From: Bob Weiner [mailto:bob@bobweiner.com]

Sent: Saturday, March 14, 2009 7:32 PM To: 'King Robert (DelDOT)'; Carolann Wicks

Cc: 'Reeb Ralph (DelDOT)'; 'Culver, David'; 'Katz Michael (LegHall)'; 'Brady Gerald (LegHall)'; 'Lisa Pearce'; 'Paul Pantano'; 'Craig Sheets'; 'Bob Weiner'; 'Hinkle, Louis'; 'Derrick Kennedy'; 'Hudson Deborah (LegHall)'; 'Petrucci Karen (DelDOT)'; 'Shockley, Bradford'; 'Bennett, Michael'; 'Sekowski, Antoni'; 'Bieri, Kenneth'; 'George Haggerty'; 'Smith, James';

'John Janowski'; 'Owen Robatino'; 'Bishop Theodore (DelDOT)'; 'Cole Darrel (DelDOT)'; 'Bob Weiner';

jtigani@standardde.com; 'Lunger, Anthony W.'; Rlwilliams@ashland.com

Subject: 2nd Letter from Councilman Weiner to Secretary of Transportation Carolann Wicks regarding Buck Rd entrance

into Greenville Center

Secretary Carolann Wicks
Delaware Department of Transportation

Dear Secretary Wicks,

I am in receipt of Robert King's response dated March 9, 2009 on your behalf, which responds to my email of February 22, 2009, for which I thank you. On behalf of my constituents, I would like to request some clarification. I reiterate my previous inquiries and embed your department's responses.

I again append and attach a letter dated February 17, 2009 from William Rowe representing the residents of Greenville Manor.

Here are the questions which I was asked to present to DelDOT:

(1) DelDOT is requested to review the permit and usage of the Buck Road entrance to Greenville Center, which is currently subject to a pending application to substantially increase its size with the addition of a 12 story building.

http://www.bobweiner.com/files/08_GreenvilleCenter_081112_ExploratoryPlanReport.pdf
. Given the current traffic congestion at the Buck Road ingress site, how can DelDOT approve Stoltz application which proposes the addition of a 12 story tower and eventually an additional adjoining 7 story park lot? DelDOT [not New Castle County] approved all ingress and egress privileges.

DelDOT Response: Regarding the first concern in your letter; a comprehensive traffic study is currently being done by New Castle County. DelDOT will review the study and list the necessary roadway and intersection improvements if the county chooses to approve the land use plan. The developers will be responsible to pay for the improvements. However, as part of our regular maintenance responsibilities, there would be additional expenses to the state for the perpetual maintenance of the roadways or any potential signal systems.

My response to DelDOT's response: I seek clarification of the statement above that "a comprehensive traffic study is being done by New Castle County". I was under the impression that New Castle County and DelDOT consult with the applicant to determine the scoping of any traffic study which is then performed by the applicant [not by New Castle County]. I reference your department's statement that "DelDOT will review the study and list the necessary roadway and intersection improvements if the county chooses to approve the land use plan." As indicated by the attached letter March 11. 2009 from the New Castle County Land Use Department to Stoltz' engineers, Apex Engineering, the Greenville Center plan now has "conditional approval". One of the conditions is DelDOT approval. So as the expression goes, "the ball is in DelDOT's lap". What does DelDOT now intend to do in light of the grave concerns raised by Orth Rodgers' traffic analysis? [see attachment]

(2) Even under current conditions, the entrance fails to meet DelDOT and AASHTO minimum safety standards.

DelDOT Response: Addressing your second concern about the operational concerns along Buck Road; any identified improvements coming from the traffic study will be required to current highway design criteria and standards and, as such, should mitigate the probability of crashes. Good geometric design promotes improved operations and should minimize crash potential.

My response to DelDOT's response: As you know, the "Citizens for Responsible Growth" retained the services of Orth Rodgers, acknowledged by your department to be one of the most respected traffic engineering firms in this region. I refer you to the Orth Rodgers analysis attached above, which substantially corroborates my prior statement that the entrance fails to meet DelDOT and AASHTO standards. What is your department's response to the serious concerns enumerated in the attached letter from Orth Rodgers? Additionally, it appears that Stoltz may be unable to acquire sufficient right-of-way to address the significant safety issues which Orth Rodgers has identified. Moreover, I am informed by the New Castle County Land Use Department that Stoltz has discontinued all work on its traffic impact study. Would you please verify the veracity of this information and comment on its impact from your department's perspective?

I provide excerpts from Orth Rodgers professional opinion:

<u>The [Stoltz] count data is suspicious. Typically shopping centers generate more traffic on a Saturday than they do on a weekday peak.</u>

We recommend that the traffic count data even though approved by DelDOT be re-collected. The differences are too great to be credible.

Given the magnitude of the above issues, site plan approval should be withheld until the issues are addressed and an acceptable traffic impact study is submitted documenting that the above issues are addressed and the DelDOT considers the access plan acceptable.

(3) Greenville Manor requests that DelDOT post a sign on the existing speed limit sign entering the development on Ardleigh Drive that would prohibit trucks from using the development as a turn around. Please note there are presently 31 school age or younger children that reside and play in Greenville Manor in addition to numerous grandchildren who sometimes are in the streets walking, riding bicycles, or playing games.

DelDOT Response: In addition, a resolution is currently being developed to install a "No Trucks, Except Local Service" sign at the entrance to Greenville Manor at Ardleigh Drive to prevent trucks from using the development as a turn-around.

My response to DelDOT's response: Would you kindly provide an anticipated date of installation?

I have one additional query: The State Department of Transportation has agreed to undertake a subregional traffic study in light of the threats of overdevelopment presented by the sum total impact of all four Stoltz projects upon the scenic and historic Brandywine Valley. Exactly what does this commitment mean for the community, when does this study commence, and how does DelDOT intend to implement the traffic results of this study?

By copy of this email to Representative Gerald Brady, Representative Deborah Hudson, Senator Michael Katz, Citizens for Responsible Growth and area civic leaders, I thank them all for their

continuing leadership and support on this important issue. The decisions we collectively make now could have irreversible negative impact upon the continued vitality of the Brandywine Valley.

Secretary Wicks, thank you for your consideration. We look forward to your reply.

Respectfully submitted, Robert S. Weiner, New Castle County Councilman, Council District 2 Louis Hinkle, aide to Councilman Weiner 302-395-8362 www.bobweiner.com

blind copy: civic leaders and concerned residents

From: King Robert (DelDOT) [mailto:Bob.King@state.de.us]

Sent: Monday, March 09, 2009 2:03 PM

To: 'bob@bobweiner.com'

Cc: Reeb Ralph (DelDOT); 'Culver, David'; Katz Michael (LegHall); Brady Gerald (LegHall); 'Lisa Pearce'; 'Paul Pantano'; 'Craig Sheets'; 'Bob Weiner'; 'Hinkle, Louis'; 'Derrick Kennedy'; Hudson Deborah (LegHall); Petrucci Karen (DelDOT); 'Shockley, Bradford'; 'Bennett, Michael'; 'Sekowski, Antoni'; 'Bieri, Kenneth'; 'George Haggerty'; 'Smith, James'; 'John Janowski'; 'Owen Robatino'; Bishop Theodore (DelDOT); Cole Darrel (DelDOT)

Subject: FW: Letter from Councilman Weiner to Secretary of Transportation Carolann Wicks regarding Buck Rd entrance into Greenville Center

Thank you for your email of February 22 outlining the concerns you have regarding the proposed entrance permit to the Greenville Center from Buck Road.

The Delaware Department of Transportation (DelDOT) is aware that there is an active exploratory plan for the east side of Kennett Pike (Route 52) along the north side of Buck Road (Project #20080272 – Greenville Center Subdivision Land Development). This project proposes adding 78,000 square feet with associated parking, creating a mixed use development.

Regarding the first concern in your letter; a comprehensive traffic study is currently being done by New Castle County. DelDOT will review the study and list the necessary roadway and intersection improvements if the county chooses to approve the land use plan. The developers will be responsible to pay for the improvements. However, as part of our regular maintenance responsibilities, there would be additional expenses to the state for the perpetual maintenance of the roadways or any potential signal systems.

Addressing your second concern about the operational concerns along Buck Road; any identified improvements coming from the traffic study will be required to current highway design criteria and standards and, as such, should mitigate the probability of crashes. Good geometric design promotes improved operations and should minimize crash potential. In addition, a resolution is currently being developed to install a "No Trucks, Except Local Service" sign at the entrance to Greenville Manor at Ardleigh Drive to prevent trucks from using the development as a turn-around.

Robert B. King Community Relations Officer - Public Relations Delaware Department of Transportation (302) 760-2074

From: Bob Weiner <bob@bobweiner.com>

To: Wicks Carolann (DelDOT)

Cc: Reeb Ralph (DelDOT); 'Culver, David' < DMCulver@nccde.org>; Katz Michael (LegHall); Brady Gerald (LegHall);

jtigani@standardde.com <jtigani@standardde.com>; dkrapf@saul.com <dkrapf@saul.com>; 'Lisa Pearce' <seif1990@comcast.net>; 'Paul Pantano' <paul@pantanorealestate.com>; rwilliams@herc.com <rwilliams@herc.com>; 'Craig Sheets' <craig@assayresearch.com>; whrowe@comcast.net <whrowe@comcast.net>; ESEM001@aol.com <ESEM001@aol.com>; 'Bob Weiner' <bob@bobweiner.com>; 'Hinkle, Louis' <LHinkle@nccde.org>; swcasscells@aol.com <swcasscells@aol.com>; ccasscells@casscells.com <ccasscells@casscells.com>; 'Derrick Kennedy' <dkennedy@orth-rodgers.com>; jgreene@orth-rodgers.com <jgreene@orth-rodgers.com>; Hudson Deborah (LegHall); Petrucci Karen (DelDOT); 'Shockley, Bradford' <BShockley@nccde.org>; 'Bennett, Michael' <MJBennett@nccde.org>; 'Sekowski, Antoni' <ASekowski@nccde.org>; 'Bieri, Kenneth' <KRBieri@nccde.org>; George Haggerty <GOHaggerty@co.new-castle.de.us>; 'Smith, James' <JSmith@nccde.org>; John Janowski <jpjanowski@co.new-castle.de.us>; Owen Robatino <OCRobatino@co.new-castle.de.us>; Bishop Theodore (DelDOT); 'Beck, Richard' <RBeck@morrisjames.com>

Sent: Sun Feb 22 19:34:28 2009

Subject: Letter from Councilman Weiner to Secretary of Transportation Carolann Wicks regarding Buck Rd entrance into

Greenville Center

Secretary Carolann Wicks

Delaware Department of Transportation

Dear Secretary Wicks,

I append and attach a letter from William Rowe representing the residents of Greenville Manor. I also refer you to the supporting photos. For the detailed reasons set forth below:

DelDOT is requested to review the permit and usage of the Buck Road entrance to Greenville Center, which is currently subject to a pending application to substantially increase its size with the addition of a 12 story building.

http://www.bobweiner.com/files/08_GreenvilleCenter_081112_ExploratoryPlanReport.pdf

- (4) Even under current conditions, the entrance fails to meet DelDOT and AASHTO minimum safety standards.
- (5) Greenville Manor requests that DelDOT post a sign on the existing speed limit sign entering the development on Ardleigh Drive that would prohibit trucks from using the development as a turn around. Please note there are presently 31 school age or younger children that reside and play in Greenville Manor in addition to numerous grandchildren who sometimes are in the streets walking, riding bicycles, or playing games.

Thank you for your consideration. We look forward to your reply.

Respectfully submitted, Robert S. Weiner, New Castle County Councilman, Council District 2 Louis Hinkle, aide to Councilman Weiner 302-395-8362 www.bobweiner.com

Copy:

DelDOT Planning Chief Ralph Reeb & staff
General Manager David Culver, New Castle County Land Use Department & staff
Greenville Manor Homeowners Association President Jeff Tigani and Board
State Senator Michael Katz
State Representative Gerald Brady
State Senator Deborah Hudson
Orth Rodgers Consulting Traffic Engineers
Blind copy: concerned citizens

William H. Rowe 3917 Heather Drive Greenville, DE 19807-2117

February 17, 2009

Mr. Robert S. Weiner, County Councilman City/County Building 800 North French St. Wilmington, DE 19801

Ref.: Buck Road entrance to Greenville Center

Dear Councilman Weiner:

The Buck Road entrance to the Greenville Center regional shopping center is the main entrance used by commercial vehicles and shoppers. Today this entrance is very congested and at times is in failure when large delivery trucks block the entrance. When departing the shopping center most of the delivery trucks desire to turn right onto Buck Rd. and drive west to Kennett Pike (route 52). When making this wide right hand turn all the tractor trailer rigs cross into the east bound and the left hand turning lanes on Buck Road and pass over the center concrete median. My personal observation is that the city type delivery trucks will also pass over the concrete median, but do not cross into the east bound left hand turning lane. During periods of heavy automobile traffic at this intersection normal traffic is halted by these trucks entering and departing this entrance.

Representing the home owners of Greenville Manor, my concern is the unsafe departure of tractor trailer rigs from Greenville Center at the Buck Road entrance. During high traffic periods tractor trailer rigs are not able to make a wide right hand turn. Instead they make a left hand turn onto Buck Road and then make another left hand turn onto Ardleigh Drive into The Greenville Manor development. Once on Adrleigh Drive they drive thru Greenville Manor (Ardleigh and Heather Drive) and return to Buck Road. Once they have made this residential uturn they can now make a wide right hand turn onto Buck Road and proceed to Kennett Pike.

In light of the above situation, and on be half of the Greenville Manor Homeowners association, I would like to request the following two actions be taken:

- (1) DelDot is requested to review the permit and usage of the Buck Road entrance. Currently it is an entrance that clearly is not working and is waiting for a major accident to take place.
- (2) Greenville Manor desires DelDot to post a sign on the existing speed limit sign entering the development on Ardleigh Drive that would prohibit trucks from using the development as a turn around. Please note we presently have 31 school age or younger

children that reside and play in our development and numerous grandchildren who sometimes are in our streets walking, riding bicycles, or playing games.

I am enclosing a few photographs that illustrate the size of the delivery trucks and the congestion that is created. Unfortunately, I do not have a photo of a tractor trailer rig departing the Buck Road entrance or driving through Greenville Manor.

Your assistance in protecting our roads and especially our children is greatly appreciated. If you have questions or if I am able to of any assistance, please don't hesitate to contact me.

Thank you for your assistance,

William H. Rowe

Cc: Gerald L. Brady, State Representative, Fourth District Jeff Tigani, President, Greenville Manor Homeowners Association

DEPARTMENT OF LAND USE

PLANNING BOARD

PUBLIC HEARING AGENDA

The *DEPARTMENT OF LAND USE AND PLANNING BOARD* of New Castle County will hold a public hearing on <u>Tuesday, March 3, 2009</u>, in the Multi-Purpose Room of the Gilliam Building, 77 Reads Way, New Castle, DE, beginning at 7 p.m. to consider the following applications. The order in which the applications are listed is subject to change. (Directions on how to get to the Gilliam Building are at the end of this email)

Project # 20080272

For more information, please click on the links below...

10/17/08 - Revised Exploratory Sketch Plan

http://www.bobweiner.com/files/08_GreenvilleCenter_081017_RevisedExploratorySketchPlan.pdf

10/17/08 - Letter from APEX that was submitted with the Revised Exploratory Sketch Plan

http://www.bobweiner.com/files/08 GreenvilleCenter 081017 RevisedExploratorySketchPlanLetterFromAPEX.pdf

11/12/08 - Revised Exploratory Plan Report from NCC Land Use Dept

http://www.bobweiner.com/files/08 GreenvilleCenter 081112 ExploratoryPlanReport.pdf

Parcel(s): [0702600094 - 3801 KENNETT √] [Details] [Map]

Project Type: SUBDIVISION LAND DEVELOPMENT

East side of Kennett Pike (Route 52) north side of Buck Road. Proposal to add 78,189 square

Description: feet with associated parking to create mixed use development. CR Zoning. CD 2. Christiana

Hundred

Contact: GREENVILLE CENTER ASSOCIATES LLC

Status: Active

Plan Reviewer: BRADFORD S SHOCKLEY

Engineering Reviewer:

MIKE ANDREW CLENDANIEL

Next Stage: Exploratory Plan

February 20, 2009

The Honorable Gerald L. Brady 1804 Shallcross Avenue Wilmington, Delaware 19806

Dear Representative Brady:

Thank you for your letter of February 4, with your kind words on my recent reappointment by Governor Markell as Secretary of Transportation. I look forward to working with you and this new administration as we formulate solutions during these challenging times. I have also reviewed the concerns you have regarding the proposed entrance permit to the Greenville Center from Buck Road.

The Department of Transportation (DelDOT) is aware that there is an active exploratory plan for the east side of Kennett Pike (Route 52) along the north side of Buck Road (Project #20080272 – Greenville Center Subdivision Land Development). This project proposes adding 78,000 square feet with associated parking creating a mixed use development.

This project is still in the early planning and design phase, and as it goes through the land use process, be assured that DelDOT will review the comprehensive traffic study required by the county.

Regarding the first concern in your letter: A comprehensive traffic study should be required by New Castle County. DelDOT will review the study and list the necessary roadway and intersection improvements if the county chooses to approve the land use plan. The developers will be responsible to pay for the improvements. However, as part of our regular maintenance responsibilities, there would be additional expenses to the state for the perpetual maintenance of the roadways and signals.

Addressing your second concern about the potential safety hazards regarding Buck Road: The necessary geometric design elements determined from the traffic study would meet the design criteria from highway design standards and, as such, should mitigate the probability of crashes. However, the most significant parameter to predicting crashes is traffic volume. The more traffic entering an intersection will naturally increase the possibilities for crashes. Good geometric design would help keep the number of crashes at or below the number of crashes we would expect. The department's review would ensure that good geometry is planned.

Your final point regarding preserving the historic nature of the Brandywine Valley: We could not agree with you more. However, the final decision on this proposed project rests with the New Castle County Planning and Land Use Department and their coordination with the State's Planning Department.

Sincerely,

Carolann Wicks Secretary of Transportation February 20, 2009 Page 2

CW:rks

cc: Darrel Cole, Director, Public Relations

Terry Gorlich, Legislative Liaison, Public Relations

Steven Tanzer, Legislative Assistant

Marc Coté, Subdivision Engineer, Planning

Brian Urbanek, Area Engineer, Maintenance & Operations

Tom Meyer, Manager, Traffic Studies

Sandy Roumillat, Deputy Manager, Public Relations

Robert King, Community Relations Officer, Public Relations

March 11, 2009

Stephen Davies Apex Engineering, Inc. 27 W. Market St. Newport, DE 19804

RE: Greenville Center – 2008-0272

Dear Mr. Davies:

Please accept this letter as follow-up to the Department's exploratory review letter dated November 12, 2008 and the Planning Board public hearing that was held on March 3, 2009 in regard to the above-referenced project.

Be advised that the exploratory plan has been found acceptable; however, the traffic impact study (TIS) must be reviewed and approved by DelDOT prior to the submission of preliminary plans. Also, the sewer design review must be approved by the Department of Special Services. As noted in the exploratory review letter, the preliminary plan must provide additional details for the proposed pedestrian precinct, document proportional compliance, and address overall vehicular/pedestrian/loading circulation on the site. Additionally, please address the public comments that were presented in regard to Section 40.01.015 of the County Code and how the plan relates to the character of the community.

Thank you for your cooperation during this process. Do not hesitate to contact this office with any additional questions.

Sincerely,

Brad Shockley Planner III

cc: David Culver, General Manager Michael Bennett, Planner III Greenville Center Associates, LLC



March 2, 2009

Mr. Mark Chura Executive Director Delaware Greenways 1910 Rockland Road Wilmington, DE 19803

RE: Stoltz Properties

Greenville Center Review No. 1

Dear Mark:

In accordance with your request, we have reviewed the conceptual site plan for Greenville Center prepared by KA. The site plan shows a relatively small increase in space but that space will be concentrated in the northern end of the center. At the northern end, a 12 story residential/office building is planned and a parking garage of an unspecified number of parking spaces is planned. A post office is also planned at the corner of Route 52 and Buck Road. The majority of the remaining shopping center including the access and site circulation will remain unchanged.

We have observed site circulation in and around the site on several occasions and find existing deficiencies. While some of the deficiencies are documented in the videos we have been provided, the site plan as proposed will only make all the deficiencies noted in our review worse and not better.

1. Traffic Counts/Trip Generation:

- a. All traffic from southbound Route 52 enters at this access as well as most all of the traffic to and from Jansen's market. All exiting traffic to southbound Route 52 must exit via the Buck Road access. All delivery trucks to the market use the Buck Road access and many times queue up waiting to use the loading dock along the back of the market building where the drive aisle is double loaded with parking slots. According to the data collected by the applicant, on Friday 90% of the 453 vehicles entering and exiting the site enter and exit from the Buck Road access. However, during the Saturday peak hour, of the 228 vehicles counted, only 17% use the Buck Road access. This yields the following comments:
 - i. The count data is suspicious. Typically shopping centers generate more traffic on a Saturday than they do on a weekday peak.
 - ii. The distribution of site access traffic is normally similar over all peak hours. In this case, it is radically different when comparing the Friday and Saturday peaks.
 - iii. During the Friday peak, the existing site operates as if there is only one driveway.
- b. We recommend that the traffic count data even though approved by DelDOT be recollected. The differences are too great to be credible.

c. The applicant should provide testimony as to the traffic count data and the differences in the usage of the driveways between the peak hours.

2. Buck Road Access:

- a. The throat of this access is too small for the amount of traffic observed to use the access. The access was observed by Orth-Rodgers on a Friday and on a Saturday. Traffic was constant and most of the traffic seems to use the drive aisle along the side of the building rather than along the back. The new site plan places more square footage to the rear and this will increase traffic along the aisle leading to the loading dock further aggravating truck circulation and loading. We believe as currently configured, with the additional traffic from the reconfigured site plan, that the queues waiting to exit the site would prevent traffic from turning left into the drive aisle paralleling Buck Road. In addition, traffic exiting the site into Buck Road from the aisle parallel to Buck Road will be forced to rely on courtesy gaps given by traffic lined up behind the market.
- b. The Applicant should provide an analysis as to how the access to Buck Road will operate and evidence that the small driveway throat will operate acceptably

3. Truck Loading:

- a. The videos and our observations indicated that there isn't insufficient loading dock space for Jansen's Market. Currently, there is one loading dock and without a place to queue trucks, the drive aisle behind Jansen's Market is where trucks queue awaiting a place at the loading dock. Shoppers must maneuver around waiting trucks blocking parking spaces as well.
- b. It has been observed both on the videos and in person that trucks loading and maneuvering into the loading dock area block the major on site intersection at the back of the loading dock.
- c. The Applicant should present testimony as to how the unacceptable truck loading situation will be addressed prior to plan implementation and improved as a result of the proposed plan.

4. Post Office

- a. The post office, a convenience type operation, is located far from any of the site access points. This increases the vehicles circulating. Further, since it is a convenience operation, vehicles will park as close to the post office as they can and this will be a congestion point.
- b. The site plan does not locate the drop boxes outside the post office building. It should be noted that all post offices have such drop boxes as a convenience to customers that have no need to enter the post office building.
- c. The site plan does not provide a loading space for post office trucks delivering the mail or taking the mail away.
- d. The Applicant should provide site plan details as to how the post office will operate. The plan as it is presented does not discuss customer and post office vehicle operations.

5. Parking Supply/Parking Garage:

- a. The site plan does not note the number of structured parking spaces. The Applicant should be required to prepare a parking study to document the parking needs of the existing shopping center. Such parking study should divide the site into sectors as parking demands and easily accessible parking supply vary greatly. This study will set the base for a parking analysis of the site plan which should be completed on a sector by sector basis and consider shared parking.
- b. Will any parking spaces be reserved for any particular tenant?

6. Route 52 Access:

- a. A cross easement should be explored to the Greenville Crossing site. Without a cross easement, vehicles visiting both shopping centers must use the site driveways which increases traffic on the public roadways. This does not represent good access management.
- b. The Applicant should consider ways to balance traffic access to and from Route 52. For example, consideration should be given to allowing left turn access from the southbound lanes of Route 52. This would reduce the pressure on the Buck Road access driveway.
- 7. Given the magnitude of the above issues, site plan approval should be withheld until the issues are addressed and an acceptable traffic impact study is submitted documenting that the above issues are addressed and the DelDOT considers the access plan acceptable.

We are available to present testimony on March 3rd if directed. If you have any questions, please do not hesitate to contact Derrick or myself.

Very truly yours,

ORTH-RODGERS & ASSOCIATES, INC.

Jeffrey L. Greene, PE, PTOE

Vind & King

Lelleeleene

Principal

Derrick Kennedy, PTP Senior Project Manager