

MINUTES OF THE REGULAR MEETING OF MARCH 23, 1995

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, March 23, 1995, at 7:30 P.M., in Room 115, the Courthouse, Georgetown, Delaware with the following present:

Mr. Allen, Mr. Lynch, Mr. Phillips, Mr. Ralph, Mr. Wheatley, Mr. Jones - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Planner II.

Motion made by Mr. Wheedle, seconded by Mr. Ralph, and carried unanimously to approve the minutes of March 9, 1995 as amended.

II. PUBLIC HEARINGS

1. RE: C/Z #1255--O.A. Newton & Son Co.

Robert Rider of O.A. Newton & Son Co. and James Fuqua, Attorney, were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential and C-1 General Commercial to LI-2 Light Industrial in Northwest Fork Hundred, located on the south side of Route 584, 250 feet east of Conrail Railroad, to be located on a parcel containing 9.46 acres and 2.79 acres more or less.

Mr. Lank summarized comments received from the Delaware Department of Transportation (DelDOT), the Sussex Conservation District, the Delaware Department of Agriculture, and the Delaware Health and Social Services - Division of Public Health.

Mr. Fuqua stated that the application includes a 50 foot wide right of way that provides access to the parcels, that a railroad adjoins the site to the west, that LI-2 Light Industrial land exist across the railroad and at the intersection of Route 584 and U.S. Route 13, that on-site water and sewer will be provided, that no environmental impacts are anticipated, that no adverse impact is anticipated on Route 584, that fire protection will be provided by the Bridgeville Fire Company, and that the State Police Barracks is across U.S. Route 13 near the site.

Mr. Rider stated that he has received a letter of intent for D & B Products of Easton, Maryland, manufacturers of plastic tubing, showing interest in leasing space for a 3,000 square foot building on the site, that two trucking companies exist adjoining the site, and that a subsidiary of Terra International, a company utilizing space across the railroad, may locate a fencing company on the site.

Mr. Fuqua stated that the use is a natural expansion for growth for the area around Bridgeville, that the site is located in an area designated for a Town Center in the Western Sussex Land Use Plan.

Mr. Fuqua submitted a tax map colored to depict the area and zoning in the area, a copy of a brochure from D & B Products, and a copy of a brochure on fencing materials.

Mr. Rider added that central water and sewer are not available to the site, that no hazardous materials are needed for the intended uses, that no noise or emissions are anticipated from the intended uses, that the wire is woven, not stamped or pressed, that no steam is needed to produce the fencing products, and that at least four employees will be needed for the plastic tubing company.

Charlotte Cannon, an area resident, spoke in opposition and questioned if the Town of Bridgeville needs an Industrial Park, questioned if an Industrial Park is going to be provided for each town or city in Sussex County, and stated that the existing trucking companies do not create a problem, and that the Perdue mill is an agricultural use in an agricultural area.

Ken McIlvaine expressed concerns about drainage, impacts on water quality, sewer, noise, nitrates in the water, and possible expansion of uses.

Claudia Orr questioned the located of the site to a school in Bridgeville.

Mr. Fuqua added that manufacturing uses are strictly regulated by State and Federal regulations for water and air quality, that the Perdue mill is Industrial zoned, not Agricultural, that the trucking business is a quiet use according to the neighbors, and that the site fits into the Town Center concept of the Western Sussex Land Use Plan.

At the conclusion of the public hearings, the Chairman referred back to this application.

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

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the existing Level of Service "A" of Road 584 may change to a Level of Service "B" if the site is developed.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Sassafras sandy loam, that the Sassafras soils are relatively free of limitations or that the limitations are easily overcome, that the developer will be required to follow recommended erosion and sedimentation control practices and to maintain vegetation

after completion of any construction, that the Sassafras soils are considered Prime Farmland, that no storm flood hazard area or tax ditch is affected, and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found, based on comments received from the Delaware Department of Agriculture Division of Resource Management, that a Land Evaluation and Site Assessment analysis was performed on the site, that the site scored 171 out of 300 points which is considered below average for Sussex County and indicates that the site is a poor site for economical long-term agricultural production, that the low Site Assessment score reflects the fact that the surrounding area is already extensively developed for commercial and light industrial businesses, and that the parcel is located in a Town Center area of the Western Sussex Land Use Plan, that developing the parcel will have little long-term impact on the area's agricultural community, and that the Department does not oppose the requested rezoning.

The Commission found, based on comments received from the Delaware Health and Social Services Division of Public Health, that since the application indicates that the water d\ served to the site will be supplied by on-site wells light industrial uses will classify this system as a public water supply subject to the requirements of the "State of Delaware Regulations Governing Public Water Systems", and that plans shall be required to be submitted to the Division for review.

The Commission found that the application was presented by a Company spokesman and an attorney that stated that the application includes a 50 foot wide right of way that provides access to the parcels, that a railroad adjoins the site to the west, that LI-2 Light Industrial land exist across the railroad and at the intersection of Route 584 and U.S. Route 13, that on-site water and sewer will be provided, that no environmental impacts are anticipated, that no adverse impact is anticipated on Route 584, that fire protection will be provided by the Bridgeville Fire Company, and that the State Police Barracks is across U.S. Route 13 near the site, that a letter has been received from D & B Products of Easton, Maryland, manufacturers of plastic tubing, showing interest in leasing space for a 3,000 square foot building on the site, that two trucking companies exist adjoining the site, that a subsidiary of Terra International, a company utilizing space across the railroad, may locate a fencing company on the site, that the use is a natural expansion for growth for the area around Bridgeville, that the site is located in an area designated for a Town Center in the Western Sussex Land Use Plan, that central water and sewer are

not available to the site, that no hazardous materials are needed for the intended uses, that no noise or emissions are anticipated from the intended uses, that the wire is woven, not stamped or pressed, that no steam is needed to produce the fencing products, and that at least four employees will be needed for the plastic tubing company.

The Commission found that three (3) parties spoke in opposition and questioned if the Town of Bridgeville needs an Industrial Park, questioned if an Industrial Park is going to be provided for each town or city in Sussex County, that the existing trucking companies do not create a problem, that the Perdue mill is an agricultural use in an agricultural area, and that concerns were referenced about drainage, impacts on water quality, sewer, noise, nitrates in the water, possible expansion of uses, and questioning the located of the site to a school in Bridgeville.

The Commission found that the attorney on behalf of the application added that manufacturing uses are strictly regulated by State and Federal regulations for water and air quality, that the Perdue mill is Industrial zoned, not Agricultural, that the trucking business is a quiet use according to the neighbors, and that the site fits into the Town Center concept of the Western Sussex Land Use Plan.

Motion by Mr. Wheatley, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved since other similar zoned properties exist in close proximity.

2. RE: Subd. #95-1--Antonio Nero

Antonio Nero was present on behalf of this application to consider the Subdivision of Land in a GR General Residential Zoning District in Little Creek Hundred by dividing 15.77 acres into 16 lots, located on the west side of Danny Drive, 400 feet north of Nero Lane, and 300 feet south of Nero Lane.

Mr. Abbott summarized the Technical Advisory Committee Report of March 15, 1995, and comments received from the State of Delaware DNREC Delaware Natural Heritage Program, DNREC Wetlands and Subaqueous Lands Section, DNREC Water Supply Section, and DNREC Soil Assessment Branch.

Mr. Nero advised the Commission that he will comply with the recommendations of the Technical Advisory Committee and that the roads will be built and maintained by the State of Delaware.

No one was present in opposition to this application.

At the conclusion of the Public Hearings, the Chairman referred back to this application.

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

Motion made by Mr. Ralph, seconded by Mr. Wheatley, and carried unanimously to approve as a preliminary.

3. RE: Subd. #95-2--Bernice Jackson

Joseph and Evelyn Poole were 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 10.15 acres into 3 lots, located 200 feet northeast of Route 275, 650 feet southeast of Route 276 (Shady Road).

Mr. Abbott summarized the Technical Advisory Committee Report of March 15, 1995, and comments received from the State DNREC Delaware Natural Heritage Program, DNREC Wetlands and Subaqueous Lands Section, DNREC Water Supply Section, and the DNREC Soil Assessment Branch.

Mrs. Poole advised the Commission that they applied to subdivide the property into 3 lots, that the subdivision is a family project, that they requested a waiver from the street construction design to allow the road to be gravel, that the roadway is presently being improved by widening it, and that they propose to put stones on the road.

The Commission discussed the procedure for advertising a waiver request from the street construction design and found that they could take action on the subdivision but that the waiver for the street construction design would have to be readvertised.

No one was present in support of this application.

Glenden Jackson spoke in opposition about concerns with the error in advertising this application, that there is enough traffic that uses the right of way, that the right of way is not wide enough for two vehicles to pass one another, that there are drainage problems in the immediate area, that the proposed stormwater management pond is 3 feet deep and has no plans for a fence to keep children out, children safety due to the pond and traffic, that a stone and gravel road will not correct the dust problem, that additional noise will be created, that there is an active borrow pit at the end of the right of way, concerns about setbacks from his property, and questioned the availability of water supplies in the area.

Raymond Dechene spoke in opposition with concerns about the street construction waiver, that the road is fifteen feet from his property line, that additional traffic will negatively impact his property, increases in noise, and that the road should be relocated with a buffer from his property.

Mr. Jackson submitted a letter from Vasilios N. Kopsidas in opposition to this application because of excess traffic on narrow roads, noise and dust problems and safety for children in the area.

At the conclusions of the Public Hearings, the Chairman referred back to this application.

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

Motion made by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to defer action. It was the consensus of the Commission that the staff discuss the creation of a minimum 1.5 acre lot with a minimum 2 acre average to allow a stone road with the applicants.

4. RE: Subd. #95-3--Lucille N. Koon & James J. Riordan

James Riordan, President of Fine Home Builders, 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 46.41 acres into 67 lots, located on the southeast side of Route 285, 3,213 feet southwest of Route 285-A.

Mr. Abbott summarized the Technical Advisory Committee Report of March 15, 1995, and comments received from the State DNREC Delaware Natural Heritage Program, DNREC Wetlands and Subaqueous Lands Section, DNREC Water Supply Section, DNREC Soil Assessment Branch, the United States Department of the Interior Fish and Wildlife Service Prime Hook and Bombay Hook National Wildlife Refuges, and a letter in opposition from Til Purnell.

Mr. Riordan advised the Commission that the developers have just recently found out about the Bald Eagles nesting on site and that they have had discussions with the Fish and Wildlife Service and advised that adjustments may be made to the subdivision layout and requested that the application be deferred.

Mr. Allen advised Mr. Riordan that the hearing will still be held for public comments.

No one was present in support of this application.

Alden Hopkins spoke in opposition with concerns that the Bald Eagle needs to be protected as does other wildlife.

Don Roessler spoke in opposition stating that there is not a need for additional housing in the area, that farmland and wildlife should be preserved, that the site is not in a development district as per the Coastal Sussex Land Use Plan, that the land is designated as prime agricultural land, that the development would affect the habitat of the Bald Eagle, that the development would have an affect on the quality of life, that there would be increases in pollution, that the project would decrease open space, and that there would be increases in traffic.

Mike D'Amico spoke in opposition with concerns that the development would create the loss of habitat of the Bald Eagle and that food sources could become polluted.

Henry Glowiak spoke in opposition with concerns about the Bald Eagle and the loss of farmland, environmental concerns, and that properties in the area should not be developed.

Richard Anthony of the Citizens Coalition spoke in opposition with concerns about the site being in an agricultural district based on the Coastal Sussex Land Use Plan, questioned if the County is going to extend sewer and water to the site, that there is no central water in the area and that fire hydrants would be needed, traffic impacts to the Route 9 tie in, questioned the need of additional lots in the area, advised the Commission that there are 35 subdivisions within a 5 mile radius of this site that have vacant lots, and referenced the recent public housing project that was denied.

Claudia Orr spoke in opposition expressing concerns about the Bald Eagle habitat loss, questioned the need for more housing, and commented on the loss of the quality of life in the area.

Fred Lestic spoke in opposition with concerns about the Bald Eagle and that they should not be disturbed.

Owen Critenten spoke in opposition due to the loss of farmland.

Mr. Riordan advised the Commission that the proposed development has less density than what would be permitted, and that there is a need for additional housing in the area.

At the conclusion of the Public Hearings, the Chairmen referred back to this application.

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

Motion made by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to defer action.

5. RE: Subd. #95-4--Carpentry Unlimited, Inc.

Mark Hudson was present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District and a C-1 General Commercial Zoning District in Dagsboro Hundred by dividing 6.11 acres into 9 lots, located on the south side of Route 20, 1,200 feet southeast of Route 113.

Mr. Abbott summarized the Technical Advisory Committee Report of March 23, 1995, and comments received from the State DNREC Delaware Natural Heritage Program, the DNREC Wetlands and Subaqueous Lands Section, the DNREC Water Supply Section, the DNREC Soil Assessment Branch, and the Delaware Department of Transportation.

Mr. Hudson advised the Commission that he is the contract purchaser of this property, that an entrance permit has been approved, that there will be no water run-off on other properties, and that all recommendations of the Technical Advisory Committee can be met.

Robert Doughty spoke in support of this application stating that Mr. Hudson builds nice homes and questioned if he will still have use of an easement to get to his property.

Mr. Jones advised that Mr. Doughty will still be able to have access from the easement.

Ralph Warren questioned if any water run-off will seep into Betts Pond.

Mr. Hudson advised the Commission that all stormwater will be self contained.

At the conclusion of the Public Hearings, the Chairman referred back to this application.

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

Motion made by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to approve as a preliminary.

III. OTHER BUSINESS

1. RE: Subd. #93-10--Byard Layton

Mr. Abbott advised the Commission that a request for a one year time extension has been received from the developer in order to obtain all agency approvals for final approval for this subdivision.

Motion made by Mr. Ralph, seconded by Mr. Wheatley, and carried unanimously to grant a one year time extension.

IV. OLD BUSINESS

1. RE: Subd. #94-1--Harley R. Hickman

No one 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 49.66 acres into 29 lots, located on the south side of Route 465, 1,500 feet west of Route 479.

Mr. Abbott advised the Commission that the final plat is the same as submitted during the public hearing, that the plan meets the requirements of the subdivision code, and that all required agency approvals and or permits have been received.

Motion made by Mr. Ralph, seconded by Mr. Phillips, and carried unanimously to approve as a final.

2. RE: Subd. #94-2--Papillion Island Trust

No one was present on behalf of this application to consider the Subdivision of land in a MR Medium Density Residential Zoning District in Baltimore Hundred by dividing 11.21 acres into 23 lots, located at the end of Route 50A, 2,600 feet west of Route One, and south of Indian River Bay.

Mr. Abbott advised the Commission that the final plat is the same as submitted during the public hearing, that the plan meets the requirements of the Subdivision Code, and that all required agency approvals and or permits have been received.

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to approve as a final.

Meeting adjourned at 10:00 P.M.

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Motion made by Mr. Wheatley, seconded by Mr. Ralph, and carried unanimously to approve the minutes of March 9, 1995 as amended.

II. PUBLIC HEARINGS

1. RE: C/Z #1255--O.A. Newton & Son Co.

Robert Rider of O.A. Newton & Son Co. and James Fuqua, Attorney, were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential and C-1 General Commercial to LI-2 Light Industrial in Northwest Fork Hundred, located on the south side of Route 584, 250 feet east of Conrail Railroad, to be located on a parcel containing 9.46 acres and 2.79 acres more or less.

Mr. Lank summarized comments received from the Delaware Department of Transportation (DelDOT), the Sussex Conservation District, the Delaware Department of Agriculture, and the Delaware Health and Social Services - Division of Public Health.

Mr. Fuqua stated that the application includes a 50 foot wide right of way that provides access to the parcels, that a railroad adjoins the site to the west, that LI-2 Light Industrial land exist across the railroad and at the intersection of Route 584 and U.S. Route 13, that on-site water and sewer will be provided, that no environmental impacts are anticipated, that no adverse impact is anticipated on Route 584, that fire protection will be provided by the Bridgeville Fire Company, and that the State Police Barracks is across U.S. Route 13 near the site.

Mr. Rider stated that he has received a letter of intent for D & B Products of Easton, Maryland, manufacturers of plastic tubing, showing interest in leasing space for a 3,000 square foot building on the site, that two trucking companies exist adjoining the site, and that a subsidiary of Terra International, a company utilizing space across the railroad, may locate a fencing company on the site.

Mr. Fuqua stated that the use is a natural expansion for growth for the area around Bridgeville, that the site is located in an area designated for a Town Center in the Western Sussex Land Use Plan.

Mr. Fuqua submitted a tax map colored to depict the area and zoning in the area, a copy of a brochure from D & B Products, and a copy of a brochure on fencing materials.

Mr. Rider added that central water and sewer are not available to the site, that no hazardous materials are needed for the intended uses, that no noise or emissions are anticipated from the intended uses, that the wire is woven, not stamped or pressed, that no steam is needed to produce the fencing products, and that at least four employees will be needed for the plastic tubing company.

Charlotte Cannon, an area resident, spoke in opposition and questioned if the Town of Bridgeville needs an Industrial Park, questioned if an Industrial Park is going to be provided for each town or city in Sussex County, and stated that the existing trucking companies do not create a problem, and that the Perdue mill is an agricultural use in an agricultural area.

Ken McIlvaine expressed concerns about drainage, impacts on water quality, sewer, noise, nitrates in the water, and possible expansion of uses.

Claudia Orr questioned the located of the site to a school in Bridgeville.

Mr. Fuqua added that manufacturing uses are strictly regulated by State and Federal regulations for water and air quality, that the Perdue mill is Industrial zoned, not Agricultural, that the trucking business is a quiet use according to the neighbors, and that the site fits into the Town Center concept of the Western Sussex Land Use Plan.

At the conclusion of the public hearings, the Chairman referred back to this application.

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

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the existing Level of Service "A" of Road 584 may change to a Level of Service "B" if the site is developed.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Sassafras sandy loam, that the Sassafras soils are relatively free of limitations or that the limitations are easily overcome, that the developer will be required to follow recommended erosion and sedimentation control practices and to maintain vegetation

after completion of any construction, that the Sassafras soils are considered Prime Farmland, that no storm flood hazard area or tax ditch is affected, and that it may not be necessary for any on-site or off-site drainage improvements.

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The Commission found, based on comments received from the Delaware Health and Social Services Division of Public Health, that since the application indicates that the water d\ served to the site will be supplied by on-site wells light industrial uses will classify this system as a public water supply subject to the requirements of the "State of Delaware Regulations Governing Public Water Systems", and that plans shall be required to be submitted to the Division for review.

The Commission found that the application was presented by a Company spokesman and an attorney that stated that the application includes a 50 foot wide right of way that provides access to the parcels, that a railroad adjoins the site to the west, that LI-2 Light Industrial land exist across the railroad and at the intersection of Route 584 and U.S. Route 13, that on-site water and sewer will be provided, that no environmental impacts are anticipated, that no adverse impact is anticipated on Route 584, that fire protection will be provided by the Bridgeville Fire Company, and that the State Police Barracks is across U.S. Route 13 near the site, that a letter has been received from D & B Products of Easton, Maryland, manufacturers of plastic tubing, showing interest in leasing space for a 3,000 square foot building on the site, that two trucking companies exist adjoining the site, that a subsidiary of Terra International, a company utilizing space across the railroad, may locate a fencing company on the site, that the use is a natural expansion for growth for the area around Bridgeville, that the site is located in an area designated for a Town Center in the Western Sussex Land Use Plan, that central water and sewer are

not available to the site, that no hazardous materials are needed for the intended uses, that no noise or emissions are anticipated from the intended uses, that the wire is woven, not stamped or pressed, that no steam is needed to produce the fencing products, and that at least four employees will be needed for the plastic tubing company.

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Motion by Mr. Wheatley, seconded by Mr. Ralph, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved since other similar zoned properties exist in close proximity.

2. RE: Subd. #95-1--Antonio Nero

Antonio Nero was present on behalf of this application to consider the Subdivision of Land in a GR General Residential Zoning District in Little Creek Hundred by dividing 15.77 acres into 16 lots, located on the west side of Danny Drive, 400 feet north of Nero Lane, and 300 feet south of Nero Lane.

Mr. Abbott summarized the Technical Advisory Committee Report of March 15, 1995, and comments received from the State of Delaware DNREC Delaware Natural Heritage Program, DNREC Wetlands and Subaqueous Lands Section, DNREC Water Supply Section, and DNREC Soil Assessment Branch.

Mr. Nero advised the Commission that he will comply with the recommendations of the Technical Advisory Committee and that the roads will be built and maintained by the State of Delaware.

No one was present in opposition to this application.

At the conclusion of the Public Hearings, the Chairman referred back to this application.

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

Motion made by Mr. Ralph, seconded by Mr. Wheatley, and carried unanimously to approve as a preliminary.

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

Motion made by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to defer action. It was the consensus of the Commission that the staff discuss the creation of a minimum 1.5 acre lot with a minimum 2 acre average to allow a stone road with the applicants.

4. RE: Subd. #95-3--Lucille N. Koon & James J. Riordan

James Riordan, President of Fine Home Builders, 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 46.41 acres into 67 lots, located on the southeast side of Route 285, 3,213 feet southwest of Route 285-A.

Mr. Abbott summarized the Technical Advisory Committee Report of March 15, 1995, and comments received from the State DNREC Delaware Natural Heritage Program, DNREC Wetlands and Subaqueous Lands Section, DNREC Water Supply Section, DNREC Soil Assessment Branch, the United States Department of the Interior Fish and Wildlife Service Prime Hook and Bombay Hook National Wildlife Refuges, and a letter in opposition from Til Purnell.

Mr. Riordan advised the Commission that the developers have just recently found out about the Bald Eagles nesting on site and that they have had discussions with the Fish and Wildlife Service and advised that adjustments may be made to the subdivision layout and requested that the application be deferred.

Mr. Allen advised Mr. Riordan that the hearing will still be held for public comments.

No one was present in support of this application.

Alden Hopkins spoke in opposition with concerns that the Bald Eagle needs to be protected as does other wildlife.

Don Roessler spoke in opposition stating that there is not a need for additional housing in the area, that farmland and wildlife should be preserved, that the site is not in a development district as per the Coastal Sussex Land Use Plan, that the land is designated as prime agricultural land, that the development would affect the habitat of the Bald Eagle, that the development would have an affect on the quality of life, that there would be increases in pollution, that the project would decrease open space, and that there would be increases in traffic.

Mike D'Amico spoke in opposition with concerns that the development would create the loss of habitat of the Bald Eagle and that food sources could become polluted.

Henry Glowiak spoke in opposition with concerns about the Bald Eagle and the loss of farmland, environmental concerns, and that properties in the area should not be developed.

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Claudia Orr spoke in opposition expressing concerns about the Bald Eagle habitat loss, questioned the need for more housing, and commented on the loss of the quality of life in the area.

Fred Lestic spoke in opposition with concerns about the Bald Eagle and that they should not be disturbed.

Owen Critenten spoke in opposition due to the loss of farmland.

Mr. Riordan advised the Commission that the proposed development has less density than what would be permitted, and that there is a need for additional housing in the area.

At the conclusion of the Public Hearings, the Chairmen referred back to this application.

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

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Mr. Abbott summarized the Technical Advisory Committee Report of March 23, 1995, and comments received from the State DNREC Delaware Natural Heritage Program, the DNREC Wetlands and Subaqueous Lands Section, the DNREC Water Supply Section, the DNREC Soil Assessment Branch, and the Delaware Department of Transportation.

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Robert Doughty spoke in support of this application stating that Mr. Hudson builds nice homes and questioned if he will still have use of an easement to get to his property.

Mr. Jones advised that Mr. Doughty will still be able to have access from the easement.

Ralph Warren questioned if any water run-off will seep into Betts Pond.

Mr. Hudson advised the Commission that all stormwater will be self contained.

At the conclusion of the Public Hearings, the Chairman referred back to this application.

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

Motion made by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to approve as a preliminary.

III. OTHER BUSINESS

1. RE: Subd. #93-10--Byard Layton

Mr. Abbott advised the Commission that a request for a one year time extension has been received from the developer in order to obtain all agency approvals for final approval for this subdivision.

Motion made by Mr. Ralph, seconded by Mr. Wheatley, and carried unanimously to grant a one year time extension.

IV. OLD BUSINESS

1. RE: Subd. #94-1--Harley R. Hickman

No one 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 49.66 acres into 29 lots, located on the south side of Route 465, 1,500 feet west of Route 479.

Mr. Abbott advised the Commission that the final plat is the same as submitted during the public hearing, that the plan meets the requirements of the subdivision code, and that all required agency approvals and or permits have been received.

Motion made by Mr. Ralph, seconded by Mr. Phillips, and carried unanimously to approve as a final.

2. RE: Subd. #94-2--Papillion Island Trust

No one was present on behalf of this application to consider the Subdivision of land in a MR Medium Density Residential Zoning District in Baltimore Hundred by dividing 11.21 acres into 23 lots, located at the end of Route 50A, 2,600 feet west of Route One, and south of Indian River Bay.

Mr. Abbott advised the Commission that the final plat is the same as submitted during the public hearing, that the plan meets the requirements of the Subdivision Code, and that all required agency approvals and or permits have been received.

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to approve as a final.

Meeting adjourned at 10:00 P.M.