

CITY OF DOVER
BOARD OF ADJUSTMENT MINUTES
July 17, 2019

A Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, July 17, 2019 at 9:00 A.M. with Chairman Sheth presiding. Members present were Chairman Sheth, Mr. Keller, Mr. Hufnal, Colonel Ericson and Mr. Senato.

Staff members present were Mr. Diaz, Mr. Hugg, City Solicitor Mr. Rodriguez, Code Enforcement Officer Ronald Coburn and Mrs. Savage-Purnell.

APPROVAL OF AGENDA

Mr. Hufnal moved to approve the agenda as submitted. The motion was seconded by Mr. Keller and unanimously carried 5-0.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF MAY 15, 2019

Mr. Keller moved to approve the meeting minutes of May 15, 2019 with the necessary corrections. The motion was seconded by Mr. Senato and unanimously carried 5-0.

OPENING REMARKS CONCERNING APPLICATIONS

Mr. Dave Hugg, Planning Director stated that the meeting today will be conducted in accordance with the Agenda. There is one (1) application on the agenda under New Business. Each Application file will be read, and the floor will be opened for questions of the applicant by the Board and for public testimony. If the Board needs to consult the City Solicitor, they will recess to discuss legal matters. If the applicant must leave, they can contact the Planning Office at 736-7196 to learn of the Board's decision. A formal notice of the decision will be mailed to the applicants. Approved variances expire after one year if the approved project has not commenced.

All public notice for the new application on this agenda was completed in accordance with Code requirements. The meeting agenda was posted in accordance with Freedom of Information Act requirements.

COMMUNICATIONS & REPORTS

The next Board of Adjustment regular meeting is scheduled for August 21, 2019 at 9:00am in the City Council Chambers.

NEW BUSINESS

Applicant #V-19-06

623 Fulton Street. Harrington Commercial LLC c/o Michael H. Harrington, Sr. has requested a variance from the requirements of Article 6 §3.6 of the *Zoning Ordinance* related to surfacing of parking areas and access drives, in order to extend a previously approved 2015 variance from the same requirements. Reapproval of the variance would allow the continued use of the existing gravel parking lot on the property past the year 2020. Subject property is zoned IPM (Industrial Park Manufacturing Zone). The Tax Parcel is ED-05-076.08-01-13.00-000. The owner of record

is Harrington Commercial LLC. *The previous variance, V-15-06, was approved by the Board of Adjustment on March 18, 2015, with the condition that the approved variance would expire after five years.*

Exhibits for the Record: Staff Report, Zoning Exhibit, and statement and plans submitted by the applicant. Legal Notice was published in the Delaware State News on July 7, 2019. The public was notified in accordance with regulations.

Chairman Sheth questioned if there was any member present who had a conflict of interest and there was none.

Mr. Diaz gave a summary presentation of the Variance Application Request regarding requirements of Article 6 §3.6 of the *Zoning Ordinance* related to surfacing of parking areas and access drives, in order to extend a previously approved 2015 variance from the same requirements. Reapproval of the variance would allow the continued use of the existing gravel parking lot on the property past the year 2020. The previous variance, V-15-06, was approved by the Board of Adjustment on March 18, 2015, with the condition that the approved variance would expire after five years.

Mr. Keller asked with regards to the Planning Commission's approval or lack thereof, is there any step that should have been taken in the interim by the applicant which would have delayed the Planning Commission's approval? Mr. Diaz replied that the applicant submitted to Planning Commission a plan that showed not what they currently have which is a gravel parking lot but a plan showing an improved parking lot (a hard surfacing, parking striping, lights, landscaping, etc.) Even though they gained conditional approval from the Planning Commission to construct what they were showing in that plan, there were not any of the subsequent steps taken needed to finalize the plan so that they could actually construct it. Those steps would include getting approval from the individual reviewing agencies of the Development Advisory Committee including the Public Works Department, Kent Conservation District and Fire Marshal. They would have had to submit a Final Plan to the Planning Office that contained all the requirements that were identified as part of the Planning Commission review.

Mr. Hufnal asked if the Planning Commission decision or requirement to have something done by September 30, 2019 takes precedent over the Board of Adjustment variance approval to March 2020. Mr. Diaz replied that he believed the reason that the applicant is asking for the reauthorization now instead of in 2020 when the variance is due to expire is that once the Planning Commission approval expires then the applicant will need to resubmit to the Planning Commission. What their submission will look like will depend on whether they get a variance or not. If the variance is approved, the applicant can submit a new application that shows just the gravel parking lot. If they are denied, then their new application will have to show an improved parking lot again.

Mr. Keller asked if the application process to the Planning Commission can be made and if everything is in order to have a subsequent approval prior to the expiration of the variance that was approved 5 years ago. Mr. Diaz replied if the applicant came forward with an application to the Planning Commission that showed just the gravel parking lot and they did not receive a

variance from the Board of Adjustment then they could still only have the gravel parking lot for one more year even though the applicant had a successful Planning Commission application because the variance had expired.

Mr. Senato questioned when the applicant went before the Planning Commission in 2016 it did not depict the parking lot in its current state, but rather it showed asphalt, paving, stripping, etc. on the proposed plan. Mr. Diaz replied that is correct. Mr. Senato asked if the applicant received approval from the Planning Commission to move forward at that time. Mr. Diaz replied that is correct. So, the applicant is back before the Board of Adjustment requesting another variance which is basically the same temperament as roughly 5 years ago. Mr. Diaz replied that the argument that was given by the applicant in the required responses had a few differences but was more of the same.

Mr. Senato asked if the variance was approved today what procedure would be followed, and if the owner of the property would go forward with the improvements to the parking lot rather than sticking to another 5-year plan and not proceeding again. Mr. Diaz replied if the variance is approved then the applicant would need to submit a new application to the Planning Commission that shows the plan that just has the gravel parking lot in order to come into compliance. There may be some other items that may need to be addressed in order to meet other agency requirements such as stormwater on the property for Kent Conservation District. They would be allowed to use the gravel parking lot with a reapproved variance.

Mr. Hugg asked Mr. Diaz to clarify that having the applicant come before the Board of Adjustment today is because their Planning Commission approval expires prior to the 5-year period expiration date. Mr. Hugg asked if this was correct? Mr. Diaz replied that is correct. The applicant did not speak to Planning Office Staff about the application beforehand; they just submitted the application.

Mr. Hugg asked if the Board of Adjustment (or should the Board of Adjustment) grants a 5-year extension that really trumps their need to have a Final Planning Commission approval in place. Or would their Final Planning Commission approval still be conditioned as it was originally? Mr. Diaz replied that no matter whether you approve or deny a variance, the applicant will still need to go to the Planning Commission and get a new plan. Whether the Board of Adjustment approves or denies the variance, it just affects what they will be able to show on the plan, whether it is gravel or asphalt.

Colonel Ericson stated that he would totally be against a 5-year extension. There has been no history where the property owner has made any attempt to solve the problem. He could see a year extension if there is serious thought and he would like to see a 30-day report on how they are progressing. This has gone on long enough.

Mr. Keller asked if there was roughly 8-months remaining on the original variance. Chairman Sheth replied yes. Mr. Keller asked if that seemed to be a reasonable time within which to complete an application process or finalization of the matters that should otherwise be held before the Planning Commission. Mr. Diaz replied if the applicant had not come before the Board of Adjustment today what the applicant could have directly done within 8 months would

be to file a new application to the Planning Commission to have a gravel parking lot and get approved and then immediately expire because the variance would expire.

Mr. Senato asked if it could take more than 8 months. Mr. Diaz replied that it could, but if it did not take more than 8 months the applicant would essentially be in compliance for a very short period of time, maybe 3-4 months at most before the variance expired and then they would probably have to pave the lot.

Colonel Ericson asked Staff if the lot could be paved before September 30th meeting the Code requirements, then the variance would not be needed. Chairman Sheth replied that the question could be asked of the applicant.

Mr. Senato mentioned that it is not the Board of Adjustment but Planning Commission that can approve lighting and curbing. It states very specifically in Article 6 the requirements that must be followed regarding parking lots. During this 5-year period why there was no compliance. Chairman Sheth replied that to his understanding that the Staff denial was based upon the applicant asking for a 5-year extension. Chairman Sheth asked Mr. Diaz if this was correct. Mr. Diaz replied that the applicant did not specifically request a 5-year extension or any length of time. They just started looking for approval of the variance. If the Board approved the variance unconditionally, then they would be able to use the parking lot as gravel for as long as they liked if they get Planning Commission approval.

Colonel Ericson mentioned that he recalled that the Board of Adjustment did the amendment for limitations and the person that gave the testimony stated they could get it done in 5 years.

Chairman Sheth questioned if there was any member present who had a conflict of interest and there was none.

Representative: Mr. Michael H. Harrington Sr., Owner and Mr. Troy L. Adams, Engineer, Mountain Consulting Inc., Vice President.

Mr. Michael H. Harrington Sr. and Mr. Troy L. Adams were sworn in by Mr. Rodriguez.

Mr. Harrington Sr. testified that to start it is a matter of economics of why it had not been developed. He serves on the Board of the DDP and they are working extensively on developing the property east of the railroad tracks and whole area. In the future, you will see office buildings being designed. He stated that he owns the property where Gede Insulation is a tenant which is zoned Industrial. There is no real residential activity; it almost sits on an island by itself. He mentioned this for general information as he practically owns the whole block. He also owns the single-family home on Fulton Street. There was a house on this particular piece of land, but it was damaged by fire then demolished. Next to that is the Primecare site which was the City's ambulance service for five or more years. Primecare lost their City contract and now the building is vacant. Gede Insulation has roughly 50 employees. Their parking is for their employees only. One of the problems with the property is the City of Dover does not have proper sewer ability to handle stormwater management on that side of town. Throughout the years, we have had a lot of drainage problems and flooding on that side of town. It would be less expensive if you could tie

into a stormwater management system in that area. In order to make a parking lot out of this, he would need to put in his own drainage system to handle all the water and the cost to do this would be over \$150,000 for a parking lot. He sees the future and he thought the future would be that Primecare would ask for an expansion to service the City of Dover and that the property would be developed. Primecare is a 24/7 operation. He took the Primecare property and retrofitted it for the ambulance service. This included electrical hookups for their trucks and a sprinkler system inside the building, but they are no longer there. Again, it is a matter of economics. If he gives this parking lot up and does not use it at all or develop it into a parking lot, there is a good chance he will lose Gede Insulation who has 50 employees because they would be forced to park in awkward ways. At the current time, that area is fenced in for security purposes (parking their trucks). He also has Toll Electric in that area and on Division Street there is Connections Community which is a homeless service. From his parking lot standpoint, \$150,000 is a lot of money. He would have to abandon it he guesses. He is asking the Board of Adjustment to consider what he is faced with and consider the employment of 50 employees in the City of Dover and have a heart to work with a businessman that is trying to make it work.

Chairman Sheth asked Mr. Adams if he had done work on Kent County stormwater system and if he knew how big the pond was or if the whole parking lot was required as a drainage or partial that can act like a drainage. How much of a stormwater system is required? Mr. Adams replied yes, back when they were looking at it preliminarily the first time, they did an infiltration test. The land does perk, which means water will drain down into the ground. Given the situation of not having a public stormwater system to tie directly into then the system would have to be on-site. Some type of infiltration technology would be best situated for this type of application.

Chairman Sheth asked what would happen if you had $\frac{3}{4}$ of ground finished and $\frac{1}{4}$ of the ground was lower level can it be used as a drainage and remain as gravel? He asked Mr. Adams if he had tried it that way? Mr. Adams replied that he had not tried it that way but getting back to economics, this type of system by Code is over 5000 square feet so a letter of no objection would be required from Kent Conservation District whether it is gravel or pavement.

Chairman Sheth mentioned that he was not questioning Mr. Adams' judgement, he was asking if $\frac{3}{4}$ of the ground was finished and $\frac{1}{4}$ of the ground was lower level. He gave an example of when he had a bowling alley. They had a gravel parking lot where they were able to park on one tenth of an acre or less and it was fine. He is not saying that all grounds are the same, but how can you save money and be respectful and helpful to the audience. So, if you have a partially finished parking lot how can you satisfy the requirements of City of Dover and Kent Conservation District. The suggestion of Colonel Ericson is that you cannot have an unlimited variance until you find someone to do something so that the issue can be resolved.

Mr. Adams mentioned that he thinks what he is hearing that Chairman Sheth is asking if part of the area could be paved and another portion be gravel. Chairman Sheth replied right; what Mr. Harrington suggested and what Mr. Adams mentioned is the problem is financial because of the requirement of the stormwater system. Mr. Adams replied correct. Chairman Sheth stated that was his question, can a partial be done? Mr. Adams replied that it could be done; and he gets what Chairman Sheth is saying in theory but to adhere to the Kent Conservation District requirements they look at gravel the same as pavement. It is still an impervious surface and the calculations

would come out the same. From their standpoint its 5000 square foot of disturbance that has been done. Pavement and gravel are the same and same results when you run the calculations and count.

Chairman Sheth asked how large was the disturbance area? Mr. Adams replied the disturbed area is a little over 1/3 of an acre which is 15,700 square feet. We could reduce the size of this parking area.

Chairman Sheth asked from a previous statement that Mr. Harrington stated all the tenants could leave. Mr. Adams replied they could. Chairman Sheth mentioned the option of the tenant helping with the cost. Mr. Adams replied that we could talk with Gede Insulation; that is an option.

Chairman Sheth mentioned if Gede Insulation compromises and the Board agrees to give some extension as suggested by Colonel Ericson, would that give you enough time and if by that time nothing works then that would be the next course of action.

Mr. Keller asked Chairman Sheth with your discussion regarding the questions posed to Mr. Adams, if he was talking in terms of having a portion of that lot fully paved and allowing the balance of the lot area being constructed in a fashion somewhat similar to a water retention pond. Chairman Sheth replied something like that to solve the issue. The question arises is do we need to pave the parking lot which is a requirement. Mr. Harrington replied that the point of this subject is when all 50 employees are there the lot is pretty much full. As much as he does not want to go into the opposite direction, if they just did a small portion of the lot, it would not accommodate the cars. Previously, until he purchased the property the employees parked up and down Fulton Street and on both sides of Ridgley Street. It was an ugly mess. If he is forced to shut this lot down, then it will come back to employees parking on the street which is not good for fire and pedestrian reasons or any reason. Economically, he truly believes that a purpose will come along that he will be able to dedicate that property to economic development whether it be an office building or for homeless, but the property will have a use in the future. Just to spend \$150,000 to finish a parking lot there would be a total waste of an opportunity for the future because it would probably be dug up in the future if economic development present itself. In that area there is not a single thing that is paved anywhere. In other words, not in his parking lot with Gede or the parking lot next to me. Behind me the weeds and grass are very tall. This would be the only paved lot in the entire block. He repeated, economically he would not be able to do it. He would just have to abandon the lot.

Chairman Sheth asked as he referred to paragraph two on page 6 of the Board of Adjustment Report, how long it would take the applicant to prepare a development plan? Mr. Harrington replied he did not know what he wanted to do with that piece of land. It would not make any sense to try to develop the land. At the current time, he is not talking with anyone that has an interest even in renting the Primecare building which is currently vacant. He has been doing a lot of advertising. He is doing everything he can think of to find a tenant and he is hoping to find a tenant that would want to take the whole place and then we could do the whole thing and do a nice project verses putting in a parking lot only for someone to tear it up.

Colonel Ericson stated that what bothers him the most is the parking lot was put in with no Building Permit. Why was this done? Mr. Harrington replied that Gede Insulation against his will was just parking on the empty lot just to get off the street. He really did not go to any big extent. With the

ruts and holes where they were parking, he went to Gede Insulation telling them they could not park. They ended up taking down the barriers and pulled into the lot to park. He just tried to keep them from getting stuck.

Colonel Ericson asked the applicant if he knew it was not within Code when he put the gravel down. Mr. Harrington replied no, he did not think that he could not put down gravel. He stated that he was from Harrington, Delaware and where he comes from you are able to accommodate your business needs. He did not think he needed a Permit and he apologized for it after he found out he had done wrong.

Mr. Keller asked Mr. Harrington if he owned the Gede Insulation property? Mr. Harrington replied yes.

Mr. Keller asked Mr. Harrington if he also owned what was known as Primecare Medical Transport/support mechanic shop property? Mr. Harrington replied yes.

Mr. Keller asked Mr. Harrington if he also owned residential property on the left side of the gravel parking lot? Mr. Harrington replied yes. He replied that he pretty much owns everything in that whole block. There are a couple of properties on the corner of Division Street that he does not own.

Mr. Keller asked if he could presume that the Gede Insulation property is an income producing property. Mr. Harrington replied yes.

Mr. Keller asked if he could presume that the Harrington ownership of Primecare Medical Transport was under a former lease producing income. Mr. Harrington replied yes, he lost about \$3500 a month when they left.

Mr. Keller mentioned as he referred to Exhibit B of the Report and photos of the gravel parking on the Fulton Street, Ridgley Street and Primecare Medical Transport properties. He could not help but notice with the discussion about trying to overcome stormwater management if the lot was paved. Photo #2 shows Fulton Street with curbing and gutter, Ridgley Street with a manhole in the middle of the street at the intersection with Fulton Street and curbing and gutter in front of the Primecare Medical Transport property which would tell him typically that there is stormwater management along that series of streets and intersections with curbing and gutters and stormwater in ground. He asked if that was the case. Mr. Harrington replied that he asked Mr. Adams why they could not get any storm sewer for stormwater management and Mr. Adams told him that it was over capacity. Mr. Adams replied that not only has he worked with them on this project but also the Ridgley Street property that is north of this property that is vacant. He did preliminary work on it when Mr. Shank was with us and in that system the pipes are very small, shallow, and not deep at that end of town. The water does not run up hill. It is hard to get a system that we will produce for a project like this to tie into it. So, between the pipes being small and they can only carry but so much water and they struggle to carry the water that is presented to them at this point, we would not be able to add to it.

Mr. Keller asked with that being said have you calculated the runoff if this lot was paved as shown on Exhibit A which shows all the gravel. Mr. Adams replied they have looked at that and yes it has been calculated.

Mr. Keller asked Mr. Adams if he had taken the initiative to formally submit that to stormwater management. Mr. Adams replied that they have not gotten to the point to submit it to Kent Conservation District. He has had discussions with Mr. Jared Adkins at the Kent Conservation District and they both agree that the system cannot handle the water that would be produced on this project. That is why early on we did an infiltration test in preparation to put the water back into the groundwater table.

Colonel Ericson asked Mr. Adams if he built an infiltration system to put the water back into the groundwater table. Mr. Adams replied it is possible although it is expensive.

Mr. Senato asked since the first approval almost 4½ years ago for the parking lot, what was the capacity of the rental properties at that time and at what point did you start losing money. Mr. Harrington replied at the time when it was previously approved, he had an agreement signed with Primecare to move into that property. He was of the opinion that the ambulance service for Dover would need to grow, so that started to design a building that would accommodate them. Even to go one step further during that 5-year time period, he brought the house on the next property. He thought the house on that property would later be torn down and the property would become a parking lot for the expanded emergency ambulance service. Economically, it did not turn out that way. He thought it was going to happen and that is what he was working towards. You cannot control economics.

Chairman Sheth mentioned supposed he followed Colonel Ericson and the Board granted a one-year extension that would give you 20-months to review the plans and go before the Planning Commission before coming back before the Board of Adjustment. Suppose you find out that nothing can be done (he is not saying that it is approved or disapproved) he is just debating.

Mr. Hufnal asked City Solicitor Mr. Rodriguez if the Board was to grant a one-year extension what does that do to the Planning Commission's conditional approval for September 30, 2019. It would seem to him that they would have precedent over the Board of Adjustment decision and if the Board of Adjustment granted an extension over their already deadline, what happens to that? Mr. Rodriguez replied that the applicant would have to go back to the Planning Commission again and get an extension like they did before of the September 30, 2019 deadline. He did not really understand it but that is the requirement.

Mr. Hufnal questioned that it expires on September 30, 2019. Chairman Sheth replied yes, in the next two months. Mr. Keller replied that September is the Planning Commission deadline for plan approval. The Board of Adjustment variance deadline is March 31, 2020. He was initially curious in this as to why the Board of Adjustment was addressing the issue when there is 8-months remaining within what time you can initiate your approved variance application. He sees somewhat how it is tied into the deadline imposed by the Planning Commission. He would hope that it is not procrastination as mentioned by the Board on the part of Harrington Realty. It does seem to be an excessive amount of time to have resolved the gravel parking area. It may come to a time even if

there was an interim extension granted by the Board this morning that there has to be some hard initiative taken to try to bring about your satisfaction with other tenants or reconstruction of the Primecare facility or something. Because otherwise he does not see or personally would not be in favor of approval of an allowance of that violation of a gravel parking area forever. It might come to the point Mr. Harrington where you have to bite the bullet and pave the parking lot if you are going to accommodate your tenant Gede Insulation and/or Primecare Medical Transport or other development that takes place within that immediate area.

Chairman Sheth mentioned that after the September Planning Commission meeting, they will come into the holiday season and you are not aware of the length of time for Kent Conservation District approval. That is the reason that 20-months should be good enough to make a business, intellectual and realistic decision for Mr. Harrington.

Colonel Ericson asked Mr. Harrington if one more year extension would be realistic from your perspective. Mr. Harrington replied that it would give him a chance to really dig in and find out the intricate problems he may face with doing that. Who knows, God might be good to him in finding a good tenant and a reason to build on that lot. Again, economically it is difficult.

Colonel Ericson mentioned that he thinks everyone would like to see the parking lot for the people working in that area as well as it is needed. He would like to see it developed because it does not look like a lot of work has been put into it in the past from the Board's perspective.

Chairman Sheth mentioned if the Board approves a one-year extension then very likely the Planning Commission will give them an extension because it expires at the end of September.

Mr. Hufnal mentioned if the Board of Adjustment grants a one-year extension the Planning Commission may want to coincide with the Board of Adjustment decision as well and have them all expire at the same time. Chairman Sheth mentioned that makes sense.

Chairman Sheth asked the applicant if he was agreeable and clear on the suggestion. Mr. Harrington replied it would give him a chance to make it happen; that's what Realtors do, make it happen. It is better than shutting him down and putting him in an economic difficult situation.

Colonel Ericson asked how the applicant gets the City to extend the (storm) sewer and if there was any movement towards doing that someday. Mr. Rodriguez replied that he was not sure, but he would probably go back to the Planning Commission and hopefully get an extension. As he understood it, when the applicant went before the Planning Commission before he had it laid out as a developed parking lot with everything. Mr. Keller replied that is correct and to include the asphalt paving. That is the matter pending before the Planning Commission right now showing the fully developed parking lot.

Mr. Hugg wanted to clarify that the issue is not sewer, it is stormwater in this area. Mr. Adams was correct in what he stated. This whole portion of the central western side of Downtown Dover is subject to a lot of flooding issues of undersized pipes, channelization of natural drainage ways. There are a lot of capacity issues that will be addressed at some point by the City. If you come downstream, the water that ends up in the parking lot in Water Street area when they flood is all

part of this same drainage system that is very constrained. Whatever he does on the site, Kent Conservation District will ultimately determine what approach he will need to take and very likely that will involve some type of infiltration system and on-site solution because there is no capacity in a public system that would resolve this issue. It is not uncommon anymore to see asphalt parking lots that have underground infiltration below them because there is no other place to dispose of the water.

Chairman Sheth mentioned if the Board grants an extension it would expire on March 31, 2021.

Mr. Rodriguez mentioned that the extension date if granted was correct.

Mr. Keller asked in the ownership of the lot to the west (left) Exhibit A gravel parking area if Mr. Harrington owned the lot where a single-family house formally stood that burnt down. Exhibit A shows 123 feet to Ridgley Street, so he presumes that the frontage of that lot is another 120 plus or minus feet. Would it involve separate applications if you cut the gravel parking as shown on Exhibit A in half and then put the front portion of the AVA Commercial property in covered parking area as well? It would free up at least ½ of the lot currently under question for stormwater runoff. He did not know if the City would view those as less impacted applications per lot as opposed to the total gravel parking area shown on this one property that is now under question.

Mr. Diaz stated if Mr. Harrington wanted to do a parking area on both lots he would have to go before the Planning Commission. The benefit to doing it as stated is the open space on both lots for stormwater management. From what he has seen on other plans, you could do a dry or wet pond instead of an underground system which would a lot more expensive than the other two options.

Mr. Keller asked if there was a water retention basin on each of those two lots, they would be relatively small and yet perhaps accommodate the runoff of two separate lots of paving for parking. Mr. Diaz replied that is what he would think, yes.

Chairman Sheth mentioned it was a great suggestion, but the question is to make a business decision. Mr. Harrington would need to develop alternate plans and consider the plans that were suggested.

Mr. Hugg stated that he would remind the Board that at the end of the day the lots still have to be paved in order to meet the Planning and Zoning requirements. Whether there are two lots of 4900 square feet which avoids the 5000 square feet threshold or whatever, they ultimately need to be paved parking lots as part of the development plan. The Planning Department would like to see a plan developed for this group of properties so that you could address the question of where the stormwater plan is. Is it one big lot, two little lots, and where is the building going to essentially be located? He cannot speak for what Mr. Harrington's original intent was when he was discussing this as being in transition and doing a development plan. He suspects that as he has acquired properties, he must have given some thought of what this would look like eventually. We may not be at a point where "eventually" is able to be defined but dividing the lots does not ultimately resolve the paved parking lot problem.

Mr. Keller mentioned that he made the comment earlier that the owner Mr. Harrington will eventually have to pave the area for parking for his tenants Gede Insulation. If there was some way that the parking areas could be extended westerly at a shallower depth. Perhaps it will facilitate an easing of the pain of the parking matter. Perhaps this is something that Mr. Adams can look into as well. Mr. Harrington replied that he thinks that it is a good idea; he had not thought about that possibly. He was not sure if it would be approved, but we could take part of the property where the house is located and design it for parking without having to put in a stormwater management system and then take a part of the parking lot that we are talking about and put in stormwater. Again, that is a good idea. He stated that the big cost is not the black top; it is the stormwater management.

Chairman Sheth opened the public hearing.

Chairman Sheth closed the public hearing after seeing no one wishing to speak.

Chairman Sheth questioned if there was any additional correspondence for the record. There was none.

Colonel Ericson moved to approve variance application V-19-06 for a one-year extension to expire on March 31, 2021 based upon the Staff Report and testimony given. The motion was seconded by Mr. Senato. The motion unanimously carried 5-0.

Mr. Hugg reminded the applicant to make a new application to the Planning Commission and address their deadline.

Mr. Diaz mentioned if the applicant wanted to do a half parking lot in each lot that would require a new application. Otherwise, if the applicant wants to do the gravel parking lot on the whole lot that would still require a new application because the one that you have now shows the improved parking lot.

Mr. Harrington stated message received.

The meeting was adjourned by Mr. Senato and seconded by Mr. Hufnal at 10:19 A.M.

Sincerely,

Maretta Savage-Purnell
Secretary