

Minutes of the Regular Meeting of May 23, 1991

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, May 23, 1991, at 7:30 P.M. in the County Council Chambers, Room 115, the Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Ralph, Mrs. Monaco, Mr. Hickman, Mr. Smith, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Planning Technician.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve the minutes of May 9, 1991, as circulated.

PUBLIC HEARINGS

1. RE: C/U #969--Robert D. Eckstine

Robert Eckstine and Robert Eckstine were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Gumboro Hundred for a Private Airstrip with Hangar lying on the west side of Route 427, 1,600 feet north of Route 64, and to be located on a parcel containing 58.35 acres more or less.

Mr. Lank summarized or read comments received from the State Division of Highways, the Delaware Transportation Authority, the Sussex Conservation District, and the Indian River School District.

The Eckstines presented a summary of their proposal and stated that they propose a personal private airstrip with a hangar for maintaining and storage of their personal and business use aircraft; that the strip is proposed to be centered on their property; that the hangar will be approximately 800 feet from any property lines; that the strip is adequate for the intended aircraft; that the approaches are over unimproved farmland; that a maximum of 500 gallons of fuel may be stored on the property; that no commercial activities are proposed; that all maintenance will be performed by the owners under the supervision of certified inspectors; that the strip will be grass; that no fuel sales are proposed; that only one aircraft is proposed; that the site will be mapped as a restricted strip on FAA maps; that their present aircraft has a single engine and seats six; that all landings and takeoffs will be from the east end of the airstrip; that there is no indication that property values will be negatively affected; and that an agreement has been made with the Delaware Electric Cooperative to bury the lines along Route 427.

Dan Massey, representing Delmarva Power and Light Co., read a letter from Frank T. Sobonya, Supervisor of Transmission Design, which referenced the company's concerns in reference to the airstrip's impact on the power line at the west end of the property.

Diane Holston submitted letters from Denver and Gail Moore and Norman and Annabell Webb in opposition.

Diane Holston, Preston Lowe, Jane Jones, Norma Toomey, Kenneth Phillips, Catherine Phillips, and Hazel Conaway spoke in opposition and expressed concerns in reference to the possible negative impact on poultry farms, electrical power transmission lines, and property values.

Steve Sharp, a pilot and flight instructor, spoke in support and stated that several airstrips in the area have power lines adjoining, and that the existing plane utilized by the applicants has a three blade propeller which is quieter than a typical propeller.

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 the State Division of Highways, that the proposed action will have no significant on traffic.

The Commission found, based on comments received from the Delaware Transportation Authority, that the Authority does not object to a private airstrip, and that the bulk of recreation flying in Delaware is dependant on small privately owned airstrips.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on-site are mapped as Pocomoke sandy loam, Fallsington sandy loam, Klej loamy sand, and Evesboro loamy sand; that in reference to the suitability of the soils for the intended use, the referenced Evesboro and Klej soils may have slight limitations and the Pocomoke and Fallsington soils may have severe limitations due to wetness if not adequately drained; that in reference to the evaluation of the soils with respect to erosion and sedimentation control, severe limitations may be anticipated during construction and slight limitations after completion of any construction; that the farmland rating of the soil types vary from prime to statewide importance; that no storm flood hazard area or tax ditch is 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.

The Commission found, based on comments received from the Indian River School District, that it does not appear that the proposed change will have a significant impact on the district.

The Commission found that the applicants were present and presented a summary of their proposal, and stated that they propose a personal private airstrip with a hangar for maintaining and storage of their personal and business use aircraft; that the strip is proposed to be centered on their property; that the hangar will be approximately 800 feet from any property lines; that the strip is adequate for the intended aircraft; that the approaches are over unimproved farmland; that a maximum of 500 gallons of fuel may be stored on the property; that no commercial activities are proposed; that all maintenance will be performed by the owners under the supervision of Certified Inspectors; that the strip will be grass; that no fuel sales are proposed; that only one aircraft is proposed; that the site will be mapped as a restricted strip on FAA maps; that their present aircraft has a single engine and seats six; that all landings and takeoffs will be from the East end of the airstrip; that there is no indication that property values will be negatively affected; and that an agreement has been made with the Delaware Electric Cooperative to bury the lines along Route 427.

The Commission found that eight (8) people spoke in opposition and expressed concerns in reference to noise impacts on poultry operations; that loss of poultry is loss of income; that two power lines exist on both ends of the proposed airstrip; the unnecessary annoyance of aircraft; the negative impact on property values; and the possible negative impact on the future development of the area.

The Commission found that one person spoke in support of the application and referenced that other airstrips have power lines in close proximity or adjoining, and that the aircraft utilized by the applicants has a three blade propeller, which is quieter than a typical propeller.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be denied based on the record of opposition, the concerns of the Delmarva Power and Light Company and local poultry operators, and since the site ends at a power line.

2. RE: Subdiv. #91-13--Vernon McCabe

Vernon McCabe and Jeff Clark of Land Tech, Inc. were present on behalf of this application to consider the Subdivision of land in a GR General Residential District in Baltimore Hundred by dividing 6.31 acres into 10 lots, located on the west side of Route 365, 1,480 feet south of the Route 26 and Route 54 intersection.

Mr. Lank summarized the Technical Advisory Committee Meeting of May 20, 1991.

Mr. Clark stated that the Tax Ditch maintenance easement will be designated.

Mr. Clark submitted a site feasibility for septic from the State DNREC.

Mr. McCabe stated that the correct title of the project will be "Wesley Subdivision".

Louise Smith and Camille Parker questioned the type of housing proposed in the development.

Mr. Lank stated that the site is zoned GR General Residential and permits either single family homes, modular homes, or manufactured homes.

Mr. McCabe stated that they have not decided which type of housing will be utilized.

Susan Warrington stated that she opposed manufactured home developments, but not housing developments.

Motion by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to approved the application as a preliminary, not for recordation. Final plats shall be required to be submitted to the Planning and Zoning Commission upon receipt of all appropriate agency approvals.

3. RE: Subdiv. #91-14--Delaware Pulpwood Company

Robert Fitzgerald and Walt Swain were present on behalf of this application to consider the subdivision of land in an MR Medium Density Residential District in Cedar Creek Hundred by dividing 7.96 acres into 12 lots, and a variance from the maximum 600 foot cul-de-sac length, located on the north side of Route 207, 345 feet west of Route 225.

Mr. Lank summarized the Technical Advisory Committee Report of May 20, 1991, which referenced this application.

Mr. Swain stated that the street will remain private and will be built to the hot mix specification under County jurisdiction.

Robert Sigler, of Charles D. Murphy Surveying, exhibited plats of the original subdivision approved in 1978 and a revised plat which excluded this section.

Cathy Dayton and Marie Coverdale, area residents, questioned the type of housing proposed and the spacing for septic systems from existing wells.

Mr. Fitzgerald stated all the lots will contain 0.5 acres minimum and will be restricted the same as the dwellings on the existing lots.

Mr. Allen advised those present that the spacing requirements between septic and wells falls under the jurisdiction of the State DNREC.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve this application as a preliminary, not for recordation. Final plans shall be required to be submitted to the Commission upon receipt of all appropriate agency approvals.

4. RE: Subdiv. #91-15--Target Properties

Robert Sigler, of Charles D. Murphy Surveying, was present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential District in Little Creek Hundred by dividing 96.25 acres into 54 lots, located on the west side of Route 506, 3,580 feet north of Route 24.

Mr. Lank summarized the Technical Advisory Committee Report of May 20, 1991, in reference to this application.

Mr. Sigler stated that the cul-de-sac at Owens Reach will be shortened approximately 50 feet to reduce the impact on the slopes.

Keith Gardner, Charles Phillips, Stan Holland, and Donald Bradley were present with questions in reference to housing types and sizes, lot sizes, wetlands boundaries, and concerns in reference to the impact on adjoining farms, trespassing, and liabilities due to an irrigation pond located on an adjoining farm.

Motion by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to deny this application due to the lack of information provided to respond to the concerns of the Commission and area residents.

5. RE: ORDINANCE AMENDING CHAPTER 99
(DEVELOPMENTS ALONG MAJOR ARTERIAL ROADWAYS)

Mr. Lank summarized the proposed Ordinance which references major arterial roadways in Sussex County and service roads in subdivisions, commercial and industrial developments, and entrances.

Mr. Lank summarized the references to the proposed Ordinance in the Western Sussex Land Use Plan.

Raymond Richter of the State Division of Highways was present on behalf of the Department of Transportation in support of the proposed Ordinance.

Mr. Richter advised the Commission of the Departments' appreciation of the support and cooperation received from the Planning and Zoning staff in review and acceptance of this Ordinance.

Mr. Lank stated that the department and the County staff have worked on this ordinance for several months, and that the comparison of County concerns and State concerns have been addressed. Mr. Lank added that this Ordinance is the first of several ordinances relating to transportation issues addressed in the Western Sussex Land Use Plan.

Jeff Clark of Land Tech, Inc. questioned why Route 26 was not considered as a part of this Ordinance.

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

OTHER BUSINESS

1. RE: Chapel Green--Recreation Facilities Site Plan

The Commission reviewed the site plan for the recreational facilities for Chapel Green Subdivision, which depicted a clubhouse, tennis courts, and game courts.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve the site plan in concept. Issuance of building permits shall be subject to receipt of all appropriate agency permits.

2. RE: Lebreton-Three Lot Subdivision

The Commission reviewed a concept to subdivide 34.33 acres into 3 lots off Route 5. Two of the lots are occupied by existing dwellings. The existing drive is located in the proposed street right of way.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve the concept with the condition that a surveyor verify the average depth of the 0.5 acre parcel.

3. RE: Kaye Construction Borrow Pit

The Commission reviewed the site plan for Conditional Use #954 for a Borrow Pit and location of a Stump Shredding Device and a Concrete Crushing Device off Route 525.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the site plan as submitted. Note #3 shall be corrected to read "No materials to be stored in Buffer Area."

4. RE: Bethany Bay, Phase 3, Section 3.3

Jeff Clark of Land Tech, Inc. was present on behalf of the developers requesting site plan approval for Phase 3 Section 3.3 of Bethany Bay Development for 46 units.

Motion made by Mr. Hickman, seconded by Mr. Ralph, and carried unanimously to approve the site plan as a concept. Issuance of building permits shall be subject to receipt of all appropriate agency approvals.

5. RE: Evergreen Haven

The Commission reviewed a concept to create four (4) three (3) lot subdivisions from existing platted streets off Route 451.

It was noted that none of the existing platted streets have been developed.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to defer action pending further inspection.

OLD BUSINESS

1. RE: C/U #967--James H. Owens

The Commission discussed this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred for a Private Airstrip on the south side of Route 16, across from Route 227, and to be located on a parcel containing 32.67 acres more or less.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to defer action.

2. RE: C/U #968--Gene H. Huey

The Commission discussed this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Nanticoke Hundred for a Private Airstrip on the southeast side of Route 594, 750 feet southwest of Route 565, and to be located on a parcel containing 35.939 acres more or less.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to defer action.

3. RE: C/Z #1124--Philip M. Scudieri and Celinda A. Ellsworth

The Commission discussed this application to amend the zoning map from AR-1 Agricultural Residential to C-1 General Commercial in Baltimore Hundred, located on the east side of Route 390, 545 feet north of Route 54, and to be located on a parcel containing 1.09 acres more or less.

Motion made by Mr. Hickman, seconded by Mr. Smith, carried unanimously to forward this application to the Sussex County Council with the recommendation that it be denied since the site does not provide adequate parking and since the site is not adequate for the intended use due to the existing uses.

4. RE: Subdiv. #90-34--Clifford Lindale

The Commission reviewed the final plans for the application of Clifford Lindale to consider the Subdivision of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred by dividing 8.8 acres into 9 lots, located on the north side of Route 36, 800 feet east of Route 615.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the subdivision as a final.

Meeting adjourned at 10:30 P.M.

Lawrence B. Lank, Secretary