

Minutes of December 8, 1997

The regular meeting of the Sussex County Board of Adjustment was held Monday evening, December 8, 1997 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 P. M. with Chairman Callaway presiding. The Board members present were: Mr. Callaway, Mr. McCabe, Mrs. Hudson, Mr. Mills, Mr. Wheatley, Mr. Jones-Attorney, Mr. Lank-Director of Planning & Zoning, Mr. Rickard-Chief Zoning Inspector and Mrs. Talley-Recording Secretary.

Motion was made by Mrs. Hudson, seconded by Mr. Mills and carried unanimously that the minutes of December 1, 1997 be approved as circulated.

Mr. Callaway explained that the meeting is a request to change the conditions attached to the Special Use Exception granted Mr. Joseph pertaining to access to and from his property for his asphalt plant, and the asphalt plant is not the reason for the hearing.

Mr. Jones read a statement explaining how the Board of Adjustment meeting is conducted and the procedure for hearing the cases.

Case No. 6479--Melvin L. Joseph - North side of Route 322, 3,300 feet west of Route 432.

A special use exception requesting a change of conditions attached to Special Use Exception No. 5663 to permit access to the asphalt plant from Road 323, and to delete the condition requiring closure of the access from Road 322 to the sand plant.

The case was presented by Mr. Rickard. Mr. Rickard read a letter from Joel Leidy, Department of Transportation to C. Kenneth Carter and Associates, referencing the asphalt plant and the roads.

Michael Parkowski, Attorney, was present representing Mr. Joseph who requested a change of conditions attached to the Special Use Exception Case No. 5663 to permit access to the asphalt plant from Road 323, and to delete the condition requiring closure of the access from Road 322 to the sand plant. Mr. Parkowski presented the Board with a package of exhibits and data. He stated that his client, Mr. Joseph, is seeking a review of the conditons. He stated that the construction of the asphalt plant is under way and within the time frame allotted. He stated that in the package of material he presented, there is a letter from Lawrence Lank, Director of Planning and Zoning confirming this. Mr. Parkowski stated that on May 15, 1995 Mr. Joseph requested the use of both the sand plant and asphalt plant trucks to use Road 322. He stated

that Mr. Joseph was not present when the conditions were attached to his asphalt plant approval, and that this is the first formal opportunity to address the conditions. He stated that there are legal problems in eliminating the sand plant road. He referenced Glenn vs Sussex County for a manufactured home park expansion and the legal memo in the booklet. Mr. Parkowski exhibited a large aerial photograph highlighted with the site and roadways. Mr. Parkowski stated that there is a legal memo in the packet to reinstate the sand plant truck traffic to its road, and secondly that direct access to Route 113 cannot be achieved in any feasible way without crossing the runway. He stated that the asphalt plant is adjacent to the sand plant and going from the asphalt plant would be necessary to cross the runway. To go down the runway would require filling the marsh. Mr. Parkowski stated that Mr. Joseph is making arrangements to purchase land from a feasible stand point. He stated that the FFA has a height restriction and referenced a letter from Anthony Amado, DelD.O.T., Division of Aeronautics, Department of Transportation. He stated that to use the runway would pose a hazard to the people who use the runway, such as State Police and Civil Air Patrol. He stated that the same rule would be unsafe for the County Airport, it would pose a hazard. He stated that they would provide whatever type of buffering is needed. He stated that there are letters of support in the exhibit from people who live nearby, therefore, there is not unanimous opposition to the request.

Melvin L. Joseph was sworn in and testified that he was not at the meeting when the conditions were attached to his approval for the asphalt plant. He stated he did not realize how important it is to keep the runway open until this happened. He stated that Ms. Ann Canby, with Department of Transportation gave him permission to go ahead and build the new road. He feels the Board has been misled. In answer to Mr. Parkowski's question, Mr. Joseph stated that the sand plant road has been used for 6 years in January and related to a borrow pit. He built the road in 1954. When asked if there has been any increase in traffic he replied no. He was asked if there would be any increase in traffic from the sand plant when the asphalt plant starts, to which Mr. Joseph replied he cannot figure out why there would be. The average truck traffic is 40 to 42 trucks. Mr. Parkowski stated that it had been brought out that a person cannot tell the sand plant trucks from the asphalt trucks. Mr. Joseph stated that all asphalt trucks are covered. When asked how long the runway has been on the property, Mr. Joseph stated since 1962. He stated that Civil Air Patrol and State Police and others have used the runway, but they could not use it if trucks have to go across the runway. He stated that the fair market value of the airstrip is \$900,000 to 1 million dollars.

Mr. Wheatley asked if all asphalt trucks would go out to Route 113.

Mr. Joseph responded that both plants going to one entrance will create too much impact and be hazardous.

Mr. Jones, Attorney, explained that the Board would allow cross examinations if anyone had any questions.

Scott Bradley, Attorney, was present representing property owners on Route 322 and 323. He asked how Mr. Joseph could keep sand plant trucks from using the asphalt road. He asked Mr. Joseph if there would be a physical barrier between the two plants.

Mr. Joseph responded that they can do it if necessary or required.

Mr. Bradley asked if the construction business has access to Route 113, and if they store heavy equipment and dump trucks on the property.

Mr. Joseph stated that dump trucks are on the property and the heavy equipment is on the other side of the road (Route 113).

Mr. Bradley asked what Mr. Joseph has on his property, and if the runway is private.

Mr. Joseph stated that he has a construction company, residence, runway (private), sand plant and the asphalt plant under construction. Mr. Joseph stated that the airstrip is on the chart.

Mr. Bradley asked if Mr. Joseph could stop using the runway and if he can also control the uses of it.

Mr. Joseph stated that his runway is on the chart and maybe, he could control the uses of it.

Mr. Bradley referenced a letter for DelD.O.T. Aeronautics from Harry Van Den Heuvel, reading a portion of it, stating that they have no control over private airports. He stated in the letter that it is not a good idea for the trucks to cross over the runway, but Mr. Joseph can do what he wants. Mr. Bradley asked Mr. Joseph if his letter said that he could not drive trucks on the runway.

Mr. Joseph stated that his letter said that it has to be 200' from where the trucks are going to drive across.

Mr. Bradley asked if Mr. Joseph had filed action in Court to challenge the conditions put on his application by the Board.

Mr. Joseph replied that to his knowledge there was no appeal filed. He stated that he filed a cross appeal after the citizens filed an appeal. Mr. Joseph stated that he dropped the challenge in Court to come before the Board. He stated that he did not initiate the proceedings.

Mr. Bradley stated that Mr. Joseph had the right to challenge the conditions in Court.

William James Mallory was sworn in and asked Mr. Joseph why a stock car (race car) can be driven down the runway and a truck cannot cross it. He also questioned the time limit for hours of operation on the sand plant. He suggested the transcripts be checked. He questioned why the laws are not enforced if they are made.

Mr. Jones, Attorney, explained that there are no laws when the plants can run, but there were times stated for the sand plant.

Mr. Joseph stated that the plant never runs past 4:00 P. M. Mr. Joseph also stated that there was a drag car there when he was in Florida, but he does not allow it.

Elizabeth Mumford was sworn in and asked Mr. Joseph how he could treat his neighbors as he does, referring to the sand trucks and dust. She stated that she had been run off of the road by the trucks. She stated that she knows Mr. Joseph is not responsible for the drivers, but he is responsible for the trucks.

Robert I. George, Jr., who lives on Route 323 was sworn in and questioned Mr. Joseph about how many times the Delaware National Guard and State Police have used the airport, and asked that dates and landing records be presented to the Board.

Mr. Joseph stated that he did not know the number of times the airport was used by the National Guard and State Police, and that he did not keep a record.

Bruce C. Kaller, who lives on Route 322, was sworn in and asked that the hearing record be checked as to whether Mr. Joseph was present during the Board's discussion of access to Route 113 only. He believes Mr. Joseph was present.

Mr. Joseph stated that he was not at the meeting referenced by Mr. Kaller and was not invited.

Brenda Jean Thompson was sworn in and asked Mr. Joseph about the potential expansion of the company and more trucks.

Mr. Joseph responded that he does not anticipate any additional growth for the sand plant. He stated that he has been there for 6 years and has a computer list of how many trucks, but does not feel that there will be anymore. The first year there could be, but he stated that the sand trucks will be less. Mr. Joseph questioned if railroads should cross over road and questioned what the distinction is between railroad crossings and airport crossings.

Ms. Thompson stated that she also feels it is wrong for railroads to cross over roads, and that there is no distinction between runways and train crossings, they are both hazardous.

Robert George, Jr. previously sworn in, questioned Mr. Joseph about Ann Canby and if he indicated that he had called her.

Mr. Joseph replied that he had called her and she had called him in August and told him that he could put the road in its present location.

Mr. George, Jr. asked Mr. Joseph if he had started the process without approval. Mr. George stated that he would have had to wait and go through the Board.

Mr. Parkowski stated that there is a DelD.O.T. approval with attachments.

Ted Williams, Land Mark Engineering Senior Associate, was sworn in and testified that he is a Registered Engineer. Mr. Williams gave a summary of his background and credentials. Mr. Williams stated that he had reviewed the sand plant access based on 100 trucks entering and exiting at Route 322. The level of service "A" or "B" at the intersection and DelD.O.T. preference is "D". Mr. Williams referenced the asphalt vs sand trucks, by stating that the asphalt trucks can be identified since they have to have tarps to cover them, the residue on the rear of the trucks and the stains, the heat and sideboards. The sand trucks go uncovered. He referenced the physical disconnect methods between plants, a berm, fencing and other things. He stated that if the asphalt plant goes onto Route 323, he studied counts of the number of trips (at a ratio 100 trucks), the level of service is "B" or better. In review of the crossovers, the location and conditions,

the crossover at branch has restrictive access potential. It is DelD.O.T.'s intention that future development will not be allowed, additional crossovers. Road 323 will have a wider access median.

A 90 degree turn of Road 323 provides safer sight visibility of Road 323 and truck access. He stated that it would be no hazard to aviation if crossing is located at the end of the runway. He stated Road 322 and the sand plant access, the safety standpoint, is acceptable, and Road 323 and the asphalt plant access, the safety standpoint is acceptable. He stated that there are numerous crossovers on Route 113 and pointed out the location on the map. He stated that it is DelD.O.T.'s intent to minimize access's to Route 113 and not have numerous intersections. He feels it is best using the existing road. He stated that a private runway is not obligated to comply with FFA regulations and Mr. Joseph would have to have a 200' landing zone south of the runway. He stated that he would not know if the truck traffic could be a hazard. He believes the access road is adequate based on the information he has.

Fredericka Norris was sworn in and questioned Mr. Williams about the width of the road. She stated that she had measured it and it was 18.9' in width. She questioned if he had taken any pictures.

Mr. Williams stated that the width of the road was 22'.

Allen B. Bisby was sworn in and told Mr. Williams about the road conditions and that they were resurfaced last summer. He stated that the road coming out of the sand plant has holes and is torn up.

Mel Joseph, Jr. was sworn in and testified questioning the truck fees and car fees.

Sandra Belote, Cathy Fleetwood Brittingham, Elizabeth Marshall, Teresa Vickers, Kenny Stevens and Donald L. Robinson were sworn in and asked questions.

Sandra Belote questioned Mr. Williams about the intersection of Route 323 and Route 113.

Donald L. Robinson asked Mr. Williams if it is safe to run sand plant trucks on Route 322.

Mr. Williams stated that the road was acceptable even though there is a slight curve on the road.

Cathy Fleetwood Brittingham told Mr. Williams that she has children that wait for the school bus on Road 323 and questioned whether or not he had seen any school buses when he was out to the property.

Mr. Williams stated that he was there at 2:30 P. M. on November 24, 1997 and there were no school buses where the measurements were done.

Ms. Brittingham questioned Mr. Williams about the validity of Mr. William's report. She stated that there are a total of seven (7) school buses on the road in a day. It was determined that November 24, 1997 was an in-service day and there was no school. She stated that she lives on Road 323 and they did not make any study for a traffic light at the intersection. She stated that in the summer it takes her 10 minutes to get across the highway. She asked Mr. Williams how they could avoid running into each other, with the car traffic, school buses and trucks, and how due to the curve of the road they were going to prevent accidents. She stated that traffic could be backed up.

Mr. Williams stated that there will be a 24' wide paved road there and they will do any improvements needed.

Elizabeth Marshall stated that she lives on Route 113 down the road from Route 323. She stated that there is a school bus stop on Route 323. She stated that the trucks sound like bulldozers. She feels Mr. Williams could have taken an analysis of the beach traffic. She stated that Road 323 is accident prone. She questioned why Mr. Joseph could not go over to the County Airport and use the runway. She has concerns about health problems. She feels it was the wrong time of year to do a traffic analysis. She expressed concern about safety.

Teresa Vickers stated that she lives on Road 322 and agrees with Ms. Marshall that a survey should be taken in the summer. She feels it does not make sense to have just one survey.

Kenny Stevens asked Mr. Williams if the crossover at the trailer on Mr. Joseph's property was considered. He suggested that Mr. Joseph allow his construction company yard to be used. He asked if any kind of study was done on this possibility. He stated that there is a school bus stop at Road 323 and 113.

Mr. Williams stated that he could look into that further. They just looked into the road intersections intended to be used.

Mr. Bradley asked Mr. Williams how many asphalt plants the Board has approved in the past five years.

Mr. Williams said that he did not know.

Mr. Bradley answered two (2). He asked Mr. Williams if he had read the Finding of Facts for the two asphalt plants.

Mr. Williams answered that he had not.

Mr. Bradley read a portion of the Finding of Facts for Mr. Joseph's asphalt plant, and a portion of the asphalt plant for County Seat Materials. He asked if DelD.O.T. said part of the road is adequate.

Mr. Williams stated that DelD.O.T. referenced reconstruction. He stated that the road is to be signed for no left turn.

Mr. Bradley asked Mr. Williams if any structural testing was done. He stated that the analysis does not deal with noise and dust.

Mr. Williams stated that there was only service level analysis.

Mr. Bradley asked Mr. Williams if it is possible to cross the runway and use the access through Mr. Joseph's construction business.

Mr. Williams stated that he would not recommend it due to the air traffic.

Mr. Bradley asked Mr. Williams how many planes use the runway and if it would be possible to post a flag man at the runway.

Mr. Williams stated that he does not know how many planes use the runway and does not know if a flag man would work. He stated that if no planes used the runway it would not pose a problem.

Mr. Parkowski in rebuttal stated that a person can distinguish between sand trucks and asphalt trucks. He stated that the issue of the use of the sand plant road is a legal issue. He stated that it would be easier to put a barrier up than not use the Road 323 location. He stated that there are numerous things to abide by to use the Road 323 intersection, but he feels Mr. Joseph should be allowed to use it.

The Board recessed for 10 minutes.

When the Board went back into session they asked for a show of hands for the people present in favor of the application.

By a show of hands there were 16 people in favor of the application.

Scott Bradley, Attorney, was present representing 11 residents on or near Road 323. He stated that Pat & Elias Carmine live adjacent to the access road built by Mr. Joseph. He stated that to remove the conditions attached to Mr. Joseph's application will adversely affect the Carmine's property and they do not want truck traffic. Mr. Bradley presented two letters of opposition from Rep. Charles West and Glenda Scott. He made reference to a 15 page memorandum for the Board that he had submitted earlier that day. Mr. Bradley referenced the airport crossing issue and private runway. He stated that Mr. Joseph had not said how many airplanes are landing and was not told how much they use the runway. He stated that the runway is private and used 2 to 3 times a week. Because it is private, Mr. Joseph can do with it what he wants and can control the truck traffic and airplane traffic. The traffic is what he allows. Mr. Bradley stated that there is an airport in town for the Civil Air Patrol and State Police to use and not interfere with Mr. Joseph's runway. He feels that Mr. Joseph may have to make a choice. He stated that he has a construction business, used car business, sand and asphalt plants and a residence on the property. He stated that if Mr. Joseph wants to have the runway maybe he cannot have the asphalt plant or if he wants the asphalt plant then not have the runway. He feels Mr. Joseph should not shift the burden to the neighbors. He stated that when the Board approved the two asphalt plant applications, each time they have put conditions on them. He feels the Board needs to consider it's own findings and should also review the County Seat Materials case and findings. He feels in the Board's findings, he read a portion, that nothing has changed with respect to the road. The trucks are big, noisy and smelly and will have an impact on neighboring properties. He stated that the County roads are not structurally built to handle the traffic. He stated that Mr. Joseph wants to add an access to Road 323 and the road has to be improved. He stated that there is a safety issue and blind curve on Road 323. Mr. Bradley stated that with the new access, with berm or screening it will cause a depreciation of the property values. He stated that in the Langrell Subdivision the road loops around the runway and sits on Lot 1 and 2 within the Subdivision. He feels the traffic generated by the trucks will have a substantial adverse affect on the neighboring properties. He feels if Mr. Joseph wants the plant he will have to live with the conditions.

Patricia Carmine who lives at the elbow of Road 323 and adjacent to the new road, was sworn in and testified in opposition. Mrs. Carmine showed on a aerial photo where she lives. She stated that the road is 9' from her driveway and 35' from her house. Pictures were taken and presented. She stated that she and her husband moved there because it is a peaceful quiet neighborhood with woods and children. She stated that there are 10 homes in the Langrell Subdivision. She is concerned about the truck traffic because of the 90 degree turn. She stated that she can now hear the school buses and cars and cannot imagine how trucks will sound 5:30 in the morning. She expressed concern about noise, health hazard and safety. She stated that because of the road from the asphalt plant they have had to put their house on the market, but no one will buy it when they see the road. A letter from Lisa Herschelman, Realtor was presented. She stated that they had purchased her property from Harold White and it is adjacent to the Langrell Subdivision. She confirmed that the road runs through Lots 1 and 2 of the Langrell Subdivision and the runway overlay runs through other lots. A plot plan was presented. When asked how many times Mr. Joseph uses his runway, she stated that during the nine years she has owned her property she would say once a week or once every other week and sometimes on weekends his plane comes in and takes off. She feels he uses the runway very minimal. She stated that they bought the house to stay there and retire there and they have put a lot of money into the property. She stated that no one in the neighborhood has anything against Mr. Joseph, but feels there are other alternatives he can use for the road since he has other property.

Mr. Parkowski asked Mrs. Carmine if Mr. Joseph told them he would buy their property.

Mrs. Carmine stated that Mr. Joseph had told them he would buy their property and offered them \$96,000. She stated that they were asking \$105,000. They turned down Mr. Joseph's offer. In answer to Mr. Parkowski's question, Mrs. Carmine stated that she would oppose the road anyway because of the impact to the entire area. She opposes the use of Road 323 and Road 322.

Curtis Ayres was sworn in and testified in opposition, and read a prepared statement. He stated that he lives on Road 322. He referenced previous hearings for Mr. Joseph, truck traffic, granting of variances, the air strip, and the amount of property Mr. Joseph has. He referenced a letter to Ken Carter, Designer, for Mr. Joseph, the hours of work at the asphalt plant of Tilcon and the property of Mr. & Mrs. Carmine. Mr. Ayres referenced conditions given at the public hearing for the asphalt plant and the increased traffic on the back roads. He stated that he had

talked to realtors about home sales compared to sales in 1996. He is concerned about property values. He stated that the asphalt plant, sand plant and the Sussex County Prison contribute to a decrease in property values. He stated that 812 families live in the area and 205 families live in the area to be affected by the truck traffic. He presented a copy of a map to the Board.

Mr. Bradley asked Mr. Ayres, if the truck traffic was kept off Road 322 and 323 would property sales increase.

Mr. Ayres stated that it would make it more attractive to buy.

Mr. Parkowski asked Mr. Ayres if the asphalt plant trucks do not use the sand plant road how can they exit, and if the level of traffic will increase. He asked Mr. Ayres if he was aware of both using the same road. He asked Mr. Ayres if he was aware of the decrease of sales. He stated that Janet Jones, Realtor had said there had been sales of property in the area.

Mr. Ayres stated that there is no increase and he was not aware both use the same road. Mr. Ayres stated that it takes property twice as long to sell. He stated that he was aware of other sales.

Sandra Belote, sworn in previously, spoke in opposition. She stated that she lives next to Mr. & Mrs. Carmine and is in the Langrell Subdivision. She is concerned about traffic. She stated that she has a son who rides a bike and plays on Road 323. In answer to Mr. Bradley's question, she stated that she had called and talked to Harry Van Heuvel, Del D.O.T. Aeronautics Division, and was told, when asked if the trucks could cross the airstrip, that they could. She read a portion of a letter referencing private airport. It stated that they can do what they want with a private airport. Ms. Belote stated that she was surprised with the approval of the asphalt plant but was pleased with the conditions about the road. She presented a petition with 166 signatures opposing any road except the direct route to Route 113. There are people on Roads 322, 323, and Piney Grove, located across the road. She stated that the value in 1988 of her house was \$105,000 and after living there for nine years, her house is now valued at \$103,000. She had looked at her property as an investment as well as a place to live. She stated that property values will go down with more truck traffic. She voiced concern about traffic back ups. She is concerned about the children in the neighborhood and stated that there is a day care center in the neighborhood as well. She submitted letters she had written to Joel Leidy, DelD.O.T. and to Lawrence Lank, Director of Planning and Zoning. She stated that Mr. Joseph's time had been extended one year. She stated that

when the property was bought from Melvin Joseph, he told them if was for housing. Several people bought their property from Mr. Joseph. She feels the Board should hold fast to their original decision to have access directly to Route 113 from Mr. Joseph's own property, and the request for a change in the conditions not be granted.

Mr. Parkowski asked if Ms. Belote could see the sand plant or asphalt plant from her home.

Ms. Belote stated that she could not see the plants.

Mr. Bradley asked Ms. Belote if she could see trucks.

Ms. Belote replied that she could see the trucks if they go in front of her house.

Mr. Rickard stated that he had received 10 letters of opposition from Carol Williamson, Teresa Vickers, Patricia Carmine, Rhonda Tuman, Bruce Kaller, Curtis Ayres, Allen Bisby, Sandy Belote, and Rebecca Breasure, plus a petition with 112 signatures in opposition.

Robert George, sworn in previously, testified in opposition, stating that he has a substantial investment in his home and his son rides his bike, skate boards and plays ball on the road. He stated that Mr. Joseph just keeps coming back to the Board. He stated that Mr. Joseph has already built the road and wanted to know what would keep the sand plant trucks from using the road. His concerns referenced depreciation of his property, children's safety, truck traffic, the number of times the neighbors have to appear annually and he feels the neighbors will pay as taxpayers. He feels if Mr. Joseph puts the road down his property to Route 113 he will be the one to pay. He told the Board that they had made a courageous decision and he asked that they to stick to it.

Teresa Vickers sworn in previously, testified in opposition stating health concerns.

David Kiefer was sworn in and testified in opposition, stating that he lives on the dual highway and owns property on Route 323. He stated that he paid over \$35,000 for his property on Route 323 and wants to build a house there. He now questions if he should build or not. He stated that their property is worth as much to them as Mr. Joseph's property is to him.

Rebecca Breasure was sworn in and testified in opposition, reading a prepared statement giving a history of having lived next to Mr. Joseph for 46 years. She cited many complaints about Mr. Joseph being disrespectful and having no consideration of others. She also expressed concern about noise, roads and the plants. She presented her prepared statement to the Board.

Phillip Ray Daisey was sworn in and testified in opposition expressing his support for the neighbors. He stated that in the month of August there was tar all over the road from trucks. He stated that he has a 12 year old who plays in the yard and road. He stated that he has his occupation in his home and hears the noise from the airport occasionally. He stated that he has never seen more than 4 airplanes at this location. He said there could have been more when he was not there. He asked the Board to take into consideration the people who live there.

Kenny Stevens, sworn in previously, testified in opposition, stating that he has been in construction for 11 years and a hot mix operator. He explained how road building works. He stated that trucks can line up for the hot mix as early as 4:30 A. M. He expressed personal sympathy to the Carmine's who live the closest to where the road has been built. He believes there will be more truck traffic than what has been said. He stated that on Saturday's traffic is bad on Route 113. He fears there will be accidents on Route 323 and it will cause a traffic signal to be placed at the location. He stated that if the entrance as approved by the Board is steady fast, everything will be in Mr. Joseph's front yard. He asked the Board to uphold their decision for the families. He feels it is the right decision.

William Mallory sworn in previously testified in opposition, stated that there has been electrical work going on, on the new road. He asked the Board to uphold the people.

Mr. Parkowski in rebuttal stated that originally when all traffic was proposed it was on Route 322, now Mr. Joseph proposes the sand plant traffic on Route 322 and the asphalt plant traffic on Route 323. He stated that the sand plant was not in the Board's jurisdiction. He suggested that the Board look at the issue differently. That it would be a serious safety hazard to have the truck traffic go across the runway. He urged the Board to reconsider the condition that was approved.

Mr. Bradley in rebuttal stated that unless a wall or something is built between the sand plant and the asphalt plant, the drivers are going to take the shortest route. He stated that people will take the shortest route possible. He stated that the airstrip is

private and not a big issue, it is within Mr. Joseph's control for the uses. He questioned how hard it would be to have a flag man for the airstrip. He stated that Mr. Joseph may have to decide if he wants the runway or the asphalt plant. He feels Mr. Joseph does not have to have every use possible. He feels the runway is not an issue since Mr. Joseph can control or shut it down. Mr. Bradley stated that the Board cannot ignore their findings of previous asphalt plants.

The Chairman closed the public hearing.

Motion was made by Mr. Mills, seconded by Mrs. Hudson and carried unanimously that the case be tabled until the first meeting in January, being January 5, 1998.

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

Meeting adjourned at 10:53 P. M.