

MINUTES OF THE REGULAR MEETING OF MARCH 22, 1990

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, March 22, 1990, at 7:45 P.M. in the County Council Chambers, Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Ralph, Mr. Hickman, Mrs. Monaco, Mr. Smith, Mr. Berl - Attorney, Mr. Lank - Director, and Mr. Moore - Planner I.

PUBLIC HEARINGS

1. RE: Subdiv. #90-3--Ralph B. Fry

Bob Nash, Charles Murphy Surveyors, was present on behalf of this application to consider the Subdivision of land in an MR Medium Density Residential Zoning District in Cedar Creek Hundred by dividing 93.2 acres into 95 lots, located at the northeast intersection of Route 634 and Route 633.

Mr. Moore summarized comments from the Technical Advisory Committee meeting of March 19, 1990, and additional agency comments received.

Girard Esposito, on behalf of the Heath Civic Association, spoke in opposition due to ecological concerns regarding Haven Lake, possible wetlands on the site, no proposed open space, and a general lack of information submitted by the applicant.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to defer action.

2. RE: Subdiv. #90-4--Bayard Layton

Danny Morris, Coast Survey, Inc. was present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Broad Creek Hundred by dividing 59 acres into 77 lots, located on the south side of Route 78, 2,400 feet east of the Nanticoke River.

Mr. Moore summarized comments from the Technical Advisory Committee meeting of March 19, 1990.

Mr. Morris stated they have feasibility approval from D.N.R.E.C. for septic systems.

No one was present in opposition.

Motion made by Mr. Ralph, seconded by Mr. Smith, and carried unanimously to approve the subdivision as a preliminary as presented.

3. RE: Subdiv. #90-5--Willis Groome

Danny Morris, Coast Survey, Inc., was present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Lewes and Rehoboth Hundred by dividing 8.9 acres into 14 lots, located on the northwest side of Route 265-A, 1,950 feet northeast of Route One, and requesting a variance from the 600 foot maximum cul-de-sac length.

Mr. Moore summarized comments received from the Technical Advisory Committee meeting of March 19, 1990.

Mr. Morris stated the applicant is proposing individual on-site wells and septic systems.

Stephen Beck spoke in opposition due to additional traffic.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve the variance for the cul-de-sac and defer action on the subdivision.

4. RE: Subdiv. #90-6--Morris Justice

Byron Jefferson was present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Baltimore Hundred by dividing 52.9 acres into 30 lots, located on the north side of Route 365, 1,030 feet west of Route 368, and requesting a variance from the 600 foot maximum cul-de-sac length.

Mr. Moore summarized comments from the Technical Advisory Committee meeting of March 19, 1990.

Mr. Jefferson stated the street will be looped so the request for a variance has been withdrawn.

Mr. Jefferson stated there are no State wetlands on the site. Central sewer and water are proposed.

No one was present in opposition.

Motion made by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to approve the subdivision as a preliminary.

5. RE: Subdiv. #90-7--Tom and Sally Ford

David Rutt, attorney, and Tom and Sally Ford were present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Baltimore Hundred by dividing 9.6 acres into 10 lots, located on the west side of Route 352, 1,000 feet north of Route 353, and requesting a variance from the 600 foot maximum cul-de-sac length.

Mr. Moore summarized comments from the Technical Advisory Committee meeting of March 19, 1990.

Mr. Rutt stated the lots will have individual wells and septic systems and streets will be built to State specifications. An existing tax ditch on the property prevents the street from being looped.

No one was present in opposition.

Motion made by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to approve the variance for the cul-de-sac and defer action on the subdivision.

6. RE: ORDINANCE TO AMEND ORDINANCE NO. 97
(remove governmental exemptions)

Mr. Lank introduced the ORDINANCE TO AMEND ORDINANCE NO. 97, AS AMENDED, SUSSEX COUNTY COMPREHENSIVE ZONING ORDINANCE, BY AMENDING ARTICLE 4, TO REMOVE CERTAIN GOVERNMENTAL EXEMPTIONS FROM THE PROVISIONS OF THE ORDINANCE.

Mr. Lank summarized the Ordinance and noted specifically that the Sussex County Council is given power by the General Assembly to regulate land use matters through zoning pursuant to Title 9, Chapter 69 of the Delaware Code and that permitting other governmental authorities an exemption from County zoning provisions is inconsistent with the County's authority to regulate land use within the geographic boundaries of Sussex County.

Mr. Lank read a letter from N. C. Vasuki, General Manager of the Delaware Solid Waste Authority, that stated that the amendment will impact, not benefit, county residents. The letter suggested possible legal action if the amendments are adopted.

No parties appeared in support or in opposition to the Ordinance.

At the conclusion of the public hearing, the Chairman referred back to this proposed Ordinance.

The Commission discussed the points and issues raised during the public hearing.

The Commission found the only objection was a letter received from the Delaware Solid Waste Authority which referenced that the Ordinance will impact, not benefit, County residents and that possible legal action may be necessary if the amendment is adopted.

The Commission found that the Ordinance may affect all types of governmental facilities, borrow pits, highway equipment storage yards, schools, landfills, and administrative buildings.

Motion made by Mr. Hickman, seconded by Mr. Ralph, and carried unanimously to forward this ordinance to the Sussex County Council with the recommendation that it be approved.

OTHER BUSINESS

1. RE: Paul Hastings
Route 488

The Commission reviewed a proposal to create four (4) lots on Route 488, with one (1) lot having access from a fifty (50) foot right of way.

No one was present on behalf of the request.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the four (4) lot subdivision.

2. RE: David Swartzentruber
2 lots, Route 631

The Commission reviewed a proposal to subdivide 172 acres into two (2) lots having access from an existing thirty (30) foot right of way.

No one was present on behalf of the proposal.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve the two (2) lot subdivision.

OLD BUSINESS

1. RE: Subdiv. #82-12--Fairway Villas

The Commission reviewed the final subdivision plat for the Fairway Villas Subdivision.

Mr. Moore stated that all approvals had been obtained.

Motion made by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to approve the subdivision as a final.

2. RE: Sign Reports

Mr. Lank summarized the sign report prepared for Mr. Stickels dated February 16, 1990, and suggested recommendations dated February 19, 1990.

The Commission had no additional suggestions for amendments.

Mr Lank advised the Commission that he would start preparing amendments for consideration.

Meeting Adjourned 10:25 P.M.

Lawrence B. Lank, Secretary