).	Yes—no nearby intersections can operate below LOS "D" upon issuance of a certificate of occupancy
Traffic Standards	Just can't make intersections "worse"; no way to tell where intersections operating now without TIS and no deadline to implement required improvements	No	Intersections have to operate at D or better. Standards pegged at LOS, not the loose "worse" LU standard
Community Character concurrently	No	No	Must be accounted for in plans
Process/Public Input	No public hearing for any paper redevelopment which is processed as a minor plan. No public hearing on whether a plan proposing all unbuilt GFA plus 50,000 more meets all criteria for redevelopment	General Manager signature only for minors, normal plan review process for others. Major plans skip from exploratory to record, so no Planning Board hearing. Unbuilt GFA plus 50,000 more GFA still qualifies as a minor	Plans proposing changes in use are major plans. Planning Board must hold a public hearing and decide if the plan properly qualifies as "redevelopment." Unbuilt GFA does not qualify a plan as "minor"

Requirements	Land Use Proposal	Current Law	Weiner Proposal
New GSF allowed	No GSF reduction based on DelDOT recommendation	All established SF plus 50,000 subject to reduction if DelDOT recommends.	No, unless it is in the same use category as the existing square footage or processed as a major plan

**COUNCILMAN ROBERT S. WEINER
COUNCILMAN 2nd DISTRICT
NEW CASTLE COUNTY COUNCIL**

www.nccde.org

Louis Hinkle, Aide To Councilman Weiner
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COUNCIL

**LOUIS L. REDDING
CITY COUNTY BUILDING**

800 N. French Street
Wilmington, DE 19899
Office: (302) 395-8362
Fax: (302) 395-8385

May 12, 2011

**Peggy Schultz, Co-Chair with Jane Dilley
Land Use/Transportation Committee
League of Women Voters of New Castle County
2400 W 17th St # L11
Wilmington, DE 19806-1348**

Re: Responses To Questions Regarding °11-026: To Amend New Castle County Code Chapter 40 (Unified Development Code Or "UDC") Regarding Redevelopment. Introduced By: Mr. Weiner

Dear Ms. Schultz;

Below please find my responses to the Board of Directors of the League of Women Voters of New Castle County questions surrounding my proposed redevelopment ordinance.

1) What are the main differences between your proposed ordinance and the current redevelopment ordinance?

I have attached a comparison matrix for a quick summary comparing the current law, the Reda Amendment and Weiner Amendment. The most significant difference is that the Weiner Amendment disallows "redevelopment" of non-existent structures. Council never meant to allow that when it enacted the original ordinance. In contrast, the Reda Ordinance allows any recorded, unbuilt plan to escape the 5 year sunset provision under the UDC, potentially change use, build all the previously approved gross floor area, plus 50,000 square feet. That creates detrimental consequences in terms of unfunded infrastructure because redevelopments don't even pay impact fees or for needed traffic improvements.

2) Why do you think your ordinance is an improvement over the current ordinance?

The Weiner Amendment better defines "redevelopment" as applying to existing, already constructed structures. Relaxed approval and study standards would only apply if the same or less intensive future use is proposed from a traffic standpoint, to avoid a disastrous additional, unfunded strain on limited infrastructure.

The plain language of the current redevelopment ordinance requires demolition of at least 50% of the old buildings on a property. The word "demolished" does not mean "never constructed." A building which has never been constructed is not the same concept as a building which has been demolished. Unfortunately, in practice the plain meaning of the current law has been ignored and plans proposing no demolition, such as Governor's Square, have been accepted and processed as redevelopment plans. The Weiner Amendment puts a definitive end to this.

3) Why do you think your ordinance is an improvement over Councilman Reda's (or over Councilman Weiner's)?

The Reda Ordinance effectively exempts redevelopment plans from a Traffic Impact Study (TIS) because that requirement only applies if DeIDOT requests the TIS. Under the Memorandum of Understanding between the County and DeIDOT, redevelopment plans do not require a TIS, so there is also an exemption from building traffic improvements to offset the traffic the redevelopment will bring.

In addition, the Reda Ordinance allows “paper redevelopment” of 100% vacant land. No demolition of existing buildings would be required any longer. This is “an end run” around a proper major plan submission and plan sunseting. For example, Governor’s Square III is a major project so it should follow the normal plan processing rules and not get more special treatment by using a “paper redevelopment” end run around the process.

There is NO public hearing or comment on any “paper redevelopment” site plans. Thus there is no transparency or input from the public. The Weiner Amendment provides for greater public input on whether a plan qualifies for redevelopment treatment.

4) Will your ordinance cover the re-use of a currently developed property that is not in disrepair? If so, how? If not, how will the redevelopment of such properties be handled?

A currently developed property could certainly qualify for redevelopment under the ordinance I proposed if it is "underutilized". Such properties indeed have problems where "the private market is not providing significant economic activity to achieve the desired level of improvement". Since redevelopment projects go through less review and do not pay impact fees, I want to limit the application of the designation to properties that really need help to encourage investment and end the practice of "paper redevelopment" - or granting a developer approved but unbuilt square footage on green space plus 50,000 GFA with no traffic impact study or mandate to pay for traffic improvements, even when a change of use is proposed (i.e. office to retail). I don't think it is responsible to create unfunded problems for DeIDOT.

5) Which, if any, of the following 10 principles of Smart Growth would you say that your proposed ordinance will promote? How?

The Weiner Amendment will provide incentives to property owners and developers to reuse properties that once were thriving but that now are rundown, abandoned, or not as useful as they could be because of a state of disrepair or functional obsolescence while protecting open spaces and agricultural lands from development. Smart Growth by definition directs that the most intensive development to the currently built environment where infrastructure is adequate on improvements are planned with a viable funding mechanism.

Thank you for allowing me the opportunity to provide you with the necessary information to get *":straight to the heart of the matter."* The citizens of New Castle County and I look forward to your support for this important ordinance.

If you have any further questions, do not hesitate to contact my office at 302-395-8362.

Sincerely,



Bob Weiner, your County Councilman
“Making County Government Work for Us”
Council District 2, New Castle County, DE
Louis Hinkle, aide to Councilman Weiner: 302-395-8362

Holland Mulch opens as new yard waste drop-off area in Brandywine Hundred



Local residents deposit yard waste at Holland Mulch.

By Andre Lamar

Community News

Posted Apr 29, 2011 @ 03:04 PM

Brandywine Hundred, Del. —

Holland Mulch owner John Duffy and DNREC Secretary Colin O'Mara announced Holland Mulch is the new yard waste drop-off site for Brandywine Hundred residents.

DNREC and Holland Mulch have agreed to a five-year commitment to the community with the opening of a residential entrance on Holland Mulch (located on Hay Road). Holland Mulch has been accepting yard waste from residents since DNREC closed the Cauffiel Parkway site last June. Prior to opening the residential entrance, which was completed less than two weeks ago, residents would deposit their yard waste near the site's commercial entrance – which Heffernan said presented safety concerns, since people were dropping off yard waste near heavy-duty vehicles and equipment.

The Cauffiel site was unsuccessful due to concerns from the neighboring community about illegal dumping and that the site was located too close to their homes. Environmental officials were unable to effectively monitor the site as a result of their limited operating budget.

Holland Mulch will be monitored by its company staff.

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New Castle County Comprehensive Plan May 12, 2011 Website Update

The four presentations from last evening's Public Topic Meeting #9: Intra-Governmental Coordination have now been posted on-line at:

<http://projects.jmt.com/new-castle-county-comprehensive-plan/may-meeting.aspx>

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Important Information from Delmarva Power

Dear Councilman Wiener,

As part of our ongoing commitment to keep you informed about Delmarva Power's role in delivering reliable electric service, I wanted to share important information about an **upcoming project in your area**.

- Delmarva Power is investing \$3.6 million to upgrade and improve our Montchanin Substation, located just behind the Montchanin Mills business center, off Rockland Road. The project will improve electric service to residential and business customers in the area.
- The project involves replacing existing equipment with primarily new, lower-profile equipment that will improve reliability, be more environmentally sound as well as more visually appealing to customers. Most of the new equipment will be installed in the lower, presently unused portion of our property.
- Most of the wires inside the new upgraded substation will be placed underground. The existing wood poles will be removed and there will be a minimum number of new steel structures required. These structures will be approximately the same height as the existing utility poles.

- The project is expected to begin sometime this spring and should be completed in the spring/summer of 2012.

We do not anticipate any service issues while performing this work and we will be contacting customers in the immediate area to inform them of the project and our commitment to continued reliable service. If you have questions, please feel free to contact Joe Farley at 302-463-1475 or myself.

Thank you,
Vince Jacono, Jr
Sr. Public Affairs Manager
Coordinator, Emergency Services Partnership Program
Delmarva Power
302-283-5884 phone
302-283-6090 fax

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Here is a link for the April 2011 edition of the Emergency Medical Services Division newsletter. The newsletter is produced internally and serves as an informal means of communication within the paramedic service. (ADD LINK HERE)

Lawrence E. Tan, Chief
Emergency Medical Services Division
New Castle County Department of Public Safety
3601 North DuPont Highway
New Castle, DE 19720-6315

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Upcoming Events at Delaware Greenways

Please help to spread the word.

Save these dates!

Saturday, May 21 9-11:30 a.m.

Trail Maintenance Day: Invasive Species Removal at Bellevue State Park, 800 Carr Road, Wilmington, DE 19809-2163. We'll meet at the Recycle Parking Lot and take on all those non-native species. Volunteers will need to wear lightweight but long-sleeve shirts, long pants, sturdy shoes. They may also bring any of the following: Work gloves, hand clippers, loppers, rakes, hand saw, protective eyewear. An RSVP would be appreciated: mjennings@delawaregreenwys.org.

Thursday, May 26, 5:00-6:30 p.m.

Delaware Greenways Trail Steward Information and Training Workshop at the New Castle Senior Center, 400 South Street New Castle DE, 19720. Volunteering for 3-4 hours per month can make a huge difference in the quality of the trail experience for those who walk, jog and bicycle the trails in New Castle County. Learn about how easy it is to become a steward of the trails, participate in regularly scheduled trail maintenance days, and join the Delaware Greenways Trail Steward program. This will be the last spring information and training workshop until October, so don't be left out! RSVPs are appreciated; mjennings@delaregreenways.org, 302-655-7275.

Saturday, June 4, 9:00 to 11:30 a.m. Broad Dyke Trail Marking and Clean-Up to take place at Route 273 (Frenchtown Road) and 6th Street, New Castle DE, 19720 Use [http://www.archiplanet.org/wiki/Hermitage, The, New Castle, Delaware](http://www.archiplanet.org/wiki/Hermitage,_The,_New_Castle,_Delaware) for a map of the location.



Individuals and community service organizations are invited to join a celebration of National Trail Day by volunteering for three hours of service on Saturday, June 4th from 9:00- 11:30 a.m. The historic Hermitage House, burned in 2006, is the trail head of a trail system that will weave through the Broad Dyke Marsh and nearby woodland. The trail will connect to New Castle's Industrial Track Greenway and provide new opportunities to walk and jog while enjoying views of a beautiful marsh ecosystem with its abundant plant and wildlife.

This event, an outgrowth of the New Castle Wellness Initiative, aims to encourage healthy lifestyles and improve the health and vitality of community members.

Volunteers will need to wear lightweight but long-sleeve shirts, long pants, sturdy shoes. They may also bring any of the following: Work gloves, hand clippers, loppers, rakes, hand saw, protective eyewear. An RSVP would be appreciated: mjennings@delawaregreenwys.org.

***A postponement date for the Penn Farm Trail Maintenance Day: Saturday, June 11, 9-11:30 a.m .

Michele Jennings - Delaware Greenways - PO Box 2095 - Wilmington, DE 19899



Free Webinar - Chesapeake Bay Restoration Program

THE CHESAPEAKE BAY RESTORATION PROGRAM: A Regional and Intergovernmental Planning Division Sponsored Webinar

The American Planning Association (APA) Regional and Intergovernmental Planning Division are sponsoring a webinar on May 25, from 1:00 p.m. to 2:30 p.m., on the Chesapeake Bay Restoration Program.

Clean up efforts for the Chesapeake Bay have been underway since the early 1980's through a partnership between the States of Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia, the District of Columbia, and the federal government. To meet recent legal requirements, the federal government, through EPA, has taken the lead for this program. State strategies were submitted to the EPA within the last six months. Now the program is moving towards local involvement via the states with implementation centering around the watersheds covering parts of the five states and the District of Columbia.

Panelists will include Jim Edward, Acting Director of the U.S. Environmental Protection Agency's Chesapeake Bay Program Office; Richard Hall, AICP, Secretary of the Maryland Department of Planning; and, Andrew Fellows, Regional Director for Chesapeake Bay Programs for Clean Water Action. Mr. Fellows is also the Mayor of College Park, Maryland as well as the Vice-Chair of the Metropolitan Washington Council of Government's Chesapeake Bay and Clean Water Policy Committee. The program moderator will be Douglas R. Porter. The first hour will be devoted to panel presentations and the last half hour will be open to questions from the audience.

One and one half American Institute of Certified Planners (AICP) certification credits are anticipated.

Registration is required for this webinar. To register, please visit

<https://www2.gotomeeting.com/register/888461339>

If you have any questions, please email Lee Schoenecker at leeschoenecker@aol.com.

About Us

The Wilmington Area Planning Council (WILMAPCO) is the regional transportation planning agency for New Castle County, Delaware and Cecil County, Maryland. As the federally designated Metropolitan Planning Organization (MPO), WILMAPCO is charged with planning and coordinating transportation investments for the region based on federal policy, local input, technical analysis, and best practices. For more information, please visit our website at www.wilmapco.org.

