

MINUTES OF THE REGULAR MEETING OF JUNE 28, 1990

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, June 28, 1990, at 7:45 P.M. in the County Council Chambers, Courthouse, Georgetown, Delaware with the following present:

Mr. Allen, Mr. Ralph, Mr. Hickman, Mrs. Monaco, Mr. Smith, Mr. Berl - Attorney, and Mr. Lank - Director.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the minutes of May 24, 1990, and May 31, 1990, as circulated.

PUBLIC HEARINGS

1. RE: C/Z #1078--Bridgeville Auto Center, Inc.

Joe Johnson was present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to HI-1 Heavy Industrial in Northwest Fork Hundred, located on the west side of Route 13, 0.22 mile north of Route 18, containing 9.0 acres more or less.

Mr. Lank summarized comments received from the D.N.R.E.C. Land Use Planning Act Coordinator.

Mr. Johnson stated he is presently operating under Conditional Use approval. He wants to expand his salvage and recycling business and build another warehouse. He would fence in the new area similar to the fencing around his present operation.

Mr. Johnson stated he presently has seven (7) full time and two (2) part time employees. If this application is approved, he anticipates hiring two (2) additional employees.

Mr. Johnson stated he is proposing a building 50 feet by 150 feet. All his equipment is stored inside the fenced area.

Dennis Williams questioned the proposed use of the additional area.

Harold Jones spoke in opposition due to the way the existing site looks.

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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 D.N.R.E.C. Land Use Planning Act Coordinator, that comments have been requested from the D.N.R.E.C. Division of Air and Waste Management, the Bureau of Archaeology and Historic Preservation, the Department of Transportation, and the Sussex Conservation District.

The Commission found that the Division of Highways did not respond since the use already exists.

The Commission found that the application was represented by the owner and that the owner plans to utilize the site for an automotive salvage operation.

The Commission found, based on comments received from the applicant, that the existing use on the front four (4) acres is operating as a Conditional Use, that he needs space for another warehouse, that the adjoining parcel is zoned HI-1 Heavy Industrial, that the additional land is proposed for the additional warehouse and storage, that a vehicle may remain on site for one year prior to removal, that the area will be fenced with chain link type fencing, that the proposed warehouse, approximately 50 feet by 150 feet, is proposed to be placed along the southerly property line and will help shield the view of the storage operation, that no additional lighting is planned, that the site has been utilized for the business of salvage for at least 30 years, that he presently employs seven (7) full-time employees and three (3) part time employees, that a need for two (2) additional employees will be created by the expansion, that no dismantled vehicles will be displayed in the front of the parcel, and that no adverse impact is anticipated on the neighborhood, the property values, or on Route 13.

The Commission found that one person appeared in opposition and expressed concern about junk cars being within sight of his residence.

The Commission found that one person appeared, not opposed, but with concerns in reference to depreciation of property values, and questioned whether additional expansions may be proposed in the future.

Motion made 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 based on the record of support, since the rezoning will create conforming zoning for an existing use, since the use is the same as the adjoining parcel to the north, since the rezoning provides for expansion of the existing use, and since the rezoning will be an extension to the HI-1 Heavy Industrial District adjoining.

2. RE: C/Z #1079--Melvin Joseph

Jeffrey Robinson, Beacon Homes, and Don Pfaff were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to GR General Residential in Dagsboro Hundred, located on the south side of Route 322, 2,200 feet west of Route 432, containing 6.62 acres more or less.

Mr. Lank summarized comments received from the State Division of Highways.

Mr. Pfaff stated Beacon Homes has a contract to purchase the proposed site if this application is approved. They plan to divide the parcel into five lots, each having 150 feet of road frontage. One manufactured home exists on the parcel. They propose to place four (4) more manufactured homes, one on each lot.

Mr. Pfaff stated the area is mostly wooded. Other manufactured homes, approved by the Board of Adjustment, exist in the immediate area.

Earl Godwin, Bruce Kahler, Geraldine Saunders, Eric Adams, Edgar Kampe, Glenda Scott, Frederica Morris, and Donna Kahler spoke in opposition due to additional traffic, dangerous curve in the road, and property devaluation.

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 a traffic impact study was not recommended and that the Level of service "A" of Route 322 will not change as a result of this application.

The Commission found that the application was represented by an employee of the applicant and one of the purchasers, and that the purchasers plan to utilize the site for four (4) lots.

The Commission found, based on comments made by representatives of the application, that the parcel is wooded, that the area has mixed housing types of manufactured homes and dwellings, that the lots proposed are intended to contain approximately 1.5 acres, and that the proposal shall not change the character of the area.

The Commission found that eight (8) persons spoke in opposition and expressed concerns in reference to the creation of more manufactured home lots in the area, additional traffic, overcrowding, the impact on the roads in the area, that a curve exists just east of the parcel, that restricted housing lots have been created and built on since manufactured home lots have been developed across from the site, devaluation of property values, loss of the quiet neighborhood, expansion of additional GR General Residential Districts in the area, and questioning the type of proposed manufactured homes - new or used.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to forward this application to the Sussex County Council with the recommendation that this application be approved based on the record of support and since there is no anticipated increase in traffic.

3. RE: Subdiv. #90-15--Ted Liszewski and Irv Cohn

Ted Liszewski and R. B. Kemp, surveyor, were present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Nanticoke Hundred by dividing 19.25 acres into 14 lots, located on the south side of Route 597, 700 feet east of Route 600, and an application for a variance from the maximum 600 foot cul-de-sac length.

Mr. Lank summarized the comments and reports of the Technical Advisory Committee meeting of June 18, 1990.

Mr. Kemp advised the Commission that the requests of the members of the Technical Advisory Committee will be met and submitted a revised plot plan exhibiting the changes.

Mr. Liszewski stated that the lots will be restricted with a minimum of 1,200 square feet for a dwelling and other restrictions.

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In reference to the request for a variance in the length of a cul-de-sac, Mr. Liszewski and Mr. Kemp stated that the cul-de-sac is proposed at approximately 750 feet, 150 feet longer than the Ordinance suggests, that looping the street would lessen the square footage of the proposed lots, and that shortening the street length would not provide a reasonable lot layout.

The Commission found that Donna Moore spoke in opposition to the creation of a subdivision and expressed concerns in reference to the number of homes in a small area, the sharp curve on Route 597 near the site, and the sharp curve on Route 600 near the site, traffic, traffic safety, septic, noise, additional pets in the area, the loss of the farming community, and loss of the quiet neighborhood by the increase in housing lots.

Motion made by Mr. Ralph, seconded by Mr. Smith, and carried unanimously to defer action pending receipt of a feasibility statement from the State D.N.R.E.C.

4. RE: Subdiv. #90-16--Holston Farms Assoc.

Jeff Clark, Land Tech, and John Cooper of Holston Farms Assoc. were present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential District in Dagsboro Hundred by dividing 129.7 acres into 44 lots, located on the west side of Route 432, 1,500 feet north of Route 20.

Mr. Hickman excused himself from participating in this hearing and left the chambers.

Mr. Lank summarized the comments and reports of the Technical Advisory Committee meeting of June 18, 1990.

Mr. Clark advised the Commission that a 70 acre pond will be created on the project site with approximately 30 acres of buffer around the perimeter, that the entrance location for the subdivision is the safest and most appropriate location for sight view, that the State Fire Marshal has stated no objection to the cul-de-sac length, that central water is proposed to be located in the common open space at the circular loop of the cul-de-sac, that the developers have no objection to limiting the easterly end of the borrow pit as recommended by the County Engineering Office, that the Sussex Conservation District has granted approval of the Erosion and Sediment Control Plan for the entire project, that deed restrictions will be provided as recommended by the County Engineering Office, that septic feasibility has been requested from the State D.N.R.E.C., that the streets will be designed to County specifications, that the developers have no objection to limiting the sale of lots to start after completion of the borrow pit

operation, that the borrow pit operation may take 7 or 8 years to complete, that the subdivision plan is proposed as the master plan for the entire parcel, that deed restrictions are proposed with square footage limitations for dwelling size similar to Lake View Estates, and that the developers chose to create a Subdivision on a portion of the parcel rather than borrow the entire site for borrow material.

Motion made by Mr. Smith, seconded by Mr. Ralph, and carried 4-0, with Mr. Hickman absent and abstaining, to defer action pending holding a public hearing on a variance of the cul-de-sac length. The fee for the variance shall be waived.

5. RE: Subdiv. #90-17--Garland Saville

Garland Saville and Jeff Clark, Land Tech, Inc., were present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential District in Baltimore Hundred by dividing 12.8 acres into 21 lots, located on the north side of Route 26, 700 feet east of Route 327, and an application for a variance from the maximum 600 foot cul-de-sac length.

Mr. Lank summarized the comments and reports of the Technical Advisory Committee meeting of June 18, 1990.

Mr. Clark advised the Commission that no known wetlands exist on the site, and that if any wetlands are found they will be mapped, that a soil evaluation has been performed for septic feasibility, that the variance is requested for the cul-de-sac length due to the restriction of the length of the parcel, that the State Fire Marshal has indicated no objection to the cul-de-sac length, that the street is proposed to be built to County specification, that the subdivision will have restrictions against manufactured homes, and that a minimum of woods will be removed for location of the homes, streets and septic systems.

Mr. Clark submitted a letter from the Fire Chief of the Millville Volunteer Fire, Co., Inc. voicing no objection to the cul-de-sac length.

The Commission found that Allene Murray and Fred West spoke with concerns in reference to the type of housing, especially manufactured homes, and that the area is primarily agricultural.

The Commission found that two letters were submitted in opposition to traffic, shortage of ground water, pollution, and the number of additional houses in the area.

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Motion made by Mr. Hickman, seconded by Mr. Ralph, and carried unanimously to approve the subdivision as a preliminary. Final plans shall be required to be submitted to the Commission for review and approval.

6. RE: Subdiv. #90-18--Junior Armiger

Junior Armiger and Donald Miller, surveyor, were present on behalf of this application to consider the Subdivision of land in an AR-1 Agricultural Residential District in Broad Creek Hundred by dividing 48 acres into 40 lots, located on the southeast side of Route 490, and as an extension to the existing Hill N Dale Subdivision.

Mr. Lank summarized the comments and reports of the Technical Advisory Committee meeting of June 18, 1990.

Mr. Miller advised the Commission that DelDOT has almost completed the streets in Section 2 of Hill N Dale, that the developer proposes to work with Delmarva Power and Light Co. to eliminate the power line easement that is not improved, that a soil scientist has been on-site and is preparing a soil feasibility report, that no wetlands exist on-site, that a future revision is proposed to interconnect the street system with Section 2 on the easterly side, and that no additional entrance space is available for access to the site.

The Commission found that Doug Figgs and Nora Seymour were present and questioned the proposed street specification and additional entrances.

Mr. Miller stated that the streets will be built to State specification and maintained by the State when completed.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to defer action pending receipt of a feasibility statement from the State D.N.R.E.C. for septic.

OLD BUSINESS

1. RE: Subdiv. #88-9--L & W Country Estates

Mr. Lank advised the Commission that Lee Littleton and Samuel Wilson, the developers, were requesting a retroactive time extension for preparation of the final plans for L & W Estates, that preliminary approval had been granted on November 3, 1988, that the Sussex Conservation District granted its approval on November 24, 1989, that County Engineering granted its approval on December 21, 1989, that DelDOT granted its approval on January 11,

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1990, that the State Fire Marshal granted its approval on June 8, 1990, and that the developers have been working with the agencies since receipt of their preliminary approval.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to grant a one year extension of time, retroactive back to November 3, 1989. If the final plan is not recorded by November 3, 1990, the subdivision approval shall become void.

2. RE: C/U #935--Dr. Pravin O. Gohel

Mr. Lank submitted revised site plans to the Commission which exhibit the stipulations of the County Council for the conversion of a dwelling into a doctors office on the southeast side of Savannah Road (Route 18). The site plan shows parking along the existing driveway in the front yard.

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve the site plan.

Meeting Adjourned 10:30 P.M.

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Lawrence B. Lank, Secretary