

## MINUTES OF THE REGULAR MEETING OF MAY 25, 2000

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, May 25, 2000 in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:30 P.M. with Chairman Allen presiding. The following members of the Commission were present: Mr. Allen, Mr. Hastings, Mr. Johnson, Mr. Lynch, Mr. Wheatley, and Mr. Schrader – Assistant County Attorney, Mr. Lank – Director, and Mr. Abbott – Assistant Director.

Mr. Lank advised the Commission that item number 7 under Old Business has been removed from the agenda.

Motion by Mr. Wheatley, seconded by Mr. Johnson and carried unanimously to adopt the agenda as revised.

Motion by Mr. Hastings, seconded by Mr. Lynch and carried unanimously to approve the Minutes of April 27, 2000 as corrected.

Motion by Mr. Lynch, seconded by Mr. Johnson and carried unanimously to approve the Minutes of May 4, 2000 as circulated.

Mr. Schrader explained how the hearings would be conducted.

### IV. PUBLIC HEARINGS

Subdivision #2000-10 – application of CHARLES HEARN to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Broad Creek Hundred, by dividing 19.09 acres into 5 lots, located south of Road 78, 0.25 miles southeast of Road 487A.

Mr. Lank advised the Commission that the Technical Advisory Committee reviewed this application on May 17, 2000; that each member has received a copy of the report and recommended that the report be made a part of the record.

Mr. Abbott summarized comments received from the Sussex Conservation District.

The Commission found that Charles Hearn and Don Miller, Surveyor, were present on behalf of this application and stated in their presentation and in response to questions raised by the Commission that the application is for five lots in front of Seaford Salvage; that the existing dirt road to the west of the property will be converted into a thirty foot forested buffer strip; that the proposed new street will also serve as access to the salvage yard operation; that the street is not designed for a cul-de-sac since there will be a turn around area in the salvage yard; that the proposed stormwater management design will be



an infiltration system; that there is no positive outfall; that the existing manufactured home on lot number three will be removed; that the house on the site will either be removed or remodeled for a dwelling; that the soils work has been submitted to DNREC; that the applicant has owned the property for over ten years; that the salvage yard has been in existence since 1960; that the proposed lots are for the applicant's children; that the applicant gave assurances that the subdivision would be built as proposed; that the proposed street will be built to Sussex County specifications; that the street will be maintained by a Homeowners Association; that the salvage yard will be deeded separately; that the neighbors have deeded land to their children; that they will comply with all recommendations made by the Technical Advisory Committee; and that there are currently zoning violations on the property.

The Commission found that Tim Dyson, Robert Niblett, and William Syck were present in support of this application and advised the Commission in their presentations that the intent of the subdivision is for Mr. Hearn's family; that the turn around inside the salvage yard will be maintained; and that the subdivision allows for the opportunity to convey the lots to the applicant's children prior to death of the applicant.

The Commission found that Jim Griffin, Attorney, was present and stated in his presentation and in response to questions raised by the Commission that he is representing Bruce and Myrna Marine and Martin O'Neal who were also present, that they are opposed to this application due to gave concerns of the applicant's track record; that there has been an illegal expansion of the salvage yard; that there is a property boundary dispute with the applicant; that there are encroachments onto neighboring properties; that the subdivision needs a buffer from the Marine's lands since agricultural uses exist on the property; that the Commission should consider the integration of the proposed subdivision into existing terrain and surrounding landscape; that consideration should be given for the preservation of open space and scenic views; that screening of objectionable features from neighboring properties and roadways needs to be considered; that the prevention of pollution of surface and groundwater should be considered; that the site does not provide for safe vehicular and pedestrian movement within the site and to adjacent ways; that there would be a negative impact on area property values; that there would be a loss of farmland; that an aerial photograph of the site was submitted; that a packet of zoning violations, photographs, two letters in opposition, and a petition with one hundred signatures opposed to this application was submitted; that Mr. Marine described the photographs that were submitted; that the existing tree trunks are a minimum of six feet on the Marine's lands; that the trees were planted in the late 1960's and early 1970's; that they have concerns that if the subdivision is approved, each lot will have two unregistered vehicles stored on them; that the old tires encroach across property lines; that there is a history of untagged vehicles being stored on the site; that the existing road to the salvage yard encroaches onto the O'Neal's property; and submitted a copy of a survey of Mr. O'Neal's property.



The Commission found that Roy Whitaker, a resident of Patty Cannon Estates and Pat Murphy, a resident of Road 78 were present in opposition to this application and advised the Commission that the area is predominately agriculture; that the entire operation is out of character with the zoning of the area; and that trash is a problem from the vehicles being towed to the salvage yard.

The Commission found, by a show of hands, that there were thirty people 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 public hearing.

Motion by Mr. Hastings, seconded by Mr. Lynch, and carried unanimously to deny this application as submitted since the site is not an appropriate location for subdivision and based on the record of opposition.

Subdivision #2000-11 - - application of DR. BURTON ARONOFF to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Nanticoke Hundred, by dividing 13.68 acres into 5 lots, located southeast of Road 530, 1.04 miles south of Road 46.

Mr. Lank advised the Commission that the Technical Advisory Committee reviewed this application on May 17, 2000; that each member has a copy of the report and recommended that the report be made a part of the record.

Mr. Abbott summarized comments received from the Sussex Conservation District and advised the Commission that a resident of the area submitted nine photographs into the record on May 25, 2000.

The Commission found that Dr. Burton Aronoff and Don Miller, Surveyor, were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that the site is surrounded by Rivers End Subdivision; that one parcel has already been subdivided out of the property by the minor subdivision process so that the applicant can begin construction of a new home; that a Homeowners Association will maintain the streets; that minor site work has been done by cutting down and clearing out trees; that all clearing has ceased at the site; that the pond will be for stormwater management; that new trees have been planted; that the applicant will landscape the entire subdivision prior to the conveyance of any lots; that the goal is to create a botanical garden; that the small building under construction on site is a pump house; and that no manufactured homes will be permitted on any of the lots.



The Commission found that Paul Daudt and Ralph Massey both residents of Old Meadow Road were present and spoke in opposition to this application and advised the Commission that notices were not sent to all property owners; questioned if a building permit has been obtained for the pump house; that the site has been defaced by clearing and cutting trees; that trash sits along the front of the property; that they are opposed to the practices that the applicant has done; that the site is subject to flooding; that the site should remain as one parcel; and that they do not want to see manufactured housing permitted on any lots.

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. Wheatley, seconded by Mr. Johnson and carried unanimously to defer action pending receipt of a non-binding septic feasibility statement from DNREC.

Subdivision #2000-12 - - application of LEE LITTLETON to consider the Subdivision of land in a GR General Residential Zoning District in Little Creek Hundred, by dividing 8.76 acres into 6 lots, located south of Road 454, 304 feet east of Road 457.

Mr. Lank advised the Commission that the Technical Advisory Committee reviewed this application on May 17, 2000; that each member has received a copy of the report and recommended that the report be made a part of the record.

Mr. Abbott summarized comments received from the Sussex Conservation District.

The Commission found that Lee Littleton and Don Miller, Surveyor, were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that this application was approved as a preliminary in 1998; that the Fire Marshal's Office does not require a cul-de-sac on streets less than 300 feet long; that the 1998 application was recently withdrawn; that the right of way width has been widened; that the proposed streets will be built to Sussex County specifications; that a Homeowners Association will be established; that manufactured housing will be permitted based on the zoning code; that the street continues through to serve other parcels of land; that the wetlands have been delineated; that no excavation has taken place on site; that the existing property owners on the west side would not have to maintain the street; that deed restrictions will be submitted in the near future; and that no proposed lots have been sold.

The Commission found that Jimmy Driscoll, Dennis Carr, Virgil Adams, and Howard Evans, all residents of the immediate area, were present in opposition to this application and advised the Commission that the proposed right of way width is not a minimum of



fifty feet; that if manufactured homes are permitted, property values will decrease; that the proposed streets will never be built; that they currently maintain the dirt road; that a pond located on lot 6 has been filled with trash and tree limbs; and expressed concerns about the square footage of the proposed homes.

The Commission found, by a show of hands, that 13 people were 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 public hearing.

Motion made by Mr. Hastings, seconded by Mr. Lynch, and carried unanimously to approve this application as a preliminary with the stipulations that the street be paved to the end of lot 6 and that no site preparation, site disturbance, excavation, or other construction shall be commenced until all permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plan is recorded.

Subdivision #2000-13 - - application of UNITY DEVELOPMENT COMPANY, L.L.C. to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Lewes and Rehoboth Hundred, by dividing 42.81 acres into 55 lots, located at the southeast corner of the intersection of Road 283 and Road 275.

Mr. Lank advised the Commission that the Technical Advisory Committee reviewed this application on May 17, 2000; that each member has received a copy of the report and recommended that the report be made a part of the record.

Mr. Abbott summarized comments received from the Sussex Conservation District, Office of State Planning Coordination; and Mr. Schrader.

Mr. Abbott read letters received from Bill and Joan Deaver and Robert and Barbara McGowan, landowners in the area, stating their opposition to this application.

The Commission found that Michael Simeone, developer, and Robert Witsil, Attorney, were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that they will comply with all agency requirements; that neighboring subdivisions have a greater density than what is proposed for this application; that the lots are proposed to be a minimum of 20,000 square feet; that the restrictive covenants that were submitted are similar to the Gosling Creek Subdivision and the proposed Sea-Woods Subdivision; that the developer is a builder; that the developer does not want to relocate the proposed streets as recommended by DelDOT; that the forty foot buffer along Road 275 has been reduced to thirty-five feet; and that the

buffer adjacent to the stormwater management area has been reduced to ten feet; that the proposed buffers are being done voluntarily only since they are not required by the Subdivision Code; that the letters received in opposition to this application are letters opposed to any development in general; that the development will be more attractive than Sandy Brae Subdivision; that there are two entrances on Road 275; and that no manufactured housing will be permitted.

Don Roessler, Vice President of the Citizens Coalition, was present and read a statement in opposition to this application expressing concerns about the proposed DelDOT grid road concept; that the addition of this development will only aggravate the existing traffic problems and that the development should not be allowed unless improvements are made to the roads and intersections in the area.

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. Johnson, seconded by Mr. Hastings and carried unanimously to approve this application as a preliminary with the stipulation that no site preparation, site disturbance, excavation, or other construction shall be commenced until all permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plan is recorded.

Subdivision #2000-14 - - application of OCEAN ATLANTIC ASSOCIATES, V, L.L.C. to consider the Subdivision of land in an GR General Residential Zoning District in Broadkill Hundred, by dividing 40.59 acres into 116 lots, and a waiver from the forested buffer strip requirements, located west of Route One, 0.5 mile south of Route 88.

Mr. Lank advised the Commission that the Technical Advisory Committee reviewed this application on May 17, 2000; that each member has received a copy of the report and recommended that the report be made a part of the record.

Mr. Abbott summarized comments received from the Sussex Conservation District, Office of State Planning Coordination, DelDOT, and Mr. Schrader.

Mr. Abbott read a letter received from Bill and Joan Deaver raising questions about this application.

The Commission found that Preston Schell, developer, and Roger Gross, Engineer, were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that the State of Delaware has determined that Best Lane is a public right of way; that Phase One is for 92 lots; that Phase Two is subject to a



pending rezoning application; that Phase 2 is proposed for 24 lots and will be subject to another subdivision application; that manufactured homes will be permitted based on the existing zoning district; that the manufactured homes will have 5/12 roof pitches; that the minimum square footage of the homes will be 1,150 square feet with required landscaping; that there will be an architectural review committee; that stick built homes will be encouraged to be built; that the developers propose to build 4 or 5 spec homes; that they do not want to discriminate against home buyers; that the lots will start at \$29,000 and up; that parcels A, B, and C have pending applications in the process; that access to these parcels will be from the interior street and that there will be no direct access to Route One; that lots 25, 26, and 27 will be removed from this application; that they propose to preserve the hedgerow along the northwest boundary of the property; that the owner of the pond has no objections to this application once all approvals have been obtained; that a boat dock is proposed and not a boat ramp is proposed; that the developers would allow the existing property owners along Best Lane access to the boat dock; that this would be clarified in the restrictive covenants; that the brick structure on site will be relocated; that the other buildings will be a controlled burn by the area fire company; and that Best Lane will be improved to State of Delaware specifications from the entrance off of Route One to approximately lot 50.

The Commission found that Gary Timmons, Doug Sentman, John Spieker, Tom Bolick, and Alfred Best, all area residents, were present in opposition to this application and advised the Commission that the proposal is not well planned; that Best Lane is a dead end road; that DelDOT will have to fill a part of the ditch along Route One; that utility lines and mailboxes will need to be relocated; questioned the notification process; that the project will only add increased traffic to the area; that Best Lane is not a public street; questioned the proposed recreation area size and types of recreation that will be provided for 116 lots; that the density should be reduced and more open space preserved; that the development should have an interconnection to Route 88; expressed concerns about the number of vehicles that would use Best Lane; questioned the demand for electricity and referenced possible brown outs and black outs; and concerns about trespassing.

The Commission found that Don Roessler, Vice President of the Citizens Coalition and Jane Nicholson a member of the Citizens Coalition were present in opposition to this application and raised concerns about the safety of the citizens in the area; raised concerns about the proposed density; questioned why a traffic impact study has not been done or requested; stated that there is no reason to waive the requirements of the forested buffer requirements; stated that a traffic impact study should be conducted from 10:00 A.M until 2:00 P.M.; questioned the impacts to existing wells in the area; and raised concerns about depreciation of property values since manufactured housing is proposed.

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

#### V. OLD BUSINESS

Ordinance Amendment - - an Ordinance amending Chapter 99, Section 13, of the Subdivision Code of Sussex County, relating to notice requirements to be given to owners within the subdivision prior to alteration, resubdivision or addition; requiring three-fourths approval of property owners within the subdivision prior to proceeding with the hearing process; providing for additional standards for determining approval of alterations or additions to subdivision; providing a form for notice by publication; and creating a procedure for the approval of minor subdivisions.

The Chairman referred back to this application which was deferred at the April 27, 2000 meeting.

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

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

C/U #1333 - - application of ALBUN, INC. T/A SEA COAST SPEEDWAY to consider the Conditional Use of land in an AR-1 Agricultural Residential District for race tracks – horses and stock cars to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 81.84 acres, more or less, lying at the southeast intersection of U.S. Route 113 and Road 321, and the southwest intersection of Road 325 and Road 326.

The Chairman referred back to this application which was deferred at the May 4, 2000 meeting.

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

Mr. Allen advised the Commission that he has listened to the tape and reviewed the record.

Mr. Lank read Mr. Johnson's prepared statement, " Mr. Chairman – My concerns include the fact that we have no control over what our State Legislators do about changing our laws that would permit casino gambling at this location. There is no doubt in my mind that harness racing could not stand alone in supporting this track without casino gambling – just look at Ocean Downs, which is staying open until the MD Governor goes out of office so they can try again for casino gambling at their Ocean City Track.



The neighborhood near the present racetrack is developed with individual homes, and the neighbors are bothered now with the noise and traffic from the stock car track. They moved there knowing of the track with one or two nights per week of auto racing, but no one dreamed of harness racing and the possibility of problems from casino operations that they could now be facing.

I can not see how the harness racing can benefit our Town and County except for a few businesses directly associated with harness racing.

The stock car races would be moved to Wednesday nights which would not be good for the neighborhood.

The possibility of one or more corporate sponsors would most likely take the control away from Mr. and Mrs. Williams, which would void all the claims they have made to this commission."

Mr. Wheatley advised the Commission that he agrees with Mr. Johnson's statement and referenced the considerable amount of opposition present at the public hearing.

Mr. Hastings advised the Commission that he agrees with Mr. Johnson's statement and expressed concerns about future dates.

Mr. Lynch advised the Commission that he agrees with Mr. Johnson's statement.

Mr. Allen advised the Commission that he also agrees with Mr. Johnson's statement.

Motion by Mr. Johnson, seconded by Mr. Lynch and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be denied based on Mr. Johnson's written statement.

Subdivision #99-16 - - application of 1<sup>ST</sup> STATE STORAGE CO. to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District and a C-1 General Commercial Zoning District in Georgetown Hundred, by dividing 65.30 acres into 39 lots, located south of Route 9, across from Road 249.

The Chairman referred back to this application which was deferred at the August 26, 1999 meeting.

Mr. Abbott advised the Commission that this application was deferred pending receipt of a septic feasibility statement from DNREC; that the septic feasibility statement has been received and that the site is suitable for individual on site septic systems.



Motion by Mr. Johnson, seconded by Mr. Wheatley and carried unanimously to approve this application as a preliminary with the stipulation that no site preparation, site disturbance, excavation, or other construction shall be commenced until all permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plan is recorded.

Subdivision #99-17 - - application of ROBERT W. DURHAM to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Broad Creek Hundred, by dividing 35.61 acres into 35 lots, located east of Road 463, 1,760 feet south of Road 74.

Mr. Abbott advised the Commission that this application received preliminary approval for 35 lots on February 10, 2000; that the final record plan meets the requirements of the Subdivision and Zoning Codes; and that all required agency approvals have been obtained.

Motion by Mr. Hastings, seconded by Mr. Lynch and carried unanimously to approve this application as a final with the stipulation that no site preparation, site disturbance, excavation, or other construction shall be commenced until all permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plan is recorded.

Subdivision #2000-3 - - application of EDGE GROUP, INC. to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Lewes and Rehoboth Hundred, by dividing 8.90 acres into 9 lots, located northwest of Road 265-A, 1,400 feet northeast of Route One.

Mr. Abbott advised the Commission that this application received preliminary approval for 9 lots on February 24, 2000; that the final record plan meets the requirements of the Subdivision and Zoning Codes; and that all required agency approvals have been obtained.

Motion by Mr. Johnson, seconded by Mr. Wheatley and carried unanimously to approve this application as a final with the stipulation that no site preparation, site disturbance, excavation, or other construction shall be commenced until all other permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plan is recorded.

Subdivision #2000-4 - - application of FARMHOUSE LAND DEVELOPMENT, L.L.C. to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Broadkill Hundred, by dividing 35.06 acres into 32 lots, and a variance from the maximum allowed cul-de-sac length of 1,000 feet, located at the northern end of Creek



Drive within Creek Falls Farm Subdivision, 1,500 feet northwest of Road 258 and Road 88.

Mr. Abbott advised the Commission that this application received preliminary approval for 32 lots and a variance from the cul-de-sac length on February 24, 2000; that the final record plan meets the requirements of the Subdivision and Zoning Codes; and that all required agency approvals have been obtained.

Motion by Mr. Johnson, seconded by Mr. Hastings and carried four votes to none, with Mr. Wheatley abstaining, to approve this application as a final with the stipulation that no site preparation, site disturbance, excavation, or other construction shall be commenced until all permits required by all other laws, ordinances, rules and regulations shall have been issued and the approved final site plan is recorded.

C/Z #1397 - - application of ROBINO-SEASIDE, L.L.C. to consider a proposal to amend the Comprehensive Zoning Map from a GR/RPC General Residential District/Residential Planned Community to a GR/RPC General Residential District/Residential Planned Community by amending Ordinance No. 1269 (Change of Zone No. 1350) for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, lying southeast of the intersection of Route One and Road 270-A, to be located on 40.00 acres, more or less.

This application was removed from the agenda on May 24, 2000.

## VI. OTHER BUSINESS

### D.M.V. Partnership

#### C/U #1306 – Preliminary Site Plan – Road 360

The Commission reviewed the preliminary site plan for C/U #1306 for multi family dwellings located at the intersection of Road 360 and Route One near Bethany Beach.

Mr. Abbott advised the Commission that 15 multi family units are proposed; that 2 buildings have 4 units each; that 2 buildings have 2 units each; that 1 building has 3 units; that 3 parking spaces are provided for each unit; that there is a 40 foot separation distance between buildings; that the units will be built on pilings; that the site is located in a Flood Zone A-8; that Sussex County sewer and Sussex Shores water are proposed; that there is a 50 foot buffer from the State Wetlands; that there are no encroachments into the "404" Federal Wetlands; that the 8 conditions of approval that the County Council imposed have been met; and that the site plan is suitable for preliminary only since all required agency approvals need to be obtained.



Motion by Mr. Lynch, seconded by Mr. Hastings and carried unanimously to approve the site plan as a preliminary only.

Rehoboth Hotel Partners, L.L.C.  
Preliminary Commercial Site Plan – Route 24

Ross Harris, engineer, was present as the Commission reviewed a commercial site plan for a 100 unit hotel located off of Route 24 near Midway.

Mr. Abbott advised the Commission that the site is located behind the Rehoboth Mall; that the proposed hotel is for 100 units and 3 stories; that the setbacks meet the minimum requirements of the zoning code; that 155 parking spaces are required and that 160 are proposed; that 2 spaces are located within the front yard setback and they need a waiver from the Commission; that the entrance to the site is off of the service road leading to the Mall; that there is no ingress/egress off of Route 24; and that the site plan is suitable for preliminary approval.

Mr. Harris asked the Commission if final approval could be subject to the staff receiving all required agency approvals.

Motion by Mr. Lynch, seconded by Mr. Hastings and carried unanimously to approve the site plan as a preliminary with the stipulation that final approval shall be subject to the staff receiving all required agency approvals and permits.

Shockley Management, Inc.  
J.W. Shockley & Sons Subdivision Lot 2 – Route One  
Preliminary Commercial Site Plan

Bill Shockley was present as the Commission reviewed a commercial site plan for a car wash located on lot 2 of the J.W. Shockley & Sons Subdivision off of Route One near Midway.

Mr. Abbott advised the Commission that the car wash is a tunnel type facility; that the setbacks meet the minimum requirements of the zoning code; that additional notes need to be referenced on the final site plan; and that the site plan is suitable for preliminary approval only since all required agency approvals need to be obtained.

Mr. Shockley advised the Commission that the car wash is a conveyerized operation.

Motion by Mr. Lynch, seconded by Mr. Hastings and carried unanimously to approve the site plan as a preliminary only.



Everett Messick  
Revised Site Plan – C/U #411 – Road 446

The Commission reviewed a revised site plan for Conditional Use No. 411 near Hardscrabble.

Mr. Abbott advised the Commission that C/U #411 was approved May 26, 1977 for poultry houses on less than 5 acres; that the owner wishes to place a manufactured home on the site for his daughter who operates the poultry farm; that there currently is not any type of residential use on the property; and questioned if the manufactured home placement would require an amended conditional use application.

Motion by Mr. Hastings, seconded by Mr. Lynch and carried unanimously to approve the revised site plan and determined that another conditional use application is not necessary.

Earl E. Seely  
Frontage Determination – Lot 18 Old Inlet Beach Subdivision

Earl Seely was present as the Commission reviewed a request to have the Delaware Bay considered the front yard for lot 18 of Old Inlet Beach Subdivision located in Broadkill Beach.

Mr. Seely advised the Commission that his new dwelling is 65 percent completed; that he has a propane tank that cannot be placed across the Beach Preservation Line as per DNREC regulations; that the lot is located in a flood zone and the tank cannot be buried; that new FEMA regulations require that the tank be elevated; that the only place the tank could be located is ten feet from Bayshore Drive; and requested that the Commission establish the Delaware Bay as the front yard.

Motion by Mr. Wheatley, seconded by Mr. Lynch and carried unanimously to approve the request as submitted.

Daniel Milburn  
One Lot – Route 404

The Commission reviewed a one-lot subdivision located on the north side of Route 404 west of Georgetown.

Mr. Abbott advised the Commission that the proposed lot is 0.93 acres; that DelDOT has issued a letter of no objection in reference to the entrance location; and that the subdivision requires the Commission's approval since Route 404 is a major arterial roadway.

Motion by Mr. Johnson, seconded by Mr. Wheatley and carried unanimously to approve the one lot subdivision.

Branson Smith  
2 Parcels and a 50' right of way extension – Road 46

The Commission reviewed a concept to create 2 parcels and the extension of an existing 50' right of way off of Road 46 near Middleford.

Mr. Abbott advised the Commission that the proposal would extend the existing right of way to serve as access for an existing parcel; that another existing parcel currently has 2 dwellings on it; that this parcel would be subdivided with the large parcel having access from the extended right of way and the smaller parcel would have access from the existing entrance located off of Road 535.

Motion by Mr. Wheatley, seconded by Mr. Johnson and carried unanimously to approve the right of way extension and 2 parcels as a concept.

John P. Vickers, Jr.  
2 Parcels and 50' right of way – Road 249

The Commission reviewed a concept to create 2 parcels with access from a 50' right of way located off of Road 249 between Georgetown and Milton.

Mr. Abbott advised the Commission that the right of way is proposed where a driveway currently exists; and questioned if this proposal should require an application for a major subdivision.

Motion by Mr. Johnson, seconded by Mr. Wheatley and carried unanimously to deny the request as submitted. It was the consensus of the Commission that an application for a major subdivision be required since the right of way is not in existence.

The Horsey Family, L.L.C.  
Environmental Impact Study Proposal – Route 9 and Road 446

Jeff Clark of Land Tech and Mike Horsey were present as the Commission reviewed a proposal for an environmental impact study for a proposed borrow pit.

Mr. Abbott advised the Commission that this proposal was deferred on April 27, 2000.

Mr. Schrader discussed the environmental impact study proposal.



Mr. Clark requested that the Commission accept the proposal as submitted.

Motion by Mr. Johnson, seconded by Mr. Lynch and carried four votes to none, with Mr. Hastings abstaining, to accept the scope of the environmental impact study proposal as submitted by Stephens Environmental Consulting Services.

Meeting adjourned at 12:35 A.M.