

MINUTES OF THE REGULAR MEETING OF MAY 28, 1992

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, May 28, 1992 at 7:30 P.M. in the County Council Chambers, Room 115, the Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Magee, Mrs. Monaco, Mr. Ralph, Mr. Smith, Mr. Schrader - Assistant County Attorney, Mr. Lank - Director, and Mr. Abbott - Planner I.

Motion by Mr. Smith, seconded by Mr. Magee, and carried unanimously to approve the Minutes of May 14, 1992 as circulated.

PUBLIC HEARINGS

1. RE: C/U #1002 -- Gerlinde Voegele

Gerlinde Voegele was present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Northwest Fork Hundred for outdoor yard sales on weekends lying on the east side of Route 13, at the northern corner of the intersection with Sussex Avenue and to be located on a parcel containing 2.71 acres more or less.

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

Ms. Voegele stated that she intends to operate an outdoor yard sale on weekends only at the site until she can afford to build a building to operate the business, that she proposes to build a 40' by 60' building with an entrance from Sussex Avenue, that the building will have a porch around it, that once the building is completed all displays will be in the building and on the porch, that presently a camper is used to store the items for sale, that she purchased the property with the understanding that the site was zoned commercial, that she did operate the business last summer on Sundays only, that she has not operated the business since she was violated, that other commercial activities exist near the site, that one of the businesses in the area is a scrap metal business, that car sales is not intended, and that a sign will be built on the site in conformance with regulations.

Patrick Mikovits, Gerald Campbell, and Mrs. Carl Vanstein, spoke in opposition and expressed concerns in reference to depreciation of property values, that cars are for sale on the lot, traffic access, lack of enforcement on the violations, traffic hazards by parking on Route 13, questioning if space will be leased to others, that Sussex Avenue is being blocked by parked cars, and that the area should remain residential.

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 Route 13 could change to a level of service "B" if the site is developed at an equivalent in per acre trip generation to discount shopping.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on site are mapped as Sassafras sandy loam and Matawan sandy loam, that the suitability of the soils for the intended use may vary from none to slight limitations, that the evaluation of the soils in respect to erosion and sediment control may require the developer to follow an Erosion and Sedimentation Control Plan during any construction and to maintain a vegetative cover after completion of any construction, that the farmland rating of the soils, as mapped, are Prime, that no storm flood hazard areas or tax ditches are affected, and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that the applicant was present and plans to utilize the site for an outdoor yard sale on weekends until she can afford to build a building to operate the business, that she proposes to build a 40' by 60' building with an entrance from Sussex Avenue, that the building will have a porch around it, that once the building is completed all displays will be in the building or on the porch, that presently a camper is used for storage of items for sale, that the property was purchased with the understanding that it was commercial, that the business was operated last summer on Sundays only, that the business has not been operated since it was violated, that commercial activities exist in close proximity to the site, that one of the businesses in the area is a scrap metal business, that car sales is not intended, and that a sign will be built on site in conformance to regulations.

The Commission found that three (3) people spoke in opposition and expressed concerns in reference to depreciation of property values, that cars are for sale on the lot, traffic access, lack of enforcement on violations, traffic hazards by parking on Route 13, questioning if space will be leased to others, that Sussex Avenue is being blocked by parked cars, and that the area should remain residential.

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

2. RE: C/U #1003 -- John J. Marsh

John Marsh, Thomas Shockley - intended operator, and Karen Brittingham and Robert Nash of Charles Murphy Surveying were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Indian River Hundred for boat storage and repair with an office lying north and east of Route 289, 200 feet south of Route 24 and to be located on a parcel containing 5.43 acres more or less.

Mr. Lank summarized comments received from DelDOT, the Sussex Conservation District, and the Sussex County Engineering Department.

Ms. Brittingham submitted revised site plans which included a 50' by 150' building, and advised the Commission that the business will be operated year round, that the site will include a main building, office and residence, that the site will be fenced with a 6' high chain link fence, that no impact is anticipated on traffic, that no wetlands exist on the site, that no direct access to Route 24 is proposed, that access will be from Route 298 only, that Route 298 will be paved from Route 24 to the entrance, that the business will operate 7 days per week from 8:00 AM to 5:00 PM, that the only signage will be a 4' by 8' on-premise sign, that no negative impacts are anticipated since the area is recreationally oriented and since the use will serve the area.

Mr. Marsh stated that the areas in front of the chain link fencing will be landscaped.

Roland Hill stated that he did not agree with the traffic comments received from DelDOT, and that he understood that the maintenance was to be performed on the boats being stored, not as a maintenance serving any boat owner.

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 the proposed action will have no significant impact on traffic.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are Sassafras sandy loam and Sassafras loam, that the suitability of the soils for the intended use vary from none to slight limitations, that the evaluation of the soils in respect to

erosion and sediment control may require the applicant to follow an Erosion and Sedimentation Control Plan during construction and to maintain a vegetative cover after completion of any construction, that no storm flood hazard area or tax ditch is affected, and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found, based on comments received from the Sussex County Engineering Department, that the site is in the area west of the West Rehoboth Expansion area where County Council agreed to restrict zoning changes per a memorandum with the State DNREC.

The Commission found, based on comments made by representatives of the application, that the business will operate year round, that the site will include a main building, an office and a residence, that the site will be fenced with a 6' high chain link type fence, that no impact is anticipated on traffic, that no wetlands exist on the site, that no direct access to Route 24 is proposed, that access will be from Route 298 only, that Route 298 will be paved from Route 24 to the entrance, that the business will operate 7 days per week from 8:00 AM to 5:00 PM, that the only signage will be a 4' by 8' on-premise sign, that no negative impacts are anticipated since the area is recreationally oriented and since the use will serve the area, and that the area in front of the chain link fencing will be landscaped.

The Commission found that one person was present and questioned the traffic comments received from DelDOT, and stated that he had understood that the maintenance was to be performed only on the boats being stored, not for maintenance serving any boat owner.

Motion by Mr. Magee, seconded by Mr. Smith, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved based on the record of support and with the following stipulations:

1. The site plan shall be developed per the revised site plan submitted by the applicant and shall be subject to review and approval by the Planning and Zoning Commission.
2. One lighted on-premise sign, not exceeding 32 square feet per side or facing, shall be permitted.

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3. RE: C/U # 1004 -- Nicholas P., Jr. & Cynthia S. Delcampo

Nicholas P. Delcampo and Bryon Jefferson, Engineer, were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Cedar Creek Hundred for an 82 lot addition to an existing manufactured home park lying 1,100 feet northwest of Route 224, 500 feet west of Route 214 and to be located on a parcel containing 41.1 acres more or less.

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

Mr. Delcampo stated that he has owned and operated Cedar Village Manufactured Home Park for approximately 16 years, that a need exist in the Milford area for lease lots, that manufactured homes sales are up this year, that manufactured homes are good economical investments and desirable at this time, that this application will create an expansion to utilize excess capacity of the existing sewer system, that 146 existing lots are served by the system, that the expansion and the existing lots will generate 80 percent usage of the system, that the existing treatment plant will be disassembled and relocated to another location on the site, that the site was planted with pine seedlings approximately 4 years ago, that he has no intent to enter the site from the subdivision streets in the "Meadows at Cubbage Pond", and that the entire expansion will be constructed at one time.

Mr. Jefferson stated that three (3) existing lots will be revised along with the expansion, that the State DNREC approved the design of the system for 300 gallons per day per lot, that lots 272 through 274 adjoin a berm around wastewater lagoon, and that the berm will be landscaped.

Albert Ladd and Allen Craft expressed concerns in reference to odors from the treatment plant.

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 the proposed action will have no significant impact on traffic.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on the site are mapped as Evesboro loamy sand, that the suitability of the soils for the intended use may vary from none to slight limitations, that the evaluation of the soils in respect to erosion and sediment control may require the applicant to follow an Erosion and Sedimentation Control Plan during construction and to maintain vegetative cover after completion of any construction, that the farmland rating of the soils is of statewide importance, that no storm flood hazard area or tax ditch is affected, and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found, based on comments made by representatives of the application, that the developer has owned and operated the manufactured home park for approximately 16 years, that a need exist in the Milford area for lease lots, that manufactured home sales are up this year, that manufactured homes are good economical investments and desirable at this time, that this application will create an expansion to the park to utilize excess capacity of the existing sewer system, that 146 existing lots are served by the system, that the expansion and the existing lots will generate 80 percent usage of the system, that the existing treatment plant will be disassembled and relocated to another location on the site, that the site was planted with pine seedlings approximately 4 years ago, that the developer has no intent to enter the site from the subdivision streets in the "Meadows on Cubbage Pond", that the entire expansion will be constructed at one time, not phased, that three (3) existing lots will be revised along with the expansion, that the State DNREC approved the design of the system for 300 gallons per day per lot, that lots 272 through 274 adjoin a berm around the wastewater lagoon, and that the berm will be landscaped.

The Commission found that two (2) parties expressed concerns in reference to odor from the wastewater treatment plant.

Motion by Mr. Smith, seconded by Mr. Magee, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved since the use is an extension to an existing park, since a need exist for manufactured home lots in the Milford area, and since adequate water and sewer systems exist to serve the expansion, and with the following stipulations:

1. The site plan shall be required to be reviewed and approved by the Planning and Zoning Commission.
2. The maximum number of lots in the expansion shall be 82 lots for lease only.

4. RE: C/U # 1005 -- James E. Harrington

James E. Harrington was present on behalf of his application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Baltimore Hundred for boat trailer storage and repair of farm equipment lying on the east side of Route 382, 400 feet south of Route 392 and to be located on a parcel containing 1.2 acres more or less.

Mr. Lank summarized comments received from DelDOT, the Sussex Conservation District, and the Indian River School District.

Mr. Harrington stated that he filed for the Conditional Use so that he could operate a lawn mower repair, farm equipment repair, boat storage and boat trailer storage, that two (2) existing buildings will be utilized for the business, that no more than twelve (12) boats and trailers are opposed to be stored on site at one time, that no travel trailers are proposed to be stored on site, that the business will operate three (3) or five (5) days per week from 9:00 AM to 4:00 PM, that a stockade fence will be placed behind the shop for screening, that he has performed some farm equipment repair for some of the area farmers which included some welding, hydraulic, and mechanical work, that his residence is on the premises, and that he was informed that he was operating the business in violation and immediately applied for this application.

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 existing Level of Service "B" of Route 382, at this segment, 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 Pocomoke sandy loam, that the evaluation of the soils with respect to erosion and sediment control may require the applicant to follow an Erosion and Sedimentation Control Plan during construction and to maintain a vegetative cover after completion of any construction, that the farmland rating of the soils is Prime, that no storm flood hazard area is affected, that it may not be necessary for any on-site or off-site drainage improvements, and that the Batson Branch Tax Ditch runs along the southeast property line with a 25 foot right of way along the ditch.

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 applicant was present and plans to utilize the site to operate a lawn mower repair, farm equipment repair, and boat and boat trailer storage, that two (2) existing buildings will be utilized for the business, that no more than twelve (12) boats and trailers are proposed to be stored on site at one time, that no travel trailers are proposed to be stored on site, that the business will operate three (3) to five (5) days per week from 9:00 AM to 4:00 PM, that a stockade fence will be placed behind the shop for screening, that he has performed some farm equipment repair for some of the area farmers which included some welding, hydraulic, and mechanical work, that his residence is on the premises, and that he was informed that he was operating the business in violation and immediately applied for this application.

The Commission found that no one was present in opposition.

Motion by Mr. Magee, seconded by Mr. Smith, 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 storage area shall be utilized for the storage of boat and boat trailers only.

2. The maximum number of boats and boat trailers shall be twelve (12).

3. Stockade fencing at least six (6) feet high shall be provided behind the shop as depicted on the site plan.

4. The site plan shall be subject to the review and approval of the Planning and Zoning Commission.

5. RE: Subdivision #92-5 -- Alvin Bunting and Leslie Burgess

Alvin Bunting and Leslie Burgess, owners, were present on behalf of this application to consider the Subdivision of land on an AR-1 Agricultural Residential District in Lewes and Rehoboth Hundred by dividing 5.0 acres into 4 lots and also an extension to lot 10 of Creekside Manor, located on the northwest side of Route 266, 585 feet south of canary creek and 0.4 miles north of Route 266A.

Mr. Abbott summarized the Technical Advisory Committee Report of May 21, 1992, in reference to this application.

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Mr. Burgess advised the Commission that the intent is to create 5 single family residential lots.

Mr. Allen questioned if lot 10 of Creekside Manor is a part of this subdivision.

Mr. Burgess advised the Commission that lot 10 of Creekside Manor would be an extension to lot 3B which he owns, and stated that there would be a dwelling, pool and tennis court located on the parcel.

Mr. Magee expressed concerns about a fifty (50) foot buffer zone along Canary Creek and the possible West Rehoboth Sanitary Sewer Treatment Plant site being close to the property.

Mr. Lank and Mr. Schrader discussed with the Commission that the County may purchase land in the area to build a sewer treatment plant. Mr. Schrader noted that the plant may be off of Route 266A.

Mr. Lank advised the Commission and MR. Burgess that a fifty (50) foot setback will be required from mean high water at Canary Creek.

Mr. Lank advised the Commission that if the subdivision is approved, the owners of Creekside Manor would have to approve the extension to lot 10 of Creekside Manor.

Mr. Burgess advised the Commission that he has only spoken to two (2) of the property owners in Creekside Manor in reference to the extension to lot 10.

Bruce Chandler of Creekside Manor expressed concerns about what will become of lot 10 of Creekside Manor, and that he has no objection to the subdivision as long as lot 10 remains a part of Creekside Manor and with the same restrictions as lots in Creekside Manor.

Sara Richards Burgess advised the Commission that they will protect the wetlands.

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. Smith, seconded by Mr. Magee, and carried unanimously to defer action pending receipt of a septic feasibility and approval from the homeowners of Creekside Manor for an extension to lot 10.

OTHER BUSINESS

1. RE: Angola Estates - Revised RPC Site Plan

R.B. Kemp of Adams & Kemp Associates, and Bonnie Benson, Esquire, were present on behalf of the developer.

Mr. Lank described the site plan that was originally approved for the RPC showing locations of manufactured homes, single and double-wide, with no extensions or access to the units.

Mr. Lank advised the Commission that the site plan does not show any additions, accessory buildings and that the units have not been placed in accordance with the site plan, that some areas have structures closer than twenty (20) feet from other units or structures, and that the surveyor tried to do a subdivision plan meeting the minimum requirements of an RPC with fifty (50) foot right of ways.

Mr. Kemp stated that he had tried to subdivide the site around the existing units, but could not without a large number of variance applications, that the only other option was to create buildable areas for each unit in Phases 1 & 2, that the remaining area of the project, presently undeveloped, will probably be developed as a subdivision within the RPC criteria for lot dimensions, lot areas and fifty (50) foot street right of ways.

Mr. Lank advised the Commission that the buildable lot area concept is still in close relation to the master plan.

Mr. Magee questioned how the problem arose.

Mr. Lank referenced that the site plan only showed units with no additions or accessory buildings.

Ms. Benson advised the Commission that the owners are trying to correct what exist before beginning any new phases.

Motion by Mr. Magee, seconded by Mr. Smith, and carried unanimously to approve the buildable area concept. Final plans shall be required to be reviewed and approved by the Planning and Zoning Commission.

2. RE: Fairfield Village - Street Revision

Mr. Abbott advised the Commission that the subdivision was approved with proposals for state maintained streets and a central water system.

Mr. Abbott advised the Commission that the subdivision has not been built and that the owner wishes to construct the streets to County specifications and to install individual wells.

Mr. Abbott advised the Commission that the central water issue has not been adopted through legislature and that the State DNREC only recommends a central water system.

Mr. Abbott advised the Commission that DelDOT and the Sussex County Engineering Department will have to approve the revised plans before the plat can be recorded.

Motion by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the street revision to allow County specifications and the revision to allow individual wells with the stipulation that DelDOT, the Sussex County Engineering Department, and DNREC grant approvals prior to recordation of the revised plat.

3. RE: Pinewater Farms - Street Revision

Mr. Lank advised the Commission that Persimmon Lane and Sassafras Lane have not been accepted by DelDOT for maintenance and that the property owners wish that the streets be private to County specifications, and that the development already has a mix of street types, some private and some public.

Motion by Mr. Magee, seconded by Mr. Smith, and carried unanimously to approve the proposed revision.

4. RE: Roger Mann - 2 lots and right of way - Route 54

Roger Mann was present on behalf of this request to create two parcels off of an existing right of way.

Mr. Abbott advised the Commission that the existing right of way is approximately 20 feet wide.

Mr. Mann advised the Commission that he intends to sell the parcel to a relative.

Mr. Magee expressed concerns about the width of the existing right of way.

Motion by Mr. Magee, seconded by Mr. Smith, and carried unanimously to approve the two parcels with a fifty (50) foot right of way for ingress/egress to be located at the eastern side of the property. The existing right of way may still be utilized for access.

5. RE: Raymond L. Banks, Jr. - lot and access - Route 347

The Commission reviewed a request to create two (2) lots off of an existing twelve foot access road off of Road 347.

Mr. Abbott advised the Commission that the twelve foot access road is an old public road.

Mr. Abbott advised the Commission that Mr. Banks owns the adjoining parcels on land.

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

6. RE: William T. Davis - lot and access - Route 556

William Davis was present on behalf of this request to create an 88.75 foot access to serve a five acre parcel of land.

Mr. Abbott advised the Commission that Mr. Davis originally bought a 100' by 220' lot and that he bought an additional 88.75' by 220' lot in 1986, and that the additional area was approved as an extension to the existing lot.

Mr. Abbott advised the Commission that Mr. Davis built a swelling on the 100' by 220' lot and he wishes to sell the lot with the dwelling, and to combine the 88.75' lot with the rear parcel so that he may build a new dwelling.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the request.

7. RE: Rollin L. Hudson - 5 lots along Route 400

Mr. Abbott advised the Commission that Mr. Hudson wants to create five 0.75 acre lots with 150' frontage each on Route 400.

Mr. Abbott advised the Commission that the remaining land between the end lot and the railroad only has 111.71' road frontage and that there are concerns that this area could be subdivided.

Mr. Lank suggested that the 111.71 feet of frontage could be a secondary access to the farm and that the area be non-buildable.

Motion by Mr. Magee, seconded by Mr. Smith, and carried unanimously to approve the 5 lots and stipulate on the record plan that the 111.71 feet of road frontage be a non-buildable area and secondary access only, and that it be so noted on the record plat.

OLD BUSINESS

1. RE: C/U #997 -- T.J. Tennefoss

Mr. Lank introduced the application of T. J. Tennefoss to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Nanticoke Hundred for Wooden Pallet Repair lying on the northwest side of Route 36, 1,600 feet southwest of Route 628 and to be located on a parcel containing 13.5 acres more or less.

The Commission discussed the application.

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

2. RE: C/U #1001 -- Joan Lapp

Mr. Lank introduced the application of Joan Lapp to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Little Creek Hundred for an Accessory Use to a Dwelling for Retail Sales of Crafts and General Gifts lying on the east side of Route 13A, 0.3 mile north of Route 470 and to be located on a parcel containing 9.22 acres more or less.

The Commission discussed this application.

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

1. Retail area for sale of crafts and general gifts shall be contained with the area of the existing porch and living room of the existing dwelling.

2. One unlighted sign, not to exceed 32 square feet per side or facing, shall be permitted.

3. Site plan shall be required to be reviewed and approved by the Planning and Zoning Commission.

3. RE: C/Z # 1158 -- Bayville Shore Development Corp.

Mr. Lank introduced the application of Bayville Shore Development Corp. to amend the zoning map from AR-1 Agricultural Residential to HR-2/RPC High Density Residential - Residential Planned Community in Baltimore Hundred, located on the north side of Route 58B, south of the Assawoman Bay to be located on a parcel containing 91.88 acres more or less.

The Commission discussed the application.

Mr. Magee noted his concern for traffic and questioned the need for the development in this area.

Motion by Mr. Magee to forward this application to the Sussex County Council with the recommendation that it be denied.

Motion died for the lack of a second.

Motion by Mr. Ralph, seconded by Mrs. Monaco, and carried 4 votes to 1, with Mr. Magee opposed, to forward this application to the Sussex County Council with the recommendation that it be approved based on the recommendation and comments made by DelDOT and the State Department of Agriculture.

4. RE: C/Z # 1163 -- Wheatley Farms, Inc.

Mr. Lank introduced the application of Wheatley Farms, Inc. to amend the zoning map from AR-1 Agricultural Residential to GR General Residential in Nanticoke Hundred, located on the northwest corner of Route 545 and Route 594 to be located on a parcel containing 80.23 acres more or less.

The Commission discussed the application.

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

5. RE: Subdiv. #91-26 -- James C. Hudson, Sr.

No one was present on behalf of the application of James C. Hudson, Sr. to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broadkill Hundred by dividing 21.70 acres of a 153 acre tract into 21 lots, located on the northwestern side of Route 258, 1,255 feet northeast of Route 88.

Mr. Abbott advised the Commission that the public hearing for this application was held in December 1991, and that action was deferred pending receipt of a septic feasibility.

Mr. Abbott advised the Commission that the septic feasibility has been received and that individual septic systems are feasible for this subdivision.

Motion by Mr. Smith, seconded by Mrs. Monaco, and carried unanimously to approve the subdivision as a preliminary.

6. RE: Bethany Bay - Phase 2 - Sections 1 and 3.2
Site Plan and Record Plan

The Commission reviewed the site plan and record plan.

Mr. Abbott advised the Commission that the site plan and record plan received preliminary approval on April 9, 1992 for 72 multi-family units, 60 single family clusters dwellings and 29 single family residential lots.

Mr. Abbott advised the Commission that the final site plan and record plan comply with the Zoning Code and Subdivision Code of Sussex county and that all required agency approvals and permits for this section have been received.

Motion by Mr. Magee, seconded by MR. Smith, and carried unanimously to approve Phase 2 as submitted as a final.

7. RE: Subdiv. #91-10 -- James Tate

No one was present on behalf of the application of James Tate to consider the Subdivision of land in a Mr Medium Density Residential District in Baltimore Hundred by dividing 2.48 acres into 6 lots, located on the southwest side of Route 54, 2,000 feet northwest of Bennett Avenue.

Mr. Abbott advised the Commission that the subdivision received preliminary approval in April 1991 and received a time extension in March 1992.

Mr. Abbott advised the Commission that the final record plan is the same layout as the preliminary, that the subdivision complies with the Subdivision code and that all agency approvals and permits have been received.

Motion by Mr. Magee, seconded by Mr. Smith, and carried unanimously to approve the application as a Final.

Meeting adjourned at 10:30 PM.