

MINUTES OF THE SPECIAL MEETING OF MARCH 29, 2001

A special meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, March 29, 2001, in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 P.M. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Gordy, Mr. Johnson, Mr. Lynch, Mr. Wheatley, with Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Assistant Director.

Motion by Mr. Wheatley, seconded by Mr. Johnson, and carried unanimously to approve the agenda as circulated.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to approve the Minutes of March 22, 2001 as corrected.

Mr. Schrader explained how the Public Hearings would be conducted.

IV. PUBLIC HEARINGS

C/U #1386 - application of **HOMESTEAD CAMPING, INC. C/O WILLIAM PRETTYMAN** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an expansion to an existing campground to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 14.16 acres, more or less, lying northeast of Road 254 (Prettyman Road), 0.5 mile southeast of Road 255 (Pettyjohn Road).

The Commission found, based on comments received from the State Department of Transportation (DelDOT) dated August 24, 2000, that the annual average daily traffic on Sussex Road 254 between U.S. Route 9 and Delaware Route 30 is 813 vehicles per day, based on a 1999 traffic count; that a traffic impact study was not recommended; and that the present level of service "B" of Sussex Road 254 will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Keyport fine sandy loam, Rumford loamy sand, Sassafras sandy loam, and Woodstown sandy loam; that the Keyport soils have slight to severe limitations; that the Rumford and Sassafras soils have slight limitations, and that the Woodstown soils have slight to moderate limitations; that the applicant shall be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after completion of construction; that the Keyport and Rumford soils are considered of Statewide Importance; that the Sassafras soils are considered Prime Farmland; that there are no storm flood hazard areas or tax ditches affected; that it may not be necessary for any off-site drainage improvements; and that it may be necessary for some on-site drainage improvements since there are a few concave

areas that may collect runoff during storm events and because of compacted soils after construction; runoff may perch on the surface for a period of time.

The Commission found that William Prettyman was present and stated in his presentation, and in response to questions raised by the Commission, that he proposes to add approximately 100 additional camping sites to his existing 158 site campground; that some of the sites are larger than the existing sites to accommodate motorhomes towing vehicles; that the closest site to Road 254 is approximately 218-feet; that landscape screening and fencing are proposed; that the streets will be improved with 3/4 inch stone; that the campground has existed since 1974; that some of his clients have purchased land in the immediate area and have built homes; that the campground is open from May 1 through September 30 each year; that there are no clients living in the park full time; that a large recreational hall exists in the existing campground that will also serve the expansion area; that a 100-foot wide buffer will be retained between the existing and proposed sites; that septic systems are located within the buffer areas; that the existing campground has been designed to hook-up 5 units per septic system; that a 75-foot deep well with a 3.0 horsepower pump exists in the existing campground; that an additional well will be drilled to serve the expansion area; that tables and concrete pads will be located on each site; that a sewerage dump facility exists in the existing campground for those campers using their own systems; and that he is not aware of any opposition to this proposal.

The Commission found that Elaine Tieman and Ken Sinagren were present in opposition to this application and expressed concerns relating to traffic, anticipated increased traffic, speed limits, children's safety, density, the type of clientele, impacts on property values, impacts on the neighborhood, and stated that the project is well controlled now, but questioned if the control will continue if the project is sold to another developer.

At the conclusion of the Public Hearings, the Commission discussed the points and issues raised during the Public Hearing.

Motion by Mr. Johnson, seconded by Mr. Gordy, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the understanding that the site plan shall comply with the Zoning Ordinance and with the stipulation that the site plan shall be subject to review and approval by the Planning and Zoning Commission.

Vote carried 5 - 0.

C/Z #1427 - application of **BALSAMO NORINO PROPERTIES, LLC.** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a MR Medium Density Residential District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, land lying south of Route 54, 300 feet west of Keen-Wik Road, to be located on 19.61 acres, more or less, of a 22.02 acre tract.

The Commission found, based on comments received from DelDOT, that a October 23, 2000 letter has been superceded by a November 8, 2000 letter which references that the October letter was correct with regard to the traffic impact study and the Department's review of the traffic impact study; that it did not properly convey the Department's position on the rezoning; that since the Department's role is advisory, it is incumbent on the Department's part to provide a technical response consistent with the Department's agreement with the County; that it should not be to determine whether a rezoning is appropriate or not, with the exception that when a rezoning results in unacceptable results per that agreement, the Department will express an objection; that in the future, the Department will adhere to this approach; that the site is located in a Multimodal Investment Area with respect to the State Long Range Transportation Plan; that generally, development can be appropriate in this type of area if provisions are made for multiple modes of travel, including automobile, mass transit, bicycle and pedestrian traffic; that the Route 54 corridor between Fenwick Island and Zion Church Road (Road 382) is an unusual case since it lies in the heart of the Inland Bays, an area that is environmentally fragile, sensitive to over development and one of the few remaining natural treasures in the State that deserve protection; that Route 54 is one of the few designated evacuation routes for people leaving the barrier island in case of emergencies, such as hurricanes; that as development occurs on and around Route 54, we continue to stress the Inland Bays ecosystem and incrementally eat away at what little capacity exists in the Route 54 corridor; that since improvements in this portion of the Route 54 corridor, which are intended to start next year, are designed to add capacity in the corridor, as supported by the community and the County, it is imperative that added development in the corridor be addressed in light of its impact on the Inland Bays and the capacity of Route 54; that the traffic impact study indicates that generally acceptable levels of service currently exist at the study area intersections and would exist in the future after the site is complete, with two exceptions; that those exceptions are the northbound left turns entering westbound Route 54 at the site access and at Sunny Winters Drive, the entrance to Fenwick Farms Subdivision; that both of these movements reach unacceptable delays and the traffic impact study offers no mitigation in their regard; that the letter referenced: the Projects Description and Background; the Statewide Long Range Transportation Plan; the Shaping Delaware's Future documents; DelDOT Contract No. 96-112-01 for Route 54 from Keen-Wik Road to Bridge 3-437; Trip Generation; an Overview of the Traffic Impact Study; Changes in Highway Capacity Manual and Software; Intersections Analyzed in the Traffic Impact Study, which included Sunny Winters Drive and Route 54, Keen-Wik Road (Road 58C and Route 54, and the Site Entrance and Route 54;

Transit, Bicycle and Pedestrian Facilities; and Conclusions and Recommendations; that the Conclusions and Recommendations referenced: that Route 54 in this area is extremely congested on summer weekends; that the Department is opposed to rezoning that would result in increased traffic on that road during these times; that the traffic impact study and the Department's review conclude that certain movements within two of the study area intersections along Route 54 are expected to operate unacceptably; that the level of service of those movements is a result of the delays that will be experienced by the minor street left turns; that actual volumes for those movements are significantly lower than the major through volumes and it remains the Department's intention to minimize the impact of side street traffic on Route 54; that the poor levels reached by those specific movements, while unacceptable per the Department's agreement with the County, may be acceptable if maintaining an acceptable standard on Route 54 is the goal; that there appears to be no feasible action that would alleviate the delays experienced by traffic turning left onto Route 54; that the delays would be acceptable for traffic turning left from Route 54; that if the proposal could be restricted to the number of units under current zoning, the weekend traffic associated with the additional units would be mitigated; that since the decision of the County will impact a portion of the roadway system maintained by the Department, should the County choose to approve this rezoning or some modification of the rezoning, there are some intersection, site access, bicycle and pedestrian improvements that the County should require as a part of its approval; that it is incumbent on the Department, since its role is advisory, to seek these improvements even though the Department is opposed to this rezoning because the ultimate decision lies with the County; that these improvements, while not providing the level of service standard required, it will help to mitigate the impact on the roadway system should other than a denial be approved by the County; that if the County approves the rezoning it might be possible, depending on the timing, to add improvements to the Contract on Route 54 at the developer's expense; that doing so would reduce the amount of time that the traveling public would encounter construction on Route 54 and it would generally improve the appearance of the finished product because only one contractor would be involved; that improvements should be incorporated into the site plan, reflected on the record plan, and be completed prior to the issuance of any certificates of occupancy; that the needed improvements include: 1) The provision of separate eastbound and northbound right turn lanes at the Route 54 and Keen-Wik Road intersection, which would require additional widening in addition to that proposed in the Route 54 contract; 2) Construction of the site access driveway and separate turn lanes for traffic entering the site, which would require additional widening in addition to that proposed in the Route 54 contract; 3) Construction of sidewalks along the frontage of the site and beyond the site to Sunny Winters Drive, Keen-Wik Road and the Mallard Lakes development; 4) Installation of a painted crosswalk and pedestrian signals at the intersection of Route 54 and Keen-Wik Road; 5) Construction of a network of sidewalks connecting all developed portions of the site to each other and Route 54; 6) Provisions of bicycle parking or locker

facilities; 7) Provisions of such school bus accommodations as may be desired by the Indian River School District; and that the developer should submit entrance plans to the Department as soon as possible if the rezoning is approved.

The Commission found, based on comments received from the Delaware Office of Planning Coordination, that the site is located within the Environmentally Sensitive Developing Areas on the State's 1999 Strategies for State Policies and Spending Map; that lands near the Inland Bays are experiencing a variety of environmental problems because of development pressure; that this part of the County is both vulnerable to the effects of development and attractive to development; that in such areas the State's policy will be to seek a balance between resource protection and sustainable growth; that the Office concurs with DelDOT comments; that according to the State DNREC the soils in the vicinity of the site are mapped as Fallsington, which is a poorly drained hydric soil indicative/diagnostic of wetland environments and has severe limitations for development; that natural wetland environments and their associated vegetation are vital for mitigation of nutrient and sediment runoff; that recent adoption of federally mandated Total Maximum Daily Loads (TMDL's) as a nutrient-runoff mitigation strategy increases the urgency to protect all remaining wetlands; that the applicant should be reminded that they must avoid construction/filling activities in those areas containing wetlands associated with hydric soils, as they are subject to regulatory provisions of the Federal Clean Water Act 404 Program; that the State DNREC further noted that there is one Leaking Underground Storage Tank site located near the proposed project, and that should any petroleum-contaminated soil be discovered during construction the Underground Storage Tank Branch should be notified as soon as possible; that there is a high potential for prehistoric archaeological sites in the area, according to the State Historic Preservation Office; that this project may adversely affect historic properties; that the State Historic Preservation Office is willing to work with the developer to minimize the effects; that the State notes that the proposed use, multi-family structures, is out of character with the existing adjacent uses, at an intensity much greater than would otherwise be allowed under the existing zoning classification, and greater than the density permitted by the County in other recent approvals in the area; that the County should consider the cumulative effects of this application and others that have been proposed recently; that the project is proposed to be built on a site with large acreage of wetlands, with soils that are not conducive for development, and within close proximity to sensitive waters of the Inland Bays watershed; that the State objects to this proposal to rezone the property and the proposed Conditional Use on the same site; and that the State request that the proposal be denied.

The Commission found, based on comments received from the County Engineering Department's Planning and Permits Division, that the site is located in the Fenwick Island Sanitary Sewer District; that the system design assumption for the District has been established as a maximum of 4 EDU's per acre; that there is currently capacity available

for the proposed project, however, the South Coastal Area Planning Study (SCAPS) report identified long term concerns for this portion of the system; that temporary limits may be placed on the number of units connected if flows exceed the pipeline capacity; that the project will be required to be built to Ordinance No. 38 standards; that the current System Connection Charge Rate is \$2,389.00 per EDU; that there is no existing connection point for this portion of the parcel; that the property owner must contact the Utility Construction Division to have a connection point installed; that connection must be made to the 21-inch gravity pipeline in Route 54; and that conformity to the South Coastal Area Planning Study, or undertaking an amendment, will be required.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Evesboro loamy sand, Fallsington loam, Pocomoke sandy loam, Rumford loamy sand, and Woodstown sandy loam; that the Evesboro and Rumford soils have slight limitations; that the Woodstown soils have slight to moderate limitations; that the Fallsington and Pocomoke soils have severe limitations; that the applicant shall be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after construction; that the Evesboro, Fallsington, Pocomoke, and Rumford soils are considered to be of Statewide Importance; that the Fallsington, Pocomoke, and Woodstown soils are considered to be Prime Farmland; that the Evesboro soils are considered a Hydric soil in small depressions; that the Woodstown soils are considered a Hydric soil in depressions; that the Fallsington and Pocomoke soils are considered Hydric soils; that a storm flood hazard area may be affected since the site is adjacent to tidal areas that may flood during storm events and high tides; that no tax ditches are affected; and that it may be necessary for some on-site and off-site drainage improvements because of the increase in the impervious area and the presence of poorly drained and very poorly drained soils, and since water may pond on the surface for extended periods of time without drainage improvements.

The Commission found that Shirley Price, State Representative of the 38th District, wrote a letter expressing her concerns that the proposal would significantly increase the traffic on Route 54, an already overcrowded roadway; that while the State will be making improvements to Route 54 to negate the flooding issue, it will not increase the capacity of the roadway; that Route 54 is a designated evacuation route and the safety of the residents should be our first concern; that this proposal would not be compatible with the developments on the south side of Route 54; that this area is comprised of single family homes; that the people in the area would support single family units, not multi-family units; expressing that the application should be denied unless the developer provides something smaller and more compatible with the surrounding area; and that safety and neighborhood concerns should be considered as a part of the decision making.

The Commission found that Peg Baunchalk, Mayor of the Town of Fenwick Island, wrote a letter expressing the Town's concerns that the proposal has an unacceptable density in this critical environmental area; that the text and maps provide limited information; that maps submitted show that there is a walkway proposed to be constructed in the wetlands, and noted that there is no apparent application for such construction with the State DNREC; that there is no stormwater plan and that the large area of assumed asphalt parking area may well flood the inclusive wetlands and destroy critical habitat area; that the application does not address the potable water source, wastewater treatment, fire and rescue plans, or entry and egress availability; that traffic delays and increased traffic from the project will certainly spill over and affect the residents already established on Route 54; that any increase in traffic will affect the evacuation of the beach areas in times of severe storms; that some of the proposed units will be vacation homes and therefore will be an impact on the already crowded beaches where it is difficult to provide qualified life guards for the entire summer season and to provide parking at or near the beach; and that the Town of Fenwick Island opposes this application for rezoning and the Conditional Use for multi-family dwellings.

The Commission found that letters of opposition were received from the Keenwick West Property Owners Association, Dennis F. Johnson and Sharon Lea Johnson, the Board of Governors of Keenwick on the Bay; Emma and Wright Phillips, Pete Keenan, Gloria Reed, Harry B. Reed, and Leon and Geraldine Greene expressing concerns that the proposal is far denser than would be allowed under current zoning and considerably denser than should be allowed for the area; concerns about the effects on the wetlands on the site; the adverse impact on traffic and noise; drainage into Roy Creek and its tributaries; that the density is greater than the density approved for Americana Bayside; that wetlands should not be included in calculation of density; that development should be limited to the density permitted under present zoning; that high density development will be out of character with the area; that the wetlands delineation has not been verified by the U.S. Army Corps. of Engineers; that traffic flow during evacuation procedures, sewage requirements, and water supply requirements may severely affect the adjoining communities; and that the proposed rezoning and Conditional Use proposal should be denied.

The Commission found that a petition in opposition was received which expressed the same concerns as the letters of opposition, and that the petition contained 56 signatures.

The Commission found that Steve Parsons, Attorney, was present with Joseph Balsamo, and stated in his presentation and in response to questions raised by the Commission that he is surprised at the opposition since the site is located in the Development District, a growth area proposing 4 dwelling units per acre, according to the Comprehensive Plan; that sewer capacity is available according to the County Engineering Department; that the Comprehensive Plan states that the goal of the County is to have future growth occur

around existing towns and in designated Development Districts, and that since central wastewater facilities exist or are planned, higher densities are appropriate; that Governor Minner's "Livable Delaware" proposal references that growth should occur in growth areas; that the site is surrounded by MR Medium Density Residential zoning and areas of higher density, therefore the rezoning proposal will be consistent with the area since it conforms to the zoning of developments immediately adjacent; that property values should not be affected; and that no additional B-1 Neighborhood Business zoning is requested.

The Commission found that David Jamison, Professional Engineer and Traffic Consultant, was present and stated that he performed the traffic impact study per the guidelines of DelDOT; that the October 23, 2000 letter from DelDOT warranted no impacts and made 7 recommendations; that the traffic impact study included references to expansion of the B-1 Neighborhood Business site; that the application does not include any B-1 Neighborhood Business expansion and therefore reduces the traffic originally anticipated from 135 trips to 65 trips; that the November 8, 2000 letter with revisions was based on a directive from past Secretary of Transportation Canby and is contrary to the intent and spirit of a traffic impact study; that the traffic impact study was performed on Saturday, June 24, 2000, from 10:00 A.M. to 2:00 P.M.; that the counts have to be performed during summer months at mid-day peak hours; that the month chosen would not create a large percentage difference; that traffic leaving the site heading west would be backed up; that the traffic counts indicated that the peak hour was 10:45 A.M. to 11:45 A.M.; and that he selected the date with DelDOT's approval.

The Commission found that Tom Ford of Land Design, a Landscape Architect, was present and described the surrounding developments of Keen-Wik, Fenwick Farms, and Mallard Lakes; and stated that the B-1 Neighborhood Business portion of the site will remain B-1; that the B-1 area was approved approximately 12 years ago; and that he did not design a single family subdivision plan for the parcel to show the number of lots, he only calculated the number of units.

The Commission found that Merle Layton, a Licensed Real Estate Broker and Agent, was present and stated that he has been a licensed agent since 1983 and a licensed broker since 1988; that he anticipates no negative impact on property values by this project since multi-family development exists across Route 54; and that property values should increase if the property is improved with the removal of the poultry houses.

The Commission found that Joseph Balsamo was present and stated that he agrees with the comments of his witnesses; that the property is surrounded by MR Medium Density Residential zoning; that he should be allowed to develop the site as MR Medium Density Residential; that he purchased the property 3 years ago with the intent to develop it; that he knew that the zoning was AR-1 Agricultural Residential when he purchased it; that he

owns properties in Fenwick Island; that he owns both commercial and residential projects; and that he leased the commercial properties to business tenants.

The Commission found that Mr. Parsons concluded his presentation by stating that the Comprehensive Plan should be considered when the Commission makes a decision on this application; that the project is surrounded by MR zoning; that the site is in a Development District; that the Governor has stated that development should take place in growth areas; that DelDOT's changes in comments are totally perplexing; that no additional B-1 is proposed; and requested that the application be approved.

The Commission found that Rick Anthony, on behalf of the Sierra Club, Tom Sharp, Dennis Johnson, Rick Eakle, Stan Randall, Carl Alesi, Terri Usuki, and Harry Hahon, of the 25 people present in opposition, expressed concerns relating to the doubling of the density in a flood plain and an evacuation area; public safety concerns; the cost to the County and the State for infrastructure; some of DelDOT comments and references; that the MR zoning does not comply with the Comprehensive Plan; questioning the need for rezoning when there is no need for additional lots; that the Citizens Coalition supports the comments from the Sierra Club; that the multi-family use is not compatible with the community; that area residents would not object to a single family dwelling project; that the developer purchased the property knowing that it was zoned MR; that no high density developments exists on the south side of Route 54; traffic problems on Route 54; concerns about the impacts on wetlands and the Inland Bays; the impact on wildlife in the area; the loss of habitat for the wildlife; that denial of the MR zoning eliminates the Conditional Use; and that Save Our Coastal Communities group also opposes the applications.

The Commission found that Nathan Hayward, Secretary of the Department of Transportation, was present and stated that he has listened to the testimony and has read the traffic impact study; discussed briefly Governor Minner's "Livable Delaware" statement; noted that the site is located in an environmentally sensitive area, and that just because the site is in a developing area does not mean that it needs to be rezoned or developed; noted that the State Land Use Coordination Act considers land use plans; that he asked William Brockenbrough of DelDOT about the changes in the October 2000 letter to the November 2000 letter, and that Mr. Brockenbrough stated that he was concerned about the traffic impact on the area, and that 2 intersections referenced as level of service "E" are failing; noted that the existing zoning should be acceptable; noted that the Office of State Planning Coordination letter referenced concerns from the State DNREC; and noted that increased density increases traffic at the site and on Route 54.

At the conclusion of the Public Hearings, the Commission discussed the points and issues raised during the Public Hearing.

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

Vote carried 5 - 0.

C/U #1391 - application of **BALSAMO NORINO PROPERTIES, LLC.** to consider the Conditional Use of land in a MR Medium Density Residential District for multi-family dwelling structures (85 units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 19.61 acres, more or less, of a 22.02 acre tract, lying south of Route 54, 300 feet west of Keen-Wik Road.

Mr. Lank advised the Commission that the record of agency comments, letters and petitions introduced with C/Z #1427 are made a part of the record for this Public Hearing.

The Commission found that Steve Parsons, Attorney, was present on behalf of the applicants, and stated that this Conditional Use is for 85 townhomes on the site previously discussed with C/Z #1427; that the site is located in a Development District; that the site is located in a Conservation District; that the design of the project addresses all of the concerns relating to environmental issues; and that there will be less nutrient run-off from the project than a farm operation.

The Commission found that Tom Ford of Land Design, present on behalf of the applicants, stated that this application is unique; discussed existing conditions; stated that preliminary work included a boundary survey, which included establishment of the existing improvements, woodlands, and a wetlands delineation; that the Land Use Planning Act maps referenced in C/Z #1427 are approximate and that their wetlands delineation was performed by a registered soils expert; that the site is located in a Flood Zone AE which requires the first floor to be elevated to 6-feet; that the existing site grade varies from 5-feet to 13-feet; that they met with representatives of DelDOT on the site prior to submittal of an application; that the Fenwick Farms Development has approximately 3.5 units per acre; that the KeenWik Development has approximately 5.8 units per acre; that the Bayville Subdivision has approximately 3.8 units per acre; and that the Mallard Lakes Development has approximately 7 units per acre; that the four projects reference an average density of 6.34 units per acre; that development of the site includes removal of 2 poultry houses; that the project is proposed to be phased; that roads will be built to County specification; that central sewer is available from the Fenwick Island Sanitary Sewer District; that central water service will be available from Artesian within one year to sixteen months; that adequate space is available for parking; that adequate stormwater management will be provided; that they propose 14 structures containing a total of 85 units; that existing berms will be maintained and improved with additional plantings; that active recreational uses are proposed including a pool with decking, picnic area, bike racks, and a 6-foot wide 1-mile long walking path; that street

lighting will be provided; that the entrance may be relocated with the approval of DelDOT; that the site contains 57% uplands and 43% wetlands; that existing vegetation will remain along the lagoon across from Rock Elm Court; and that additional landscaping will be provided throughout the site.

The Commission found that Merle Layton, Real Estate Broker and Agent, stated that a need exists for multi-family units in the area; that he checked the Sussex County Multi-Listing and found that units in Mallard Lakes and East of the Sun sell faster than homes in Keen-Wik on the Bay, Keen-Wick West, or Keen-Wik Sound.

The Commission found that Mr. Parsons submitted and read proposed conditions acceptable to the applicants, which included:

- 1) There shall be a maximum of eighty-five (85) units built in the cluster style.
- 2) County sewer and central water shall serve the land.
- 3) Setbacks shall be as follows:
 - a. 15-feet from adjacent developments of Fenwick Farms, Keenwick and Bayville Manor. Furthermore, a 15-foot wide buffer shall be located between Keenwick and Bayville Manor. Plant height shall be a minimum of 4-foot evergreens.
 - b. 10-feet on the western and southwestern boundaries where natural buffers exist.
- 4) There shall be a 15-foot wide vegetation buffer between Keenwick and Bayville Manor. Evergreens shall be a minimum of 4-feet high.
- 5) There will be a 6-foot wide paved internal pedestrian/bicycle/jogging-fitness path and an unpaved hiking trail, through the woodlands.
- 6) Remaining woodlands, per approved site plan, shall remain and will not be clear-cut.
- 7) Split rail fence shall be erected along the Keenwick and Bayville Manor property line.
- 8) Swimming pool and pool house shall be provided.
- 9) All units shall be a minimum of 50-feet from tidal wetlands.
- 10) Developer shall meet all Department of Transportation criteria for entrance permit.
- 11) Developer shall meet all requirements of Sussex County Conservation District for stormwater management and sediment erosion control.
- 12) State Fire Marshall's office shall approve the site plan.

Mr. Parsons stated that the site plan meets all environmental issues, and added that the site is in a Development District.

The Commission found that Don Conaway, a resident of Keen-Wik, was present in support of the application and stated that he knew the previous owner and that his intent was to develop the site with townhomes; that the proposed use has got to be better than the existing poultry houses; and that the use should not have any negative impact on neighboring communities.

The Commission found that Tom Sharp, Carl Alesi, Stan Randall, Nathan Hayward, Dennis Johnson, Richard Eakle, Claudia Alesi, and Terri Usuki of the 22 people present in opposition to the application, expressed the same concerns as stated with C/Z #1427 and added that the project could have an adverse impact on adjacent properties; that standing water exists on the site on occasion; that some adjoining properties have a lower elevation as the proposed site and therefore concerns were expressed about run-off; that drainage will impact adjacent properties; that street lighting will impact neighbors; that wetlands surround the majority of the site; questioning buffer landscaping; that air quality issues need to be addressed; that the proposed density will increase vehicles and vehicle trips; that the wetlands delineation should be verified by the U.S. Army Corps. of Engineers; that 68% of the area around the Inland Bays is farmland and only 40% of the run-off is caused by farming, therefore the majority of the nutrient management problems are not coming from farms; that they would prefer to look over wetlands than townhomes; that the site is in a flood plain; that Route 54 is an evacuation route; and that the cumulative impact on the area needed to be considered when making a decision.

At the conclusion of this Public Hearing, an unidentified person submitted an addition petition in opposition signed by an additional 10 people.

At the conclusion of the Public Hearings, the Commission discussed the points and issues raised during the Public Hearing.

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

Vote carried 5 - 0.

Meeting adjourned at 10:20 P.M.