

MINUTES OF THE REGULAR MEETING OF JULY 14, 1994

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, July 14, 1994, at 7:30 PM, in the Court of Common Pleas courtroom in the Courthouse, Georgetown, Delaware, with the following present:

Mr. Allen, Mr. Lynch, Mrs. Monaco, Mr. Ralph, Mr. Schrader - Assistant County Attorney, and Mr. Lank - Director.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried with 3 votes to approve the minutes of June 23, 1994 as circulated. Mr. Lynch was not voting.

II. PUBLIC HEARINGS

1. RE: C/U #1079--Edward J. Kaye

Edward J. Kaye and Joseph T. Conaway, a Consultant and Real Estate Agent, were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Nanticoke Hundred for Expansion of Conditional Use No. 954 to Excavate Borrow Below Water Table and to Establish Areas for Recyclable Building Materials lying 500 feet west of Route 525, 1,200 feet north of Route 526 to be located on a parcel containing 74 acres more or less of a 213 acre site.

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

Mr. Conaway submitted a packet of information to the Commission, and advised the Commission that the site adjoins a racetrack, that the site is located across from a borrow pit site, that the applicant proposes to excavate borrow material below the water table in certain areas and then convert the excavated areas into fish farms and commercial fishing ponds, that the recyclable materials will include pallets and clean building materials, that the applicant has not been cited for any violations by the State DNREC or the County on the existing project (C/U #954), and that the applicant has been in operation for seven (7) years.

Mr. Kaye advised the Commission that the recyclable building materials include clean wood, no wood products with glue, some metals (nails, screws, bolts, etc...), that the metals will be removed by electric magnets, that the wood can be used with mulch products or for wood burners, that the proposed aquaculture is intended for future use of the ponds, that the berm along the front of the site shields the site from view from the road, that the only additional equipment is an electric magnet, that the asphalt shingles are proposed to be ground-up for asphalt product recycling, that the smaller ponds are proposed for aquaculture (fish farming), that the larger ponds are proposed for commercial

fishing , that the fishing ponds will create a recreational use for the residents of the area, that new wetlands will be created by creation of the ponds, that the recycling provides a service to the residents of the area by eliminating the need to fill the State landfills, that the recycling proposal provides mulch for landscaping, litter for poultry houses, asphalt by-products, and that no increase in traffic is anticipated.

Mr. Conaway added that the County has already established the use by approval of C/U #954, that no wetlands are impacted, that no additional area is being sought for additional borrow, that the application will have no negative impact on the school district, that previous drainage problems have been corrected with the cooperation of the Sussex Conservation District, that no wooded area is being disturbed, that the application is in keeping with the Western Sussex Land Use Plan, the purpose of the AR-1 Agriculture Residential District, the purpose of a Conditional Use, the general trends and land uses of the area, and that the wetlands on the site have been delineated.

Mr. Kaye added that the small ponds are proposed to separate fish populations from any possible diseases, that slopes will be created to provide walkable egress from the ponds, that the larger ponds will be phased in as the project progresses, that the berm will be extended northerly when necessary, that electric magnets will be incorporated into the grinder/shredder, that recycling of asphalt shingles may start within six months of receiving approval if the market warrants the need for the material, that digging below the water table will be limited to the pond areas only, that tree stumps, limbs, and brush left at the edge of the pit area by individuals will be cleared, that the entrance road to the site has been covered with recycled asphalt which has reduced dust along the entrance, and that the existing stipulations with C/U #954 are being followed.

Timothy Duker, Lynn Brodus, and Ed Sellers spoke in opposition to this application and questioning if all stipulations of C/U #954 have been met, questioning who monitors the activities on the site, questioning if environmental safety issues are being documented, questioning what impact this application will have on the water table, questioning if the water table will be contaminated by digging below the water table or the proposed fish farm, questioning what constitutes recyclable material, questioning how the applicant can compare the adjoining racetrack with the proposed recreational fishing, questioning airborne contamination by dust from the road and equipment, questioning the impact on the Nanticoke River and the properties of the Nature Conservancy, questioning the impact on cedar swamps along the Nanticoke River, advising that wetlands in

the area have changed due to borrow pit activities, questioning if the borrow pits will reduce the level of the ground water and impact wells in the area, expressing concerns for noise and the lose of the quiet recreation on the properties of the Nature Conservancy, and questioning what agency controls the aquaculture.

Mr. Conaway, speaking as a licensed real estate agent, stated that the application should have no adverse impact on land values, and that the recreational use, once established, may increase land values.

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 Sussex Conservation District, that the soils are mapped as three (3) types of Evesboro loamy sand, that the suitability of the soils for the intended use are fair to good for sand, unsuitable for gravel, and poor to fair for topsoil, that with respect to erosion and sediment control the District recommends that the applicant follow recommended erosion and sediment control practices and to divert runoff water around and away from the borrow pit during construction, and to stabilize slopes and maintain vegetation after completion of any construction, that the farmland rating of the soils vary from hydric in depressions to soils of Statewide Importance, that the applicant should maintain buffer strips of grass, trees or shrubs between the borrow pit and Gravelly Branch Tax Ditch, 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 that the applicant and a consultant were present and submitted a packet of information, that they advised the Commission that the site adjoins a racetrack, that the site is located across from a borrow pit site, that the applicant proposes to excavate borrow material below the water table in certain areas and then convert the excavated areas into fish farms and commercial fishing ponds, that the recyclable materials will include pallets and clean building materials, that the applicant has not been cited for any violations by the State DNREC or the County on the existing project (C/U #954), that the applicant has been in operation for seven (7) years, that the recyclable building materials include clean wood, no wood products with glue, some metals (nails, screws, bolts, etc...), that the metals will be removed by electric magnets, that the wood can be used with mulch products or for wood burners, that

the proposed aquaculture is intended for future use of the ponds, that the berm along the front of the site shields the site from view from the road, that the only additional equipment is an electric magnet, that asphalt shingles are proposed to be ground-up for asphalt product recycling, that the smaller ponds are proposed for aquaculture (fish farming), that the larger ponds are proposed for commercial fishing, that the fishing ponds will create a recreational use for the residents of the area, that new wetlands will be created by creation of the ponds, that the recycling provides a service to the residents of the area by eliminating the need to fill the State landfills, that the recycling proposal provides mulch for landscaping, litter for poultry houses, asphalt by-products, and that no increase in traffic is anticipated, that the County has already established the use by approval of C/U #954, that no wetlands are impacted, that no additional area is being sought for additional borrow, that the application will have no negative impact on the school district, that previous drainage problems have been corrected with the cooperation of the Sussex Conservation District, that no wooded area is being disturbed, that the application is in keeping with the Western Sussex Land Use Plan, the purpose of the AR-1 Agriculture Residential District, the purpose of a Conditional Use, and the general trends and land uses of the area, that the wetlands on the site have been delineated, that the small ponds are proposed to separate fish populations from any possible diseases, that slopes will be created to provide walkable egress from the ponds, that the larger ponds will be phased in as the project progresses, that the berm will be extended northerly when necessary, that electric magnets will be incorporated into the grinder/shredder, that recycling of asphalt shingles may start within six months of receiving approval if the market warrants the need for the material, that digging below the water table will be limited to the pond areas only, that tree stumps, limbs, and brush left at the edge of the pit area by individuals will be cleared, that the entrance road to the site has been covered with recycled asphalt which has reduced dust along the entrance, and that the existing stipulations with C/U #954 are being followed.

The Commission found that three (3) parties spoke in opposition to this application, questioning if all stipulations of C/U #954 have been met, questioning who monitors the activities on the site, questioning if environmental safety issues are being documented, questioning what impact this application will have on the water table, questioning if the water table will be contaminated by the digging below water table and the proposed fish farm, questioning what constitutes recyclable material, questioning how the applicant can compare the adjoining racetrack with the proposed recreational fishing,

questioning airborne contamination by dust from the road and equipment, questioning the impact on the Nanticoke River and the properties of the Nature Conservancy, questioning the impact on cedar swamps along the Nanticoke River, advising that wetlands in the area have changed due to borrow pit activities, questioning if the borrow pits will reduce the level of the ground water and impact wells in the area, expressing concerns for noise and the loss of the quiet recreation on the properties of the Nature Conservancy, and questioning what agency controls aquaculture.

The Commission found that the Consultant, speaking as a licensed real estate agent, stated that the application should have no adverse impact on land values, and that the recreational use, once established, may increase land values.

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 subject to the following:

1. Stipulations 9, 13, and 21 of Conditional Use #954 shall be deleted. All other stipulations of Conditional Use #954 shall remain as written.
2. The berm along Route 525 shall be extended prior to development of Phase 2 and 3.
3. All activities on the site shall comply with all applicable environmental laws and regulations.

2. RE: C/U #1080--Tri-Gas & Oil

Gary Killman and Ronald Patrick of Tri-Gas & Oil were present to consider the Conditional Use of land in a C-1 General Commercial District in Georgetown Hundred for Two 30,000 Gallon Propane Storage Tanks lying on the east side of Route 113, 1,200 feet north of Route 114 to be located on a parcel containing 1.03 acres more or less of a 2.41 acre tract.

Mr. Lank summarized comments received from the Sussex Conservation District and the Delaware Department of Transportation (DelDOT).

Mr. Killman advised the Commission that the company leases office space within view of and north of the site, that the company has approximately 1,000 residential, agricultural and business customers in the area, that the company has a conditional contract to purchase the site, that someone is on call 24 hours a day for any emergencies, that similar sites exist throughout the County, that the tanks are proposed to be a minimum of 50 feet from any property lines, and that a 25' by 60'

truck parking area is proposed.

Mr. Killman submitted a packet of photographs of the general area, the site, similar uses within the County, a portion of the zoning map depicting the site, a listing of the Top 50 United States Retail Propane Marketers of 1993 showing that Tri-Gas & Oil are ranked as 38th nationwide, and a letter from Ric Chatman, Safety Director for Tri-Gas & Oil.

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 the Sussex Conservation District, that the soils are mapped as Fallsington sandy loam and Pocomoke sandy loam, that the soils have severe limitations due to a high water table, that the District recommends that the applicant follow recommended erosion and sediment control practices and to maintain vegetation, that the soils are considered hydric Prime farmland where drained and of Statewide Importance where not drained, 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 DelDOT, that the proposed action will have no significant impact on traffic.

The Commission found that a representative of the company was present and advised the Commission that the company leases office space within view of and north of the site, that the company has approximately 1,000 residential, agricultural and business customers in the area, that the company has a conditional contract to purchase the site, that a company representative is on call 24 hours a day for any emergencies, that similar sites exist throughout the County, that the tanks are proposed to be a minimum of 50 feet from any property lines, and that a 25' by 60' truck parking area is proposed.

The Commission found that the representative submitted a packet of photographs of the general area, the site, similar uses within the County, a portion of the zoning map depicting the site, a listing of the Top 50 United States Retail Propane Marketers of 1993 showing that Tri-Gas & Oil are ranked as 38th nationwide, and a letter from Ric Chatman of Tri-Gas & Oil which

described that the Office of the State Fire Marshal and the Delaware DNREC inspect and enforce codes and regulations on propane storage sites.

The Commission found that no parties appeared in opposition.

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

3. RE: C/U #1082--The Mayor and Council of the Town of
Selbyville

James Burke, Manager of the Treatment Facility for the Town of Selbyville, and David Buchanan, the landowner, were present on behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Broad Creek Hundred for Land Application of Treated Sludge lying on the east side of Route 449A, approximately 2,440 feet south of Route 447 to be located on a parcel containing 89.20 acres more or less.

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

Mr. Burke advised the Commission that currently the site is farmed using commercial fertilizers and animal manure, that the applicants and landowner propose to utilize commercial fertilizers and treated biosolids from the treatment plant at Selbyville, that the biosolids will be subsurface injected into the ground by the use of a terragator tractor which digs a furrow, injects the biosolids, and then covers the furrow as it rolls across the farm, that all activities will be in accordance with all State and Federal regulations, that the State performs a greater amount of monitoring on the application of biosolids than on typical manure processing applications, that the State monitors soil conditions and nutrient levels, that the biosolids are tested for metals and nutrients prior to application, that the biosolids produce little or no odors, that the biosolids produce fewer pollutants than manures, that presently approximately ten (10) sites exist within Sussex County, that the biosolids will be injected at approximately 12" below grade, that the site was chosen near Laurel since the State DNREC advised the Town of Selbyville that disposal should be away from wet areas of high water table near Selbyville, that vegetables for human consumption may be produced on the site within two (2) years of the application of biosolids, that the material is hauled to the site by tractor trailer, transferred to a terragator tractor, and then applied, that a majority of the biosolids are from a poultry processing plant served by the treatment plant at Selbyville, that if the application is rejected the poultry plant may have to

dispose of its biosolids elsewhere, that a maximum of two (2) biosolid application to the site are anticipated per year, that currently they apply biosolids twice per year at a site near Milton, that a crop management plan is required by the State Department of Agriculture and the State DNREC, that all applications are performed during daylight hours only due to regulations of the State DNREC, that the Town will pay the landowner for each acre where biosolids are applied, that the State DNREC prefers irrigated sites since irrigated sites cause faster growth and use of the biosolids, that application of biosolids is limited to dry weather, that no applications are performed when the ground is wet, that the State DNREC requires that buffers of 25' from property lines, 25' from roads, 25' from streams and drainage ditches, and 100' from residences off-site and potable wells be established.

Richard Irwin, Lawrence Justice, James Justice, Chris Johnson, Bill Otwell, Evelyn Justice, Eddy Justice, Janet Otwell, And Bruce Harrington, of the 28 people present in opposition, spoke in opposition and expressed concerns about runoff from the site, that runoff is heavy during heavy rains, that existing runoff impacts existing driveways in the area, that Selbyville sludge should be disposed of in the Selbyville area, that the Pepper Branch, the James Branch, the Gordon Branch Tax Ditch, and the Nanticoke River could be impacted by this application, that farmers do soil testing before manure application, that nitrate levels are high in the area and that there is no need for additional nitrates in the area, that short term and long term testing of drinking water should be performed, that the residents of the area should be guaranteed that no negative impact will be created on their drinking water, that the wildlife of the area and their habitat may be negatively impacted, that concerns were raised that the poultry farms in the area could be impacted since the sludge contains treated poultry waste and questioning health impacts on the poultry flocks.

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 Sussex Conservation District, that the soils on the site are mapped as Rumford loamy sand, Evesboro loamy sand, Keyport fine sandy loam, Kenansville loamy sand, and Woodstown sandy loam, that the soil suitability of the intended use is fair due to the light sandy soils with rapid to moderate permeability, that the owner should maintain vegetative cover after application, that the farmland rating of the soil types vary from Statewide

Importance to Prime Farmland, that sludge should be applied according to crop needs per yield goal, 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 that the Manager of the Treatment Facility for the Town of Selbyville and the landowner were present on behalf of the Town and advised the Commission that currently the site is farmed using commercial fertilizers and animal manure, that the applicants and landowner propose to utilize commercial fertilizers and treated biosolids from the treatment plant at Selbyville, that the biosolids will be subsurface injected into the ground by the use of a terragator tractor which digs a furrow, injects the biosolids, and then covers the furrow as it rolls across the farm, that all activities will be in accordance with all State and Federal regulations, that the State performs a greater amount of monitoring on the application of biosolids than on typical manure processing applications, that the State monitors soil conditions and nutrient levels, that the biosolids are tested for metals and nutrients prior to application, that the biosolids produce little or no odors, that the biosolids produce fewer pollutants than manures, that presently approximately ten (10) sites exist within Sussex County, that the biosolids will be injected at approximately 12" below grade, that the site was chosen near Laurel since the State DNREC advised the Town of Selbyville that disposal should be away from wet areas of high water table near Selbyville, that vegetables for human consumption may be produced on the site within two (2) years of the application of biosolids, that the material is hauled to the site by tractor trailer, transferred to a terragator tractor, and then applied, that a majority of the biosolids are from a poultry processing plant served by the treatment plant at Selbyville, that if the application is rejected the poultry plant may have to dispose of its biosolids elsewhere, that a maximum of two (2) biosolid application to the site are anticipated per year, that currently they apply biosolids twice per year at a site near Milton, that a crop management plan is required by the State Department of Agriculture and the State DNREC, that all applications are performed during daylight hours only due to regulations of the State DNREC, that the Town will pay the landowner for each acre where biosolids are applied, that the State DNREC prefers irrigated sites since irrigated sites cause faster growth and use of the biosolids, that application of biosolids is limited to dry weather, that no applications are performed when the ground is wet, and that the State DNREC requires that buffers of 25' from property lines, 25' from roads, 25' from streams and drainage ditches, and 100' from residences off-site and potable wells be established.

The Commission found that 9 of the 28 people present in opposition, spoke and expressed concerns about runoff from the site, that runoff is heavy during heavy rains, that existing runoff impacts existing driveways in the area, that Selbyville sludge should be disposed of in the Selbyville area, that the Pepper Branch, the James Branch, the Gordon Branch Tax Ditch, and the Nanticoke River could be impacted by this application, that farmers do soil testing before manure application, that nitrate levels are high in the area and that there is no need for additional nitrates in the area, that short term and long term testing of drinking water should be performed, that the residents of the area should be guaranteed that no negative impact will be created on their drinking water, that the wildlife of the area and their habitat may be negatively impacted, that concerns were raised that the poultry farms in the area could be impacted since the sludge contains treated poultry waste and questioning health impacts on the poultry flocks.

The Commission found that a petition containing approximately 113 signatures in opposition was submitted for the record.

Motion 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.

4. RE: C/Z #1234--Richard Piper

Richard Piper and Anna Tingle were present on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to GR General Residential in Broadkill Hundred, located on the east side of Route 240, 0.73 mile south of Route 16, to be located on a parcel containing 11.45 acres more or less.

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

Mr. Lank summarized five (5) letters of support from Patricia Saez of Casa San Francisco, Arlene Serrano of First State Community Action Agency, Paynter Johnson, Janet B. Coomber, Marion S. Parker, and Kathleen Walton, Mayor of Ellendale.

Mr. Piper stated that he proposes to expand the manufactured home park to create a maximum of 23 total lease lots.

Mr. Allen stated that the existing park, containing nine (9) manufactured homes has been in violation since 1979, and questioned why the property should be rezoned.

Mrs. Tingle stated that Mr. Piper was present to try to correct all violations and that he intends to meet all agency requirements to improve the park.

Mr. Piper stated that an attorney represented him in all previous court hearings and that the attorney did not advise him of any action against him.

Mr. Schrader asked Mr. Piper if he had approved septic systems on the site.

Mr. Piper stated that the last two (2) systems were constructed per State regulations.

Frances and George Kershaw, and John Huger were present in opposition and stated that the area is zoned for farming and seems to be growing trailers, that the trailers adjoin farmland, that a tax ditch may be affected, that they were not notified by mail of any public hearings, that a previous landowner was denied rezoning, that the area has a high watertable and expressed a concern of pollution of groundwater.

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 240 will not change as a result of this application.

The Commission found, based on comments received from the Sussex Conservation District, that the soils are mapped as Pocomoke sandy loam and Woodstown sandy loam, that the soils have fair suitability for the intended use with moderate to severe limitations due to a moderately high water table for septic tank systems and houses with or without basements, that the applicant will be required to follow recommended erosion and sediment control practices and to maintain vegetative cover after completion of any construction, that Pocomoke soils are hydric soils considered Prime farmland where drained and of Statewide Importance where not drained, that Woodstown soils are considered Prime farmland hydric in depressions, 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 that five (5) letters were received in support of the application which referenced that Mr. Piper was a wonderful landlord, that without his assistance some of his tenants may be homeless, that decent and affordable low income housing has been a problem for homeless individuals, that families have been referred to the park with confidence that they would be living in a safe, sanitary, and decent community environment, and that Mr. Piper has exhibited fairness to all tenants and maintained strict rules governing the appearance and wholesome atmosphere of the site.

The Commission found that the applicant was present, with a friend, and advised the Commission that he proposes to expand the manufactured home park to create a maximum of 23 total lease lots, agreed that the existing park, containing nine (9) manufactured homes has been in violation since 1979, that he was present to try to correct all violation, that he intends to meet all agency requirements to improve the park, that an attorney represented him in all previous court hearings and that the attorney did not advise him of any action against him, and that the last two (2) septic systems were constructed per State regulations.

The Commission found that three (3) area residents were present in opposition and stated that the area is zoned for farming and seems to be growing trailers, that the trailers adjoin farmland, that a tax ditch may be affected, that they were not notified by mail of any public hearings, that a previous landowner was denied rezoning, that the area has a high watertable, and expressed a concern of pollution of groundwater.

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

5. RE: C/U #1081--Richard Piper

Richard Piper and Anna Tingle were present on behalf of this application to consider the Conditional Use of land in a GR General Residential District in Broadkill Hundred for a Manufactured Home Park lying on the east side of Route 240, 0.73 mile south of Route 16, to be located on a parcel containing 11.45 acres more or less.

Mr. Lank advised the Commission that all correspondences received on this application were read into the record for the application of C/Z #1234 and asked that the correspondence be made a part of the record for this application, C/U #1081.

Mr. Piper stated that he had no additional or different comments from statements made on C/Z #1234, and requested that all statements made on C/Z #1234 be made a part of the record for this application, C/U #1081.

Frances Kershaw, George Kershaw, and John Huger, present in opposition stated that the land should be tested for contaminants due to the high watertable, and added that they had no additional or different comments from their opposition stated on C/Z #1234, and requested that all statements made on C/Z #1234 be made a part of the record for this application, C/U #1081.

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

OTHER BUSINESS

1. RE: Padula Construction

The Commission reviewed the aite plan for C/U #1036 for a contractors storage yard south of Route 265A.

Mr. Lank advised the Commission that the Commission had recommended that C/U #1036 be denied, that the County Council had approved the use with stipulations, that one stipulation required construction of a stockade fence for property facing the road, that the applicant had place approximately 100 feet of fencing along the property facing the road, and asked if the Commission considered the fence, as constructed, met the stipulation of the County Council.

Motion by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to defer action so that Mr. Phillips can participate in the discussion.

2. RE: Angola Beach Manufactured Home Park

Craig Hudson and John Sergovic, Attorney, were present to discuss their proposal to create a boat storage area within a recreation area of Angola Beach.

Mr. Sergovic advised the Commission that approximately 21 acres of recreation area (open space) exist within Angola Beach, that the park has approval for approximately 436 lease lots, that the lots within the park are inadequate for storage of boats, that boats may not be stored on streets or septic areas, that the developers desire to create storage areas for boats, that the site was originally a drainfield for the park, that the site lends itself for boat storage due to its close proximity to the

boat ramp and marina area, and that the storage area will be utilized by residents of Angola Beach and Angola Estates, an adjoining RPC Residential Planned Community.

Joe Newland, President of the Owners Association of Angola Estates, and Jack Thompson and Harry Werco, Past Presidents of the Owners Association, were present in support of the proposed boat storage area.

Mr. Thompson stated that they were former residents of Angola Beach, that the land has never been used for recreational purposes, and that the site is an ideal location for boat storage due to its close proximity to the marina.

Mr. Sergovic added that the site has seven times the amount of recreational open space required by present Ordinances.

Dennis Norwood, a resident of Angola Beach, stated that he supported the need for storage of boats, questioned the proposed location, stated that the area directly affects lots within the park, questioned the hours of use, fees for leasing storage space, security lighting, security, fencing, and the loss of recreational area.

Mr. Schrader stated that he needed to review the text and file for the original approval of Angola Beach, the Interim application of Walan, Inc.

There was a consensus of the Commission to defer action for a legal opinion.

3. RE: Howard W. Quander

The Commission reviewed a proposal to create 2 lots and a 50' easement off of Route 62.

Mr. Lank advised the Commission that Mr. Quander stated that he needed to subdivide the site due to limitations placed on him by a bank in creation of a mortgage.

Motion by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to defer action for a statement from the bank advising that they will not consider the property for a mortgage unless it is subdivided.

4. RE: Leroy F. Chrobot

The Commission reviewed a proposal to create a lot and an extension to a 50' easement to provide access to an existing parcel off of Route 488.

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

5. RE: National Concrete

The Commission reviewed a proposal to add a 12' by 28' addition to an office building south of Route 16.

Mr. Lank advised the Commission that the site was originally approved for John Mervine as C/U #241.

Motion by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the location of the building addition.

6. RE: Estate of Jehu Smack

The Commission reviewed a proposal to create 2 lots for heirs of the estate and a 50' easement across lands of the estate of Jehu Smack off of Route 525.

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

7. RE: C/Z #960--Bay Farm RPC

Mr. Lank advised the Commission that the Attorney on behalf of the owners, Townsends, Inc., have requested that C/Z #960 be considered void, since the owners do not plan to proceed with the development due to changes in the economic conditions and regulatory requirements.

Motion by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to consider the application of Townsends, Inc., C/Z #960, void.

8. RE: Mary Jane Haney

The Commission reviewed a proposal to create a lot off of Route 419 (Route 54) with access from a proposed 60' frontage.

Mr. Lank advised the Commission that the applicant proposes to utilize the frontage as an entrance for a proposed lot several hundred feet north of Route 419, and that the 4.08 acre rear parcel is surrounded by ditching or lands of others.

Mr. Ralph stated that the minimum frontage required is 150' and that the additional land is available from the original parcel to provide the frontage.

Motion by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to deny the concept.

9. RE: Sea Colony - Phase 1E

Mr. Lank advised the Commission that the developers are requesting to amend a portion of Phase 1E to replace 24 units (apartment type condominiums) with 18 units (townhome type condominiums).

Motion by Mr. Lynch, seconded by Mr. Ralph, and carried unanimously to defer action so that Mr. Lynch can review the site.

10. RE: Rehoboth Beach Outlets

The Commission reviewed the final site plans for an outlet store complex on the southwesterly side of Route One near Midway.

Motion by Mr. Ralph, seconded by Mr. Lynch, and carried unanimously to approve the site plan as a final with the stipulation that issuance of building permits be subject to receipt of verification of approval by the County Engineer, DelDOT approval of the Entrance Permit, and Building Code approval.

The meeting adjourned at 11:35 P.M.

At the conclusion of the meeting, the Commission met to reorganize.

Mr. Allen appointed Mr. Lank as Acting Chairman for the purpose of holding an election of Officers.

Mr. Lank opened nominations for Chairperson.

Motion by Mr. Lynch, seconded by Mr. Ralph, to nominate Mr. Allen for Chairman.

Motion adopted: 3 yea, and 1 not voting.

Vote by roll call: Mrs. Monaco, yea; Mr. Ralph, yea; Mr. Lynch, yea; and Mr. Allen, not voting.

Mr. Lank opened nominations for Vice-Chairperson.

Motion made by Mrs. Monaco, seconded by Mr. Allen, to nominate Mr. Ralph for Vice-Chairman.

Motion adopted: 3 yea, and 1 not voting.

Vote by roll call: Mrs. Monaco, yea; Mr. Lynch, yea; Mr. Allen, yea; and Mr. Ralph, not voting.

Mr. Lank turned the meeting over to Mr. Allen, Chairman.

Mr. Allen appointed Mr. Lank as secretary for the Commission.

Mr. Allen authorized Mr. Lank and Mr. Shane Abbott, Planner II, to sign record plats for recordation.

Meeting adjourned at 11:45 P.M.