

MINUTES OF THE REGULAR MEETING OF MARCH 28, 1996

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, March 28, 1996, at 7:30 PM, in the Court of Common Pleas, the Courthouse, Georgetown, Delaware, with the following present:

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

Motion made by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to approve the minutes of March 14, 1996, as circulated.

II. PUBLIC HEARINGS

1. RE: C/U #1150--John E. Spieker, M.D.

John E. Spieker and William Wright, Attorney, were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Lewes and Rehoboth Hundred for Medical Offices on the northeast side of Road 269A, 306 feet northwest of Route 18, located on a parcel containing 3.92 acres more or less.

Mr. Lank summarized comments received from the Delaware Department of Transportation (DelDOT), the Sussex Conservation District, and the Sussex County Engineering Department.

Mr. Lank read letters of no objection from Neal J. and Tilda R. Boyle and Mary Irving, and from Craig A. Karsnitz, Attorney, for Claude and Louise Smarrelli and their daughter Jeannie Wyatt.

Mr. Wright presented the site plan and added that the first phase of development will provide space for three (3) doctors and staff, and that a 6,000 to 6,500 square foot building is proposed.

Dr. Spieker stated that he would be the first doctor to make use of the facility, that he anticipates one additional doctor this year, and one additional doctor next year, that he presently rents an office in Lewes and has an office in Milford, and that the site plan depicts a second building for future use.

Mr. Wright submitted a letter from Wallace P. Townsend, Jr., contract purchaser of the Smarrelli property, referencing his support.

Richard Bryan, Realtor, stated that the use is compatible to the area and to other uses in the area.

Dr. Spieker, responding to questions by the Commission, stated that he presently has six (6) employees which may increase to a maximum of ten (10) employees, that the size of the building will be reduced from the 9,000 square feet on the site plan to 6,500 square feet for phase one, that the stormwater ponds may be relocated, and that since the building is smaller the stormwater pond should be smaller.

Mr. Wright, referencing the Boyle letter, stated that they have no objection to the suggested stipulations.

Mike Tyler, President of the Citizen's Coalition, stated that he has spoken to Neal J. Boyle, and suggest that close attention be paid to drainage, traffic on Road 269A due to the severe curve at Route 18, questioned if an interconnection could be created to the adjoining office complex which has access directly to Route 18, and added that the proposed use is an acceptable use of the property.

No parties appeared in opposition.

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 level of service "A" of Road 269A may change to a level of service "B" assuming development as General Offices.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area or tax ditch is affected, that off-site and on-site drainage improvements may be necessary due to the increase in impervious area (parking lot, building, etc...), that there may be an increase in runoff and an outlet may be required, that the soils are mapped as Sassafras sandy loam and Sassafras loam which have slight limitations, that the applicant shall be required to follow recommended erosion and sedimentation control practices and to maintain vegetation, and that the soil type is considered Prime Farmland.

The Commission found, based on comments received from the Sussex County Engineering Department, that the site is located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, that a six (6) inch lateral has been provided for service, that capitalization fees will be required prior to a

building permit being issued, that capitalization fees will remain in effect until December 28, 1996, and that connection charges will apply if the building permit is not issued before December 28, 1996.

The Commission found that two letters were received from neighboring property owners, who were not objecting to the use, but suggested some conditions of approval relating to setbacks, parking lot lighting, and storm drainage systems and ponding.

The Commission found that the applicant and an attorney were present on behalf of the application.

The Commission found that the attorney, present on behalf of the application, presented the site plan and stated that the first phase of development will provide space for three (3) doctors and staff, and that a 6,000 to 6,500 square foot building is proposed.

The Commission found that the applicant stated that he would be the first doctor to make use of the facility, that he anticipates one additional doctor this year, and one additional doctor next year, that he presently rents an office in Lewes and has an office in Milford, and that the site plan depicts a second building for future use.

The Commission found that the attorney, present on behalf of the applicant submitted a letter from Wallace P. Townsend, Jr., contract purchaser of the Smarrelli property, referencing his support.

The Commission found that a realtor, present in support of the application, stated that the use is compatible to the area and to other uses in the area.

The Commission found that the applicant, while responding to questions by the Commission, stated that he presently has six (6) employees which may increase to a maximum of ten (10) employees, that the size of the building will be reduced from the 9,000 square feet on the site plan to 6,500 square feet for phase one, that the stormwater ponds may be relocated, and that since the building is smaller the stormwater pond should be smaller.

The Commission found that the attorney, responding to the Boyle letter, stated that they have no objection to the suggested stipulations.

The Commission found that the President of the Citizen's Coalition stated that he has spoken to Neal J. Boyle, and suggested that close attention be paid to drainage, traffic on

Road 269A due to the severe curve at Route 18, questioned if an interconnection could be created to the adjoining office complex which has access directly to Route 18, and added that the proposed use is an acceptable use of the property.

The Commission found that no parties appeared in opposition.

Motion by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the following stipulations:

1. The setbacks from adjacent single family property lines to be a minimum of twenty (20) feet, and shall be planted with appropriate screening shrubbery. Existing trees bordering the property shall be left standing.
2. Parking lot lighting shall be shaded from neighboring dwellings.
3. Storm drainage systems, holding pools, drainage ditches, etc... shall be far away from single family dwelling property lines to avoid cellar flooding and well invasion. Changes in the location of storm drainage systems subsequent to Planning and Zoning and Council concurrence shall be resubmitted to the Commission for public input and Planning and Zoning approval.
4. The site plan shall be subject to review and approval by the Planning and Zoning Commission upon receipt of all appropriate agency approvals.

2. RE: C/U #1151--William Blatt

William Blatt was present on behalf of his application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Georgetown Hundred for a Used Car Storage Facility on the south side of Road 295, 1,677 feet east of Road 30, located on a parcel containing 10.00 acres more or less.

Mr. Phillips abstained from participating in this hearing due to a possible conflict of interest.

Mr. Lank summarized comments received from DelDOT and the Sussex Conservation District.

Mr. Blatt stated that he proposes a used car storage facility, that the storage facility is proposed for storage of no more than 30 vehicles, that he will place a privacy fence to shield the vehicles from the neighbors view, that the area was partially cleared in 1987, that drainage is poor at times, that he has owned the property since 1986, and that there are approximately 35 to 40 vehicles on the site.

Mr. Blatt, while answering questions from Commission members, stated that two (2) vehicles were on the site when he purchased the site, that approximately ten (10) on the vehicles are currently registered, that 50 vehicles may be on the site, that the vehicles are stored on the site waiting for vacancy space at his used car sales facility in Georgetown, that the storage area will be centered on the site for spacing from neighbors, that some of the vehicles will be junked, that 80% of the vehicles can be driven away, that most of the vehicles from his Dagsboro site have been moved to the Georgetown site, that he would not object to a stipulation limiting him to three dozen vehicles stored, that he would object to being required to have all vehicles licensed and registered, that he has no intent to create a junk yard at this site, that he does not have enough space at home or at the Georgetown site for storage of the vehicles, that he has been violated at least 3 times at the Dagsboro site and had to appear before the magistrate court and was fined, and that he may have a few vehicles that are not titled.

Chris Beckman, a neighbor, stated that he flew over the site and took pictures ten days ago, that he was concerned about the DelDOT traffic summary, that complaints had been filed in the past to the State Police, that some of the vehicles cannot be taken to junk yards since they have no titles, that the site is not being used for a used car sales facility, it is being used to store used parts, tires, junk vehicles, etc..., that the site appeared to look more like a junk or salvage yard, rather than a storage facility.

Mr. Beckman submitted a Booklet, which included letters and petitions opposing the use, and photographs of the site.

Donna Atkinson, a neighbor, stated that the use is not in compliance with current zoning AR-1 Agricultural Residential.

Sammy Hughes, a neighbor, stated that the zoning ordinance, provided that only two unlicensed vehicles can be stored on the site.

Pam Beckman, a neighbor, read the letter of opposition presented in the booklet.

David Tranberg, a neighbor, stated that the photographs accurately depict the number of vehicles on the site, that the use is not an appropriate use of the property, that the use is an industrial activity, not an agricultural activity, and that if the use is approved the site should be checked for environmental compliance.

Rick Anthony, of the Citizen's Coalition, questioned if this application is for a used car storage facility or a junk yard, and stated that environmental issues need to be addressed, that the use should be required to conform to the Land Use Plan, that the application should go to the Board of Adjustment as a potentially hazardous use, that the applicant appears to be a flagrant violator due to his record of violations at other locations, that the application appears to be a stall tactic, that an order should be sought for a cease and desist, that the vehicles should be ordered to be removed within 30 days, and the site environmentally checked after all vehicles are removed.

Mr. Anthony submitted a copy of his comments.

Harold Johnson, an adjacent farm owner, stated that the applicant has not been a good neighbor, that some of his animals have destroyed some crops, that the applicant's goats destroyed an estimated \$2,500 of hardwood trees, that the applicant was arrested and taken to the magistrate court and found guilty for the damages, and questioned the drainage.

Twenty (20) people were present in opposition to this application.

Mr. Blatt apologized to the residents, and stated that he will remove all of the vehicles immediately, and shall withdraw his 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 public hearing.

Motion by Mr. Lynch, seconded by Mr. Ralph, and carried 4 votes to 1, with Mr. Phillips abstaining, to deny this application based on the record of opposition and Mr. Blatt's statement, on the record, that he would withdraw his application.

3. RE: C/Z #1277--Steven Seipp

Steven Seipp and Joseph Conaway of Consultant's Unlimited were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Broad Creek Hundred, located on the east side of Route 13, 200 feet north of Road 482, to be located on a parcel containing 4.92 acres more or less.

Mr. Lank summarized comments received from DelDOT and the Sussex Conservation District.

Mr. Conaway submitted a brochure on behalf of the application. The brochure contained a small tax map depicting commercial uses and zoning in the immediate area, a survey of the site, a small copy of the Western Sussex Land Use Plan - Proposed Land Use Plan Map, Land Development Potential Map, Critical Natural Areas Map, Floodplain Map, General Soils for Agriculture Map, Police and Fire Protection Map, several pages from the Western Sussex Land Use Plan, a copy of the Support Facilities Report from DelDOT, and a portion of the National Wetlands Inventory Map for the area.

Mr. Conaway stated that the applicant plans to relocate his retail business from Road 483 to this site, that the use will include building supplies and lumber, and an office for his rental business, that several commercial uses exist in the area, that the use is in keeping with the land use plan, and that the site is located in a development district where development has the highest potential.

Mr. Seipp stated that he has been in the lumber business for 22 years, that the building is proposed to be located on the north side of the site, that the building will contain approximately 10,000 square feet, that they will be offering windows, doors, kitchen cabinets, and other lumber materials, that he presently employs 4 people, that he anticipates at least 2 additional employees with the expansion, that the only outside storage will be some shingles and roofing material, that the existing facility on Road 483 will continue to be used for storage, that the business will be smaller, but similar to 84 Lumber, that a sign will be necessary along Route 13, and that the business will be in operation from 8:00 AM to 5:00 PM 6 days per week, with no Sunday hours.

Mr. Conaway submitted some suggested finding of facts.

No parties appeared in opposition.

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, that the level of service "B" of Route 13 may change to a level of service "C", and that the level of service "A" of Road 482 may change to a level of service "C" assuming development of the site for discount shopping.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area or tax ditch is affected, that it may be necessary for some on-site and off-site drainage improvements due to the level of topography since water appears to collect in some spots, that the soils are mapped as Evesboro loamy sand and Klej loamy sand, that the Evesboro soils have slight limitations, that the Klej soils have both slight and moderate limitations, that the applicant shall be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation after completion of any construction, and that the farmland rating of the soil types are of Statewide Importance.

The Commission found that the applicant and a consultant were present.

The Commission found that the consultant submitted a brochure on behalf of the application and that the brochure contained a small tax map depicting commercial uses and zoning in the immediate area, a survey of the site, a small copy of the Western Sussex Land Use Plan - Proposed Land Use Plan Map, Land Development Potential Map, Critical Natural Areas Map, Floodplain Map, General Soils for Agriculture Map, Police and Fire Protection Map, several pages from the Western Sussex Land Use Plan, a copy of the Support Facilities Report from DelDOT, and a portion of the National Wetlands Inventory Map for the area.

The Commission found that the consultant stated that the applicant plans to relocate his retail business from Road 483 to this site, that the use will include building supplies and lumber, and an office for his rental business, that several commercial uses exist in the area, that the use is in keeping with the land use plan, and that the site is located in a development district where development has the highest potential.

The Commission found that the applicant stated that he has been in the lumber business for 22 years, that the building is proposed to be located on the north side of the site, that the building will contain approximately 10,000 square feet, that they will be offering windows, doors, kitchen cabinets, and other lumber materials, that he presently employs 4 people, that he anticipates at least 2 additional employees with the expansion, that the only outside storage will be some shingles and roofing material, that the existing facility on Road 483 will continue to be used for storage, that the business will be smaller, but similar to 84 Lumber, that a sign will be necessary along Route 13, and that the business will be in operation from 8:00 AM to 5:00 PM 6 days per week, with no Sunday hours.

The Commission found that the consultant submitted some suggested finding of facts.

The Commission found that no parties appeared in opposition.

Motion by Mr. Wheatley, seconded by Mr. Ralph, and carried unanimously to defer action.

4. RE: C/Z #1278--Thomas S. Dale

Thomas Steven Dale and David Rutt, Attorney, were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to HI-1 Heavy Industrial in Cedar Creek Hundred, located on the east side of Route 213, approximately 1.02 miles north of Route 207, to be located on a parcel containing 9.60 acres more or less.

Mr. Allen, abstaining from participating due a possible conflict of interest, turned the chair over to Mr. Ralph, Vice-Chairman.

Mr. Lank summarized comments received from DelDOT and the Sussex Conservation District.

Mr. Rutt stated that the rezoning is requested to allow for expansion of an existing salvage yard, that the site is across the railroad from an existing site operated by the applicant, and that the majority of the existing site is paved.

Mr. Rutt submitted a copy of the deed to the property.

Mr. Dale stated that he is the owner/operator of D & D Dismantling, a metal salvage company, that the company collects large metal scrap throughout Delaware, that the company maintains 50 to 60 accounts, that the company picks up materials in containers, transfers the materials to the site and then ships the materials to steel plants elsewhere, that he proposes to construct a concrete slab with an oil/water separator system, that the system collects and filters runoff from the slab, that the slab will measure approximately 150' by 200', that he understands that he will have to apply to the Board of Adjustment for the facility, that the company concentrates on accounts within 100 miles of the site, that he presently employs 22 people, that the expansion will provide for at least 6 additional jobs, that access to the site is from a private road from Road 213, that over the last ten years several commercial/industrial uses have expanded along the railroad, that no adverse impact is anticipated on traffic, property values, or the neighborhood, that he has no immediate plans to build any additional buildings, that the company is licensed to do underground storage tank

removal, that the slab and oil/water separator system are his desires, not requirements of any agencies, that the railroad is not necessary for his use, that the company maintains 14 vehicles including roll-ups and tractor-trailers, and that presently the company has 42 containers for collecting metals at different locations throughout the area.

Mr. Dale submitted six (6) letters of no objection from area residents and a copy of a Phase 1 Environmental Inspection Report by Frederick C. Schierbaum, Environmental Inspector.

Thomas Jester, a neighbor, questioned the actual intent and after hearing the presentation, stated that he had no objection to the rezoning.

No parties appeared in opposition.

At the conclusion of the public hearings, Mr. 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 level of service "A" of Road 213 may change to a level of service "B" assuming development as a General Light Industry.

The Commission found, based on comments received from the Sussex Conservation District, that no storm flood hazard area or tax ditch is affected, that it may be necessary for some off-site drainage improvements due to increased runoff from the site, that there is a low area on the west side of the site which may collect water unless some type of drainage is provided, that the soils are mapped as Evesboro loamy sand and Rumford loamy sand, that both soil types have slight limitations, that the applicant shall be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation after completion of any construction, and that the farmland rating of the soil types is of Statewide Importance.

The Commission found that the applicant and an attorney were present on behalf of the application.

The Commission found that the attorney stated that the rezoning is requested to allow for expansion of an existing salvage yard, that the site is across the railroad from an existing site operated by the applicant, and that the majority of the existing site is paved.

The Commission found that the applicant stated that he is the owner/operator of D & D Dismantling, a metal salvage company, that the company collects large metal scrap throughout Delaware, that the company maintains 50 to 60 accounts, that the company picks up materials in containers, transfers the materials to the site and then ships the materials to steel plants elsewhere, that he proposes to construct a concrete slab with an oil/water separator system, that the system collects and filters runoff from the slab, that the slab will measure approximately 150' by 200', that he understands that he will have to apply to the Board of Adjustment for the facility, that the company concentrates on accounts within 100 miles of the site, that he presently employs 22 people, that the expansion will provide for at least 6 additional jobs, that access to the site is from a private road from Road 213, that over the last ten years several commercial/industrial uses have expanded along the railroad, that no adverse impact is anticipated on traffic, property values, or the neighborhood, that he has no immediate plans to build any additional buildings, that the company is licensed to do underground storage tank removal, that the slab and oil/water separator system are his desires, not requirements of any agencies, that the railroad is not necessary for his use, that the company maintains 14 vehicles including roll-ups and tractor-trailers, and that presently the company has 42 containers for collecting metals at different locations throughout the area.

The Commission found that the applicant submitted six (6) letters of no objection from area residents and a copy of a Phase 1 Environmental Inspection Report by Frederick C. Schierbaum, Environmental Inspector.

The Commission found that a neighbor questioned the actual intent and after hearing the presentation, stated that he had no objection to the rezoning.

The Commission found that no parties appeared in opposition.

Motion by Mr. Lynch, seconded by Mr. Wheatley, and carried with 4 votes, with Mr. Allen abstaining, to forward this application to the Sussex County Council with the recommendation that it be approved.

III. OTHER BUSINESS

1. RE: Lowe's

The Commission reviewed a preliminary commercial site plan for a 148,298 square foot retail sales and display store on 17.50 acres at the intersection of Route One and Route 9 and Road 275.

Mr. Abbott advised the Commission that the setbacks meet the requirements of the zoning code, that required parking and loading spaces are provided, that the plan references a future expansion area and parking area, that there is a twenty foot buffer from Route One that will have landscaping as required by the Highway Corridor Overlay Zone Ordinance, that the islands in the parking lot will have shrubs planted, that the height of the building as submitted will need a variance from the Board of Adjustment, that water to the site will be provided by Tidewater Utilities, that the sewer will be provided by Sussex County, summarized a letter from DelDOT stating that they will not comment on the site until they have received and reviewed a traffic impact study, and summarized a letter received from the developer requesting that preliminary approval be granted subject to receiving favorable comments from DelDOT.

Mr. Lank advised the Commission that DelDOT is requesting a traffic impact study because the size of the development is being enlarged from what was originally approved for the site.

Bill Lingo of Jack Lingo Realtor advised the Commission that the entrance on Route One was approved for a shopping center, that the entrance on Route One was designed and approved by DelDOT, that the shopping center was approved to be located on 23 acres, that this site is for 17.50 acres, that the developers contacted a realtor for a site, that the existing site cannot be expanded due to wetlands on the adjoining site, that a site across from the Midway Shopping Center is not large enough, that the existing store cannot meet the demands on the consumer's use, and that this site would be the best suitable site to serve the needs of the area.

Louis Young of Columbia Engineering advised the Commission that this site is 17.50 acres, that there are 5 to 6 parking spaces per 1,000 square feet of retail space, that there will not be any display areas in the parking area because they have an area set aside for display, that the existing store has 50,000 square feet with 156 parking spaces, that all lumber at the proposed site will be stored inside, that the site plan meets the requirements of the zoning code, that there are no wetlands on this site, that environmental studies have been conducted on this site, that DelDOT should approve the entrance locations and they are unaware of what road improvements will be required, that filling will be done along Route One, that the stormwater management area is being enlarged, that there is an existing entrance and exit on Route One which is a major arterial road, that no other ingress or egress is proposed for Route One, and that the plan should receive preliminary approval if the Commission feels that the plan is viable.

Brian Dempsey, traffic engineer, advised the Commission that they are in the process of meeting with DelDOT, that the traffic impact study has not been completed yet, that the entrance on Route One should be adequate, that the traffic impact study review should be completed within one to one and a half months after being submitted to DelDOT, and that traffic counts will be conducted at the following intersections: Route One and Route 9, Route 9 and Road 285B, Road 285B and Road 275, Road 275 and Route 24, Road 276 and Route One, and Road 275 and Road 276.

Mabel Granke, a resident of Rehoboth Beach and member of the Citizens Coalition, advised the Commission that she is opposed to the site plan until DelDOT comments about the traffic impact study, that the existing level of service for the intersection of Route One and Route 9 is an "F" which creates gridlock during peak hours, that other projects have been deferred pending DelDOT comments, that there is no need for this type of store for the area, and questioned why Ordinance No. 768 is not being complied with.

Mr. Schrader stated that Ordinance No. 768 does not have to be used with this project since it is one building on one parcel and questioned where the service road would come from and what would it serve.

Mike Tyler, President of the Citizens Coalition, advised the Commission that this site plan should be referred to the Technical Advisory Committee for review as was the case with Wal-Mart, that a store this size would attract customers from a thirty mile radius and that this would have negative impacts to the existing traffic problems.

Rich Anthony, a member of the Citizens Coalition, advised the Commission that Route One and Route 9 presents safety problems, that the entrance is serving a larger store than originally planned, and questioned if there would be deceleration lanes.

Motion made by Mr. Phillips, seconded by Mr. Lynch, and carried unanimously to defer action until DelDOT comments about the traffic impact study are received.

2. RE: H. Robert Hickman

The Commission reviewed a waiver request for the construction design of the parking and interior drive requirements for a commercial site plan on Road 462.

Mr. Abbott advised the Commission that the zoning code requires that parking areas greater than ten spaces be required to have a minimum of two courses of bituminous treatment, and that the developer is requesting to be allowed to stone the parking area and interior drive. There are 14 parking spaces for this site.

Motion made by Mr. Ralph, seconded by Mr. Lynch, and carried unanimously to approve the waiver request.

3. RE: Baywood MHP

Danny Morris of Coast Survey was present as the Commission reviewed the preliminary site plan for C/U #1034, a 726 lot manufactured home park on Route 24, Route 23 (Long Neck Road), and Road 298.

Mr. Abbott advised the Commission that the maximum number of lots is 726, that the project has received two time extensions, that the time extension is valid until February 8, 1997, that the project will be developed in six phases, that phase one consist of 151 lots, the main collector street within the park, and the golf course and clubhouse, and that all stipulations imposed by the County Council shall be labeled on the final site plan.

Mr. Lank advised the Commission that the boundary of the conditional use shall be included on the final site plan.

Motion made by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to approve the site plan as a preliminary with the stipulations that all stipulations be referenced on the final site plan and that the boundary of C/U #1034 be referenced on the final site plan.

4. RE: Jay and Caroline Hauck

The Commission reviewed a concept to create a fifty foot easement for access to a parcel off of Road 84.

James Fuqua, Attorney, and Jay Hauck, owner, were present and advised the Commission that Mr. Hauck developed Willow Creek Subdivision, a three lot subdivision with a fifty foot road, that Mr. Hauck sold two lots and the right of way but thought he still had access from the road, that the other land owners do not want Mr. Hauck using the existing road, that there is a temporary restraining order that allows for access for forty five days, and that Mr. Hauck is requesting to create a fifty foot easement across another lot that he owns to serve as access for the rear lot.

Motion made by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to approve the fifty foot easement which will be stoned and maintained by Mr. Hauck.

IV. OLD BUSINESS

1. RE: Subd. #95-11--Paul F. Hinson

No one was present as the Commission considered the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Nanticoke Hundred by dividing 9.00 acres into 7 lots, located 640 feet north of Route 18, 1,275 feet southeast of Road 42.

Mr. Abbott advised the Commission that this application was deferred at the September 28, 1995 meeting to determine if the applicant had access to Collins Street, that the staff has received confirmation from DelDOT that Mr. Hinson does have access to Collins Street, and that the plan has been revised to meet the requirements of the Subdivision and Zoning Codes, and that the streets will now be built to county specifications.

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

2. RE: C/U #1104--Eileen McCaffery

Mr. Lank advised the Commission that a request for a time extension has been received for this application, that the application is for an expansion to a campground, and that the one year period to begin construction would expire today.

Motion made by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to approve a one year time extension.

Meeting adjourned at 10:40 PM.