

Minutes of March 18, 1996

The regular meeting of the Sussex County Board of Adjustment was held after due notice on March 18, 1996 in the County Council Chambers, Room 115, Courthouse, Georgetown, Delaware.

The meeting was called to order at 7:00 P. M. with Chairman McCabe presiding. The Board members present were: Mr. McCabe, Mr. Mills, Mrs. Hudson, Mr. Callaway, Mr. Jones-Attorney and Mr. Betts-Zoning Inspector III.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the minutes of March 4, 1996 be approved as circulated.

Mr. McCabe read a statement explaining how the Board of Adjustment Meetings are conducted.

Case No. 5897--H. Robert Hickman - North side of Route 462, 1,395 feet east of U.S. Route 113.

A variance from the minimum lot width requirement.

The case was presented by Mr. Betts. Harley Robert Hickman was sworn in and testified, requesting a 100' variance from the minimum lot width requirement of 150' to be 50'. Mr. Hickman thought a 1988 six lot subdivision with three 50' wide strips was recorded. Two lots have been sold, but approval is needed for a variance to sell the last lot. He showed and explained the survey.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the variance be granted, due to the road frontage being just shy of 150'.

Case No. 5926--Richard A. Vaughan & Elizabeth S. Gragg - Southeast side of Route 585, 750 feet northeast of Route 587A, Lot 1, within Heather Glen.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence.

The case was presented by Mr. Betts. Ted Liszewski, owner of the subdivision and representing the applicants, was sworn in and testified. The applicants requested to place a new 28'x 44' double-wide manufactured home on Lot 1, within Heather Glen, property they are purchasing for their use.

Anna McDowell, adjoining property owner, was sworn in and testified, stating she was under the impression a single-wide manufactured home was to be put on the property. Since the unit is

to be a double-wide she has no objections.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded by Mrs. Hudson and carried unanimously that the special use exception be granted for a new 28'x 44' double-wide manufactured home on a permanent foundation.

Case No. 5927--Frank B. Calio - Northeast side of U.S. Route 13,  
at the corner of Route 466 and southwest  
of Road 465.

A variance from the rear lot frontage on a through  
lot.

The case was presented by Mr. Betts. Frank B. Calio was sworn in and testified, requesting a 12' variance from the 40' required setback on a through lot. The lot is odd shaped and there are stores to be built on the property. Parking and a drain field are to be put in.

Mr. Betts read a letter in support from Petroleum Equipment, Inc., Mark A. Steiner.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be tabled until the next meeting.

Case No. 5928--William K., Sr. & Jacqueline Hearn - West side of  
Route 463, 300 feet north of Route 451.

A special use exception to place a manufactured  
home in an AR-1 District on less than five acres  
for a permanent residence.

The case was presented by Mr. Betts. William, Sr. & Jacqueline Hearn were sworn in and testified, requesting to place a new 28'x 48' manufactured home on their property for their use. It was stated there are approximately 20 other manufactured homes in the area.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and

carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be tabled until the next meeting.

Case No. 5929--Edward & Marjorie Wittemore Dixon - South side of  
Route 270A, 1/4 mile east of Route 270,  
Lots 10 and 11, within Tru-Vale Acres.  
A variance from the front yard setback requirement  
and the side yard setback requirement on a corner  
lot.

The case was presented by Mr. Betts. Edward and Marjorie Wittemore Dixon were sworn in and testified, requesting a 4.1' front yard variance and a 3.1' side yard variance on a corner lot being Lots 10 and 11, within Tru-Vale Acres. When the manufactured home was placed on the lot they thought it was placed on the lot correctly. They stated it would be a hardship to move the unit since it would cost over \$7,000.00 They have everything hooked up and the manufactured home has been on the property three months.

Mr. Betts stated the applicants replaced a manufactured home.

Russell Allen Bell was sworn in and testified in behalf of the application. He stated he is a neighbor and feels the applicants are under a hardship and cannot afford to move the manufactured home. He stated he is in favor of the application.

There were no parties present in opposition.

Motion was made by Mr. Callaway, seconded by Mrs. Hudson and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be tabled until the next meeting.

Case No. 5930--H. Rick & Dee Elliott - South side of Little Creek  
Lane, 600 feet south of Road 492 and 800  
feet west of the Town of Laurel.  
A special use exception to place a manufactured home  
in an AR-1 District on less than five acres for a  
permanent residence.

The case was presented by Mr. Betts. Delores Elliott and Gregory Sizemore were sworn in and testified. Mrs. Elliott requested to place a new 28'x 56' double-wide manufactured home on

property she is purchasing, being Lot 3, within Little Creek Acres. Mr. Sizemore presented a brochure showing the subdivision and floor plan of the unit. He stated the manufactured home will be placed on a permanent foundation. Pictures were presented. It was stated there are no restrictions on the lot.

Mr. Betts read letters received from Trena Hanson, Broker with Callaway, Farnell and Moore, Inc., referencing the property not being zoned for manufactured homes. Letters of opposition were read from Tim and Penny West, Charles White, III and Gail White, Chester and Ann Justice, Dr. Joanne Czernik and Nancy Schlicker.

Nancy Schlicker was sworn in and testified in opposition. She stated she was told no manufactured homes were permitted. She lives in a modular. She is concerned about property depreciation. She presented a petition of opposition with 16 signatures. She feels the request should not be issued.

Dr. Joanne Czernik was sworn in and testified in opposition. She stated she lives on Lot 2 in a house and owns Lot 1. She stated she purchased the property because it is residential and no manufactured homes. She was concerned that flags had been put on the property before the request has been approved.

Gail Elizabeth White and Charles C. White, III were sworn in and testified in opposition. He stated they have just had their home appraised at \$168,000 and they were told that nothing less than \$100,000 homes could be put on the lots. They feel the manufactured home will depreciate home values and there are no other manufactured homes there. The property is less than five acres.

Ann R. Justice and Chester Justice were sworn in and testified in opposition, stating they have two manufactured homes and live in one. The manufactured homes have been there for 12 and 16 years. One was placed on hardship. Mr. & Mrs. Justice stated that they have remodeled and changed the appearance of their manufactured home. They have almost 5 acres and there was only farmland in the area when theirs was placed. Mr. Justice stated that if it were their decision today, they would put a home, not a manufactured home. Their understanding is no manufactured homes, only homes over \$100,000.

Mr. Mills questioned if they had appeared before the Board for their manufactured homes. The reply was yes.

Timothy G. West was sworn in and testified in opposition, stating that he is upgrading his home and he was told no manufactured homes. He stated he would not have bought his property if he knew manufactured homes were going in the area.

Mr. Sizemore stated that until today (Monday) he was not aware of flags being put on the property. Mr. & Mrs. Elliott had put them there.

Mrs. Elliott stated there are manufactured homes and modulars in the area.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be tabled until the next meeting.

Case No. 5931--Donald Parrish - East side of Route 350, one mile north of Route 349, Lot 9, within the Land of Pleasant Living.

A variance from the front yard setback requirement.

The case was presented by Mr. Betts. Donald Parrish, Sr. was sworn in and testified, requesting a 3' variance from the front property line, on Lot 9, Land of Pleasant Living, for an existing open deck. He owns the home and built a deck. He informed Planning and Zoning and when they inspected the property the encroachment was found. Mr. Parrish stated he measured from the road and not the property line. A picture was shown. He stated there is no Homeowners Association in the development and he stated visibility would not be affected.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be tabled until the next meeting.

Case No. 5932--R & L Enterprises, Inc. - East side of Route 13, 1/2 mile south of Route 40.

A special use exception to place an off premise sign in a C-1 District.

The case was presented by Mr. Betts. Richard Lankford was sworn in and testified representing the applicants, who requested to place an off premise sign (billboard) in a C-1 District. Exhibits/pictures were presented. Mr. Lankford stated the sign will be 10'x 28' double-sided and lighted. He stated there are no

billboards in the area. The sign will meet all of the setbacks.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mr. Callaway and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be tabled until the next meeting.

Case No. 5933--Joseph Sekcienski - North side of Route 298, 200 feet east of Route 24.

A special use exception to operate a Bed and Breakfast.

The case was presented by Mr. Betts. Joseph and Patricia Sekcienski were sworn in and testified, requesting to operate a Bed and Breakfast in their home, where they live. They starting renovating after they approached Mr. Lank of Planning and Zoning on February, 1993, and were given the indication there would be no problem. Since that time the code changed. They stated they were unaware they needed a public hearing. They propose to have 3 rooms only with no cooking facilities. Also no smoking or children will be permitted. Pictures were presented. They testified it is a tourist area and property on both sides of them is vacant. They testified the nearest house is 200' away.

Susan L. Messick was sworn in and testified in opposition. She is concerned about traffic and safety for a 3 year old grandchild she has.

Shirley Messick Pettit and Martin R. Pettit were sworn in and testified in opposition, stating they own property adjacent. Mrs. Messick stated they are concerned that if the Bed and Breakfast is approved and the property is sold, the special use exception will go with the property. She feels their heirs should be protected from a business next to them. She stated that dust and noise from farming may cause objections from the people staying in the Bed and Breakfast.

Paul Kircher, II was sworn in and testified in opposition stating he has property nearby and is concerned about the septic problems that could harm Hopkins Prong.

By a show of hands there were nine people present in opposition.

Mr. Betts read a letter received from Marcia Cleveland

pertaining to this case.

Mrs. Sekcienski stated that she feels the letter from Ms. Cleveland is invalid since her property is unimproved and she has not visited the property for 10 to 12 years. She also feels that they could have enough company to utilize the three rooms. Three cars going in and out would be the most added traffic. She explained what is in the area including a manufactured home. Mrs. Sekcienski testified that they have spent approximately \$80,000 on renovations.

Patricia Messick Absher was sworn in and testified that she has had the manufactured home on the property since 1981 and has lived there with her daughter. She feels the doors will be opened if the Bed and Breakfast is approved. She would like to see the land remain farmland.

Motion was made by Mr. Callaway, seconded by Mrs. Hudson and carried unanimously that the case be tabled until the meeting on April 8, 1996.

Case No. 5934--C. Vernon & E. Angline Timmons - North side of Route  
421, 2,300 feet east of Route 432.

A special use exception to retain a manufactured home on a medical hardship basis.

The case was presented by Mr. Betts. C. Vernon and E. Angline Timmons were sworn in and testified, requesting to retain a manufactured home on their property on hardship basis. This is a renewal of Case No. 5260. They stated the hardship still exists.

Mr. Betts read a letter from a doctor pertaining to Mrs. Hudson's (the occupant of the manufactured home) health.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the special use exception be granted on medical hardship basis for a period of two (2) years.

Case No. 5935--Dr. Charles Hudson, et. ux. - East side of River  
Drive, on west side of Whites Creek and  
on the east side of Route 351.

A variance from the minimum lot width requirement and a variance from the one acre lot size requirement in a conservation zone.

The case was presented by Mr. Betts. Dr. Charles Hudson was

sworn in and testified, requesting a variance from the one acre lot size requirement in a conservation zone and a 85.8' variance from the 150' lot width requirement for a new lot. A variance of 23,588 sq. ft. from the minimum lot area requirement of one acre for lots in a conservation zone. The existing parcel is one acre and Mr. Hudson wants to subdivide the parcel into two lots to give each of his two sons a lot. Mr. Hudson stated their access is through Banks Acres. There will be a dwelling on one parcel and a garage on the other, they already exist.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be tabled until the next meeting.

Case No. 5936--Larry H, & Achsah D. Brasure - North side of Route 54, 141 feet east of Route 391.

A special use exception to place a manufactured home in an AR-1 District on less than five acres for a permanent residence and a variance from the setback requirements for a poultry house.

The case was presented by Mr. Betts. Larry and Achsah Brasure were sworn in and testified, requesting to place a manufactured home on less than five acres and a 28' variance from the 50' setback requirement for a poultry house. The uses are needed to subdivide land. The manufactured home was put on farm for their son. They propose to create a new parcel for a new home. They want the manufactured home to remain until the house is built.

Mr. Betts stated that the new house will not have to be 200' from the chicken house because the chicken house was on the property first.

Nancy Elizabeth Jeandell was sworn in and testified, questioning the chicken house variance. She was not opposed if there is no change in the chicken house.

There were no parties present in opposition.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the

case be tabled until the next meeting.

Case No. 5937--Alverno J. & Wendy S. Dickerson - East side of Route  
468, 1/4 mile southwest of Route 13.  
A variance from the setback requirements for a  
composter.

The case was presented by Mr. Betts. Wendy S. Dickerson and Kipp Orton were sworn in and testified. The applicants requested an 80' variance from the 200' setback requirement from a dwelling not located on the premises for a composter. They want the composter as close to the chicken house as possible. The lot is odd shaped.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously that the case be taken under advisement.

At the conclusion of the public hearings, motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be tabled until the next meeting.

Case No. 5939--Kevin W. Sagers - East side of Route 357, 25 feet  
south of Route 358.  
A special use exception to place an off  
premise sign.

The case was presented by Mr. Betts.

There were no parties present in behalf of this application. The Chairman held the hearing open until the end of the meeting.

Kevin Sagers was sworn in and testified requesting to place a 4'x 8' directional sign for the remote business of Sandy Cove Campground on the end of Route 358. This will be the second sign on the property if granted. He will remove the existing sign at Kevin's Trailer Sales. He referenced a letter that was submitted. A picture of the sign was presented.

Mr. Betts stated that it is a directional sign for his business.

There were no parties present in opposition.

Motion was made by Mrs. Hudson, seconded by Mr. Callaway and carried unanimously that the special use exception be granted.

Case No. 5938--Wyoming Concrete Industries, Inc. - South side of  
Route 9, near Gravel Hill.

A special use exception to operate a concrete  
batching plant.

The case was presented by Mr. Betts. William DiMondi was sworn in and testified representing Wyoming Concrete Industries, Inc. and was represented by James Fuqua, Attorney. The applicants requested to operate a concrete batching plant off of Route 9, near Gravel Hill. There is a Department of Transportation Maintenance property next to the location, plus Burns Well Drilling, Besche Furniture and other business places and industrial zoned land in the area. Mr. Fuqua referenced the zoning code in respect to special use exception consideration. He stated similar types have been before the Board. He stated that their request is for a concrete plant and not an asphalt plant. He submitted material to the Board and explained the site plan. He explained that the equipment will be stored to the rear of the property. He stated that the woods would stay and the plant will be 640' back from Route 9. He testified that the immediate area is zoned C-1 General Commercial. There are conrail railroad tracks to the rear of the property. He stated that the property is not in a conservation district.

Mr. DiMondi in answer to Mr. Fuqua's questions stated that they had aerial photographs done. The photographs were shown, explained and submitted as exhibits. He stated that the total depth of the property is 1150' and consists of 5 1/2 acres of land. He stated that there are loblolly trees on the property that will remain. Water on site will be provided by a well. The septic on site will be for personnel. They must comply with Sussex County Soil Conservation for storm water run-off. They must also comply with DNREC Air and Waste Management. Mr. DiMondi explained how the plant works. He stated that the system is the same as the plant used to construct the Route 113 project. There is a small hopper charged with front-end loader that takes aggregates that are stock piled on site whether it be stone or gravel and sand and sends up an inclined conveyor. It is then shoveled and deposited into beds and weighed up in a batcher, then metered on another inclined conveyor to be deposited onto the trucks. Bulked cement is delivered into containerized trailers under low pressure approximately 15 to 18 PSI. It is blown into receiving tubes then placed or stored in cement silos. When batched out it is weighed in its own sealed batcher and then altered by way of a screw conveyor, then transports in a closed vessel to back of trucks. Trucks can carry up to 10 cubic yards of concrete. There is no heating of the materials. All cold materials are, river gravel, sand (obtained locally), crushed limestone and portland cement delivered on site in containerized trailers. Fire protection will be provided by Georgetown and Milton Fire Companies. There are no

products of combustion at all in connection with preparation or manufacturing of concrete. The cement is put into back of trucks for delivery, if there is any waste they have special forms for recycling the concrete, most times it is disposed of on site. There is a closed loop system for recycling. There is no cleaning out process prior to loading, only a certain amount is returned. Mr. DiMondi stated that there will be minimal filling of wetlands in regards to U.S. Army Corp. of Engineers. He testified they have concrete facilities in Dover, Wyoming, Blades outside of Seaford, Federalsburg and Delmar, Maryland. He testified that concrete is a parrishable commodity that has to be placed within 1 to 1 1/2 hours and to bring it from the Seaford area is challenging. They do work for the new county building and the Georgetown Elementary School. It is the feeling of the applicants that the proposed location is central to eastern Sussex County and access to major alterial roads and Railroad. They feel the use is compatable to the neighbors. The plant will operate from 6:00 A.M. and no later than 8:00 P.M. with no hours on Sunday. The plant will be open all year. Use will depend on weather. Volume is 100 to 125 cubic yards per day. There will be 10 to 15 loads on a daily basis. There will be 10 to 15 tractor trailer and dump trucks arriving on site depending on demand. The make the cement to order. In reference to dust, the source of dust or emissions in the use of cement in silos is addressed by the manufacturer and the State of Delaware. Boxes on top of cement silos are bag houses where 100 long bags hang in there. The purpose is covers for an exit and relief valve. Dust and particulate matter is contained in these bags. Governed by DNREC the bag houses are 99% efficient. In regards to noise, rates all sound sources of the operation, 10' up to 75' anywhere between 55 and 90 decimals. He stated that the loblolly trees will buffer sound. He read a letter from E. Austin Short, III, State forestry. The entrance will be in compliance with the Department of Transportation. He stated that there has been no complaints about the plant in Lincoln for the Route 113 project.

Mr. Fuqua read a copy of conditions that should be put on the special use if approved. If approved it will be limited to a period of five years. He stated that all DNREC permits will be complied with. A copy of the conditions he prepared were submitted to the Board to consider.

Mr. Mills questioned the brand of plant to go on the property.

Mr. DiMondi stated that the plant will be Conoco Concrete Equipment Plant manufactured and engineered in Nebraska.

Mr. Mills stated that the sketch of the plant appears to be square in the overview, but otherwise appears to be rectangular

Mr. DiMondi responded that looking from aerial view is actually square and an optical illusion. The reference should actually be made from the metes and bounds.

Mr. Mills questioned the ditch that runs through the area and what affect the plant will have on it.

Mr. DiMondi stated that there is a tax ditch on the property that they do not plan to fill in. They will improve the ditch with permeable pipe 18 to 25 inches in diameter, only filling in the area necessary to place the plant. He stated that improvements will be made.

Mr. Jones asked if the plant will be Conoco Low Pro-Ten Concrete mixing batching plant.

Mr. DiMondi replied that it would. The same as one at Lincoln only difference is a longer inclined conveyer. The overall height is 49' and will never seen from Route 9, according to Mr. DiMondi.

Mr. Callaway questioned the truck traffic that was mentioned earlier and if they plan to utilize the rail lines.

Mr. DiMondi stated that they will possibly use the rail lines at times.

John Phillip Hall was sworn in and testified representing Bar Trust who owns 20 acres adjacent to the applicants proposed plant. He stated that he had no objections to the plant.

Mr. Betts read letter from Bar Trust in favor of the requested application, R. A. Raley, Trustee.

William D. Bell was sworn in and testified in opposition. He read from and presented written material. He represents the Hudson Pond Acres Association. He lives near the Lincoln operation and referenced odor, dust and noise. He asked the Board to deny the application.

Jessica Ann Moore and Jason Moore were sworn in and testified in opposition, concerned because he bought property across from Burns Well Drilling. He is concerned about trucks, noise, ponds in the area and concerned about what they will breath in. Mrs. Moore is a Marine Biologist and she feels the use will destroy the wetlands and cause pollutants. She asked the applicants to please consider the industrial zoned property in the area instead of the proposed location.

Steven VanArt Smith, Jr. affirmed, referencing the existing concerte plants in the Lewes area. He is concerned about the

impact on Route 9 with traffic, since Route 9 is a major Route to the beach. He feels a concrete plant is not necessary on a major corridor.

Mabel Ann Granke and Richard Howard Anthony were sworn in and testified in opposition. Mr. Anthony read from and submitted a prepared statement and referenced the Zoning Code pertaining to AR-1 and C-1 Districts. He questioned the need, impact on the area, traffic and expense to the government in respect to wear on the roads from trucks. He is concerned about the well water, wetlands, pollution, noise and property values. Mr. Anthony resides in Dewey Beach and represents the Citizens Coalition. He requested the application be denied. Ms. Granke, Citizens Coalition, stated that Route 9 is a major recreational route traveled by tourists. She feels the trucks are detrimental to the route and hopes the Board will take the matter of transportation into consideration when making their decision.

Robert Green was sworn in and testified that he is not necessarily in opposition to the location of the plant, but 1000' feet from the Lincoln plant the noise and the banging tailgates on the trucks can be heard.

John Stenger was sworn in and testified and submitted a letter for the record. He is opposed to the plant being located in front of Besche Furniture Store.

Warner J. Clark was sworn in and testified in opposition being concerned about traffic impact in the Gravel Hill area, the tax ditch, run-off in the ditch, noise and pollution. He stated that the things there before him, he cannot complain about, but he can complain about this plant. He is also concerned about prevailing westerly winds that can create breathing problems because it is costic.

Richard Besche affirmed and was represented by Jim Griffin, Attorney. Mr. Besche owns 40 acres in the immediate area, has his home and furniture business across the road from the proposed plant site. He has lived in the area for 30 years. He stated that the state maintenance yard was there before he came. It was stated that there are some business places in the area, but it is basically an agricultural area. Pictures were presented. Mr. Besche stated he had a petition with 177 signatures who live in the area and are opposed to the plant. He feels there is no need for the business in the area, they should go in the industrial area. He feels it will adversely affect the value of the property. He is concerned about the dust and breathing it in. He stated that the state maintenance yard is not used too much now, it stores snow plows and eventually is to close down. Mr. Besche read from a brochure about illnesses that can be gotten from concrete dust.

He is concerned about wetlands and water pollution, water wells, acid in the air that can kill trees. Mr. Griffin stated that there will be an adverse affect on the area. He referenced the general purpose clause in the Code. He stated that the applicant has to convince them there is a need. There are five plants in the County and he explained their locations and pointed out the locations on a map. They already serve the County. Pictures were presented showing the plants. He referenced the American Lung Association report Mr. Besche spoke about and to the studies pertaining to health and respiratory problems. He feels the use will affect the general health to humans and animals. He feels there should be a wider scope of consideration of people further than 200' away. He referenced the traffic pattern on Route 9, stating that the Capital Transportation Draft Report shows no planned improvements of Route 9. He also made reference to the general purpose clause in the Zoning Code. He stated that in the Code a concrete batch plant is only permitted in Heavy Industrial Zoning. Dust, noise and water resources were referenced. He feels the plant would not be in keeping with the area, will adversely affect the surrounding properties and cause traffic conjection. He feels the applicants failed to prove the need for the plant. Mr. Griffin asked the Board to allow him until the close of the business day on Tuesday, March 19, 1996 to respond to what was heard and presented at the meeting.

Mike Maull was sworn in and testified in opposition questioning if there is a safety system if a bag should fall.

Mr. DiMondi replied that there is an alarm and manuel override, but he does not know if it will automatically shut down.

Shirley Fuller was sworn in and testified in opposition, stating that Sussex County has the worst pollution in the State, the highway is deplorable and she has trouble getting out of her driveway onto the highway now due to traffic. She stated that trucks are not always covered.

James Besche affirmed and stated that he feels the plant will have an adverse affect on the surrounding properties. He stated that the applicants gain will be their loss.

Margaret Purnell was sworn in and testified in opposition, stating that the plant does not belong in the area. She has lived on Route 30 for 20 years and does not need the traffic, noise, emissions in a residential area.

Mr. Maull stated that if people came from Lincoln to testify there must be something wrong.

Cathy Stenger Besche affirmed, stating that she is concerned

about children, fish and wildlife and the affect on people in the area. She feels there is no need in the area for the plant.

Mr. Fuqua in rebuttal stated that the applicants do not have to prove a need for the plant. He stated that at certain times Route 9 has a lot of traffic now. He stated that any type of business can cause an inconvenience and that it is not a pure residential area. The property is zoned commercial and there is an industrial zoning down the road.

Mr. Betts summarized three letters of opposition from John Stenger, Sierra Club-Michael J. D'Amico, Coastal Coordinator and David & Margaret Purnell.

Mr. Fuqua also requested to respond to material presented at the meeting at a later date.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously to keep the record open until 4:00 P.M. Tuesday, March 19, 1996 for the opposition to the application to respond to comments made at the hearing, and until 4:00 P.M. Wednesday, March 20, 1996 for response by Mr. Fuqua or persons in favor of the application.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be tabled until the meeting on April 8, 1996.

OLD BUSINESS

Case No. 5898 (cont'd.)--Collins Avenue Realty Trust - East side of  
Pierce Avenue, 90 feet north of Beach  
Avenue, 662 feet east of Route One, Lot  
15, within Indian Beach Surf Club.

A variance from the front yard and the side yard  
setback requirements.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be tabled until the next meeting.

Case No. 5900 (cont'd.)--George & Janet Campbell - East side of  
Route 348A, 700 feet north of Route 26.

A special use exception to place a second  
manufactured home on farm.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be tabled until the next meeting.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the meeting be adjourned.

Meeting adjourned at 12:21 A. M.