

MINUTES OF THE REGULAR MEETING OF AUGUST 27, 1992

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, August 27, 1992 at 7:30 PM 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, and Mr. Abbott - Planner I.

Motion made by Mr. Smith, seconded by Mrs. Monaco, and carried unanimously to approve the minutes of August 13, 1992.

PUBLIC HEARINGS

1. Re: C/U #1015--Joe C. & Toni Johnson
T/A Bridgeville Auto Center

Joe Johnson and Mike McGroerty, Esquire were 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 an Extension and Expansion to Conditional Use No. 786 for an Auto Recycling Center lying 350 feet west of U.S. Route 13, 0.22 mile north of Route 18 and to be located on a parcel containing 5.0 acres more or less.

Mr. Abbott summarized comments received from DelDOT, the Office of the Secretary for the State DNREC for the purpose of Land Use Review and Coordination, the DNREC Pollution Control Branch, the DNREC Hazardous Waste Management Branch, the DNREC Wetlands and Aquatic Protection Branch, the DNREC Water Supply Branch, the DNREC Underground Discharges Branch, the DNREC Underground Storage Tank Branch, the DNREC Superfund Branch, the DNREC Solid Waste Management Branch, and the Sussex Conservation District.

Mr. Johnson stated that the proposed site will be an extension to an existing auto recycling center, that there will be no salvage operation in the yard, that the major parts are removed inside the existing building, that all liquids are removed from the cars, that the oil goes in waste tanks and sold to the public for use for waste oil heaters, that antifreeze is resold to the public, that all parts that are removed from the autos are stored in or near the existing building, that Delaware Auto Recyclers that are licensed have to meet certain criteria and are regulated by other environmental agencies, that by recycling autos this reduces solid waste materials, that parts are sold to insurance companies, that the proposed use will be as what exist, that a new building approximately 50' x 150' is proposed, that the proposed height of the building will be 20', that the area will be fenced with solid wood, that cars do not stay on the site more than two years, that

there are security lights on the existing building, that no cars are crushed on site, that no heavy trucks or buses are recycled, that the existing entrance will be used, that the hours of operation will be 8:00 AM to 5:00 PM Monday through Friday and 8:00 AM to 12:00 PM on Saturdays, and that the surrounding area is a mix of Heavy Industrial and Agricultural Residential.

Bunny Williams, James Johnson, Mark Fields, Jackie White, Jack Keats, Donald Lynch and Lawrence Hignut spoke in favor of this application since Mr. Johnson runs a neat business.

Mr. Johnson presented nine letters from area businesses and individuals in support of this application.

Dr. Outland, Randolph Jones, Ralph Lee, Vernon Roberts, Marvin Morris, Harold Jones, Charles Tilghman, Victoria Tilghman, Ivan Ward, Anna Lee, James Morrison, Leila Mitchell, Melva Hill, Virginia Green, Doreen Hayes, Selma Wood, Beverly Williams, Dennis Williams, John Hill, Mary Chaney, David Chaney, Melvin Goodman, Jackie Goodman, Ester Roberts, Joyce Jones, and Russell Gaines spoke in opposition due to hazardous materials waste, contamination to water supplies, contaminants draining into the Nanticoke River, safety hazards, devaluation of properties and the site being an eyesore.

Dr. Outland submitted a petition with 42 signatures opposing 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.

The Commission found, based on comments received from DelDOT, that a traffic impact study was not recommended and that the present level of service "A" of U.S. Route 13 will not change as a result of this application.

The Commission found, based on comments received from the DNREC Office of the Secretary, that comments have been requested from the DNREC Division of Air and Waste Management Waste Management Section, Hazardous Waste Branch, DNREC Division of Water Resources Pollution Control Branch, the Department of Agriculture and the Sussex Conservation District.

The Commission found, based on comments received from the DNREC Pollution Control Branch, that there office has no objection to this application but recommend the facility be managed to minimize surface water and groundwater impacts and that the project may require a NPDES stormwater permit.

The Commission found, based on comments received from the DNREC Hazardous Waste Management Branch, that the Branch had no comment.

The Commission found, based on comments received from the DNREC Wetlands and Aquatic Protection Branch , that wetlands regulated by the State of Delaware and the U.S. Army Corps of Engineers do not appear to be within the proposed area of development, and that the developer may wish to enlist the services of a wetland consultant to determine the extent of wetlands on this property.

The Commission found, based on comments received from the DNREC Water Supply Branch, that the branch has no objections to this application and that individual on-site well may be installed providing that the requirements of the Regulations Governing the Construction of Water Wells are met.

The Commission found, based on comments received from the DNREC Soil Evaluation Group of the Underground Discharges Branch, that the soils on site are mapped to be Sassafras and Woodstown, and that these soils are suitable for on-site wastewater disposal.

The Commission found, based on comments received from the DNREC Underground Storage Tank Branch, that the Branch has no record of a tank at this location, that if an underground tank is proposed the owner must submit plans to the branch at least thirty days prior to installation, and that if a tank is found during construction the owner must notify the branch immediately.

The Commission found, based on comments received from the DNREC Superfund Branch, that the site is not located on or near a potential and/or existing Superfund site.

The Commission found, based on comments received from the DNREC Solid Waste Management Branch, that regulations prohibit the burial of construction/demolition debris, including trees and stumps anywhere in the State except at solid waste disposal facilities that have a permit or approval from the Department for them to accept this waste, and recommend recycling as these materials whenever feasible.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on site are mapped to be Sassafras sandy loam, Woodstown sandy loam, that the suitability of the soils for the intended use may have slight limitations, that the evaluation of the soils with respect to erosion and sedimentation control may require the developer 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 are prime, that no storm flood hazard area is affected, that it may not be necessary for any off-site or on-site drainage improvements, and that no tax ditch is affected.

The Commission found, based on comments made by representatives of the application, that the applicant proposes to expand the existing conditional use for an auto recycling center, that this will not be an auto salvage yard, that all major parts are removed inside an existing building, that all liquids such as oil, antifreeze, brake fluid and freon are carefully removed and properly disposed of, that the oil is resold to persons having waste heaters, that the antifreeze is resold to the public, that all parts removed from autos are stored inside or near the existing building, that the owner is licensed by Delaware Auto Recyclers, that he has to meet certain criteria and is regulated by State and Federal agencies, that recycling autos reduces solid waste, that parts are resold to insurance companies, that the existing use will be expanded, that the owner proposes a new 50' x 150' building that will be 20' in height, that the area will be fenced with a stockade type fence, that security lights will be erected on the buildings, that the autos do not stay at the site for more than two years, that no cars are crushed on site, that no heavy trucks or buses are recycled, that the existing entrance to the site will be utilized, and that the hours of operation will be from 8:00 AM to 5:00 PM on Mondays through Fridays and from 8:00 to 12:00 PM on Saturdays.

The Commission found that seven people spoke in favor of this application since the owner operates a neat business and that nine letters from area businesses were submitted in support of this application.

The Commission found that twenty six (26) people appeared in opposition expressing concerns to hazardous waste materials, contamination to water wells, contaminants draining into the Nanticoke River, safety hazards, devaluation of properties and the site being an eyesore. The Commission found that a petition with 42 signatures in opposition was submitted.

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

2. RE: C/U #1016--Jefferson Learning Foundation

Tom Stumpf, Esquire and Nancy Stumpf of Jefferson Learning Foundation were present on behalf of this application to consider the Conditional Use of land in a C-1 General Commercial District in Lewes and Rehoboth Hundred for an Independent School lying at the northeast corner of Route One and Route 271 and to be located on a parcel containing 40,651 square feet more or less.

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

Mr. and Mrs. Stumpf stated that the proposed school is a non religious affiliated private school for Sussex County for Kindergarten Students, that there is an existing building on site that used to be a sales office for a nearby Subdivision, that no new construction is required, that the Jefferson Learning Foundation has a one year lease for the property, that the interior will be renovated for class rooms and administrative offices, that the school would like to open the first week of September, that there presently seven students registered, that there will be one teacher, that adequate parking will be furnished, that the site has water provided by the Town of Rehoboth, that there is an existing septic system, that all utilities are operating, that the school hours will be from 8:30 AM to 12:00 PM, that special courses will be available to the public in the afternoons, that parents would have the option to send their children to public or private schools, that the existing building is approximately 36' x 46', that a fence will surround the playground area, that the school could handle a maximum of 14 students, that no future expansion is anticipated at this location because of the size of the property, that the school would like to find another location in the County to be able to expand to accommodate higher levels of education, that the school would be open from September to June, that two adults would be in the building during school hours, that the school will comply with all required agency regulations, that they have approval from the Cape Henlopen School District Superintendent, that the State Board of Education has been notified and that there are no concerns about the site being close to Route One.

Nancy Target of Jefferson Learning Foundation spoke in favor of this application.

Chris Corrado spoke in opposition since the school would be out of character with the commercial development on Route One, traffic concerns and the safety of the children and submitted a letter from his father 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 the proposed action will not have any significant impact on traffic.

The Commission found, based on comments received from the Sussex Conservation District, that the soils mapped on-site are to be Sassafras loam, that the evaluation of the soils with respect to erosion and sedimentation control may require the developer to follow an erosion and sedimentation control plan during construction and maintain a vegetative cover after completion of any construction, that the farmland rating of the soil 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 no tax ditch is affected.

The Commission found, based on comments received from the Sussex County Engineering Department, that this project is located within Phase I of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, and that sanitary sewer service is planned for the area.

The Commission found, based on comments made by representatives of the application, that the proposed school is a non religious affiliated private school for Kindergarten aged students for Sussex County, that there is an existing building that used to be a sales office for a Subdivision that will be renovated for classrooms and administrative offices, that no new construction is required, that the Jefferson Learning Foundation has a one year lease on the property, that the school would like to open the first week of September and continue to operate through June, that the hours would be from 8:30 AM to 12:00 PM with special courses in the afternoon open to the public, that there are presently seven students enrolled, that parents will have the option to send their children to a private or public school, that there will be one teacher and another adult in the building during school hours, that adequate parking is provided, that the site has water provided by the Town of Rehoboth and an existing septic system, that the existing building is approximately 36' x 46', that a fence will surround the playground area, that the school could handle a maximum of 14 students, that no future expansion is anticipated at this site because of the size of the parcel, that the school would like to find another location to be centralized for the entire County to expand to higher grades, that the school will comply with all agency regulations, that they have approval from the

Superintendent of the Cape Henlopen School District, that the State Board of Education has been notified, and that there are no concerns about the location of the school being close to Route One.

The Commission found that one person spoke in favor of this application.

The Commission found that one person spoke in opposition since the school would be out of character with the commercial uses in the area, safety concerns due to traffic on Route One and submitted two letters in opposition.

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

3. RE: C/Z #1170--Earl Harry Holden

Earl Holden was present on behalf of the application Earl Harry Holden to amend the zoning map from AR-1 Agricultural Residential and GR General Residential to C-1 General Commercial in Broadkill Hundred, located on the northeast side of Route 262, 2,300 feet northwest of Route 290, to be located on a parcel containing 2.48 acres more or less.

Mr. Abbott summarized comments received from DelDOT, DNREC Office of the Secretary for Land Use Review and Coordination, DNREC Division of Water Resources Pollution Control Branch, and the Sussex Conservation District.

Mr. Holden stated that he has received training at a school to perform small engine repairs such as motorcycles, outboard motors, chainsaws, and lawnmowers, that he has built a 24' x 24' garage and that all repairs would be done in the garage, that he has cleaned up the property since purchasing it, that there would not be any gas or oil stored at this site, that the business would be open year round Monday through Saturdays and that the business would be a supplemental income.

Henry Brisco spoke in opposition expressing concerns for children's safety, increases in traffic, environmental concerns, and other permitted uses in a C-1 District.

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 "A" for Route 262 will not change as a result of this action.

The Commission found, based on comments received from the DNREC Office of the Secretary, that comments have been requested from the DNREC Division of Water Resources Pollution Control Branch.

The Commission found, based on comments received from the DNREC Pollution Control Branch, that their Branch has no objection to the proposed application.

The Commission found, based on comments received from the Sussex Conservation District, that the soils mapped on site are to be Evesboro loamy sand, Woodstown sandy loam, and Fallington sandy loam, that the suitability of the soils for the intended use may have slight limitations in the Evesboro loamy sand, moderate limitations in the Woodstown sandy loam, and severe limitations in the Fallington sandy loam if not adequately drained due to wetness, that the evaluation of the soils with respect to erosion and sedimentation 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 are prime and of Statewide importance, that no storm flood hazard area is affected, that it may not be necessary for any off-site drainage improvements, that it may be necessary for on-site drainage improvements, and that no tax ditch is affected.

The Commission found, based on comments made by the applicant, that he has received training to work on small engines such as motorcycles, outboard engines, chainsaws, and lawnmowers, that he has built a 24' x 24' garage and that all repairs will be done inside the garage, that he has cleaned up the property since purchasing it, that there would not be any fuels stored on the property, that the business would be open year round Monday through Saturday, and that the business would be a supplemental income.

The Commission found, that one person spoke in opposition expressing concerns for children's safety, increases in traffic, environmental concerns, and other uses that are permitted in C-1 districts.

Motion made by Mr. Smith, seconded by Mr. Magee, and carried unanimously to forward this application to the County Council with the recommendation that it be denied.

4. RE: C/Z #1171--Jack Mears, Jack Reynolds & Bruce Moore

Jack Mears, Jack Reynolds, and Bill Mears were present on behalf of the application of Jack Mears, Jack Reynolds and Bruce Moore to amend the zoning map from AR-1 Agricultural Residential to GR General Residential in Seaford Hundred, located 450 feet northwest of Route 535 (Middleford Road), approximately 1,420 feet southwest of 46, to be located on a parcel containing 30.54 acres more or less.

Mr. Abbott summarized comments received from DelDOT, DNREC Office of the Secretary for Land Use Review and Coordination, DNREC Division of Fish and Wildlife, DNREC Division of Water Resources Pollution Control Branch, DNREC Division of Water Resources Soil Evaluation Group of the Underground Discharges Branch, DNREC Division of Water Resources Water Supply Branch, DNREC Division of Water Resources Wetlands and Aquatic Protection Branch, State of Delaware Department of Agriculture, Sussex Conservation District and Delaware Health and Social Services.

Mr. Mears stated that this would be a manufactured home subdivision, that there is a need for affordable housing lots in the Seaford area, that the property is not productive for farming, that the proposed site will be an extension to an existing manufactured home development, that they have a sales contract to purchase the property, that they intend to develop and sell lots, that there would be an entrance off of Route 535 and one that would tie into Burton Street of Indian Village, and that the closest GR district is approximately two miles away.

Jessie Sheppard spoke in opposition and expressed concerns that the proposed development is for manufactured homes that would be located next to a single family dwelling subdivision.

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 requested and that the existing level of service "C" for Route 535 will not change as a result of this action.

The Commission found, based on comments received from DNREC Office of the Secretary for Land Use Review and Coordination, that comments have been requested from DNREC Division of Fish and Wildlife, DNREC Division of Parks and Recreation, DNREC Division of Soil and Water Conservation, DNREC Division of Water Resources

Pollution Control Branch, Underground Discharges Branch, Watershed Assessment Branch, Water Supply Branch, Wetlands and Aquatic Protection Branch, Department of Agriculture, Bureau of Archaeology and Historic Preservation, Delaware Health and Social Services, Division of Public Health, Department of Transportation, and Sussex Conservation District.

The Commission found, based on comments received from the DNREC Division of Fish and Wildlife, that the Branch had no comment.

The Commission found, based on comments received from DNREC Division of Water Resources Pollution Control Branch, that the application should be denied unless a central wastewater collection and treatment system is designed and constructed to maximize nutrient removal and protect surface and groundwater resources.

The Commission found, based on comments received from DNREC Division of Water Resources The Soil Evaluation Group of the Underground Discharges Branch, that the soils on site are mapped to be Evesboro loamy substratum and that these soils are suitable for on-site wastewater disposal, that a soil feasibility study using a 300 foot grid must be conducted by a Class D licensed soil scientist, that the report and application fee be submitted to the Branch, and that the maximum siting density shall be one dwelling per half acre.

The Commission found, based on comments received from DNREC Division of Water Resources Water Supply Branch, that the date on which the subdivision is recorded with the County will be the determining factor concerning the regulations in effect regarding the use of central water or individual wells, if the subdivision is recorded on or after the adoption of the proposed Regulations Governing the Construction of Water Wells, central water will normally be required, that the subdivision must be recorded prior to the adoption of the proposed regulations if the developer wishes to install individual wells, and that the developer is encouraged to locate the well or wells in order that they will be in compliance with the State Wellhead Protection Plan.

The Commission found, based on comments received from DNREC Division of Water Resources Wetlands and Aquatic Protection Branch, that wetlands regulated by the State of Delaware and U.S. Army Corps of Engineers do not appear to be within the proposed area of development, that the extent of wetlands should be shown on the record plan, and that to reduce the possibility of wetland impacts and violations, property lines should not extend into wetlands and that wetland areas could be dedicated as undisturbed community open space.

The Commission found, based on comments received from the Division of Resource Management for the Department of Agriculture, that a Land Evaluation and Site Assessment (LESA) analysis was performed on the site and that the site scored 143 out of 300 points, that the score is a poor site for economical long term agricultural production, that the Land Evaluation (LE) score totaled 85 out of 100 points which is above average for the County, that the Site Assessment (SA) score totaled 58 out of 200 points which is very low for the County, that the Site Assessment factors indicated local conditions are more favorable towards development for this parcel, and that the department has no objections to the rezoning.

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

The Commission found, based on comments received from the Delaware Health and Social Services, Division of Public Health, that if the development is going to have a central water system plans and specifications must be submitted to and approved by the department.

The Commission found, based on comments made by representatives of the application, that this would be a manufactured home subdivision, that there is a need for affordable housing of this type in the Seaford area, that the property is not productive for farming uses, that the development will be an extension to an existing manufactured home development, that they intend to develop and sell the lots, that they have a sales contract to purchase the property, that there will be an entrance off of Route 535 and one off of Burton Street in Indian Village, and that the closest GR district is approximately two miles away.

The Commission found that one person spoke in opposition expressing concerns about the entrance off of Route 535, and that the development is for manufactured homes which would be located adjacent to a single family dwelling subdivision.

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

5. RE: Subd. #92-7--Larry Willey

Larry Willey was present on behalf of the application of Larry Willey (Foxshire), to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Northwest Fork Hundred by dividing 24.09 acres into 33 lots, located on the west side of Route 562, 900 feet north of Route 566.

Mr. Abbott summarized the Technical Advisory Committee Report of August 17, 1992, in reference to this application.

Mr. Abbott summarized additional comments received from DNREC Division of Air & Waste Management Solid Waste Management Branch, DNREC Division of Water Resources Water Supply Branch, DNREC Division of Parks and Recreation, and the Department of Transportation, in reference to this application.

Mr. Willey advised the Commission that there would be 33 single family lots, that the development would not have a negative impact on the area, that there would be a homeowners association and restrictions and covenants, that he does not propose to have a buffer strip as recommended by the Department of Agriculture since it would be an additional cost, and that he will comply with the other comments made by the Technical Advisory Committee.

George and Betty Hardesty, Charlotte Kefauver, Curtis Harper and Lynette Webster expressed concerns about having manufactured homes being placed on the lots, and having the right to farm in the area.

Mr. Allen advised the above referenced people that the lots are for single family dwellings and that a public hearing would be required to place manufactured homes on the lots, and that there is a State law that makes reference to the right to farm and that future farming operations will be permitted.

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.

Mr. Abbott advised the Commission that a septic feasibility statement has not yet been received DNREC Underground Discharges Branch.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to defer this application pending receipt of the septic feasibility statement.

6. RE: Subd. #92-9--Beacon Homes, Inc.

Jeff Robinson, owner and Jeff Clark of Land Tech, Inc. were present on behalf of the application of Beacon Homes, Inc. to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred by dividing 42.62 acres into 58 lots, located on the north side of Route 472, 935 feet west of Route 412A, and on the west side of Route 412, 835 feet north of Route 412A.

Mr. Abbott summarized the Technical Advisory Committee Report of August 17, 1992, in reference to this application.

Mr. Abbott summarized additional comments received from DNREC Division of Parks and Recreation, DNREC Division of Air & Waste Management Solid Waste Management Branch, DNREC Division of Water Resources Water Supply Branch, and the Department of Transportation.

Mr. Clark advised the Commission that the recommendations of the Technical Advisory Committee will be met, and that a wetlands delineation has been performed by a qualified wetlands consultant.

Mr. Magee questioned the size of the stormwater management area and Mr. Clark advised the Commission that the reason that the area is large is because the area will be shallow and also used as a recreation area covered by grass.

Mr. Robinson advised the Commission that the development will have deed restrictions.

John Sadowski and Daniel Hall expressed concerns about the type of restrictions that will be placed, if the development will be a part of Beacon Estates strip subdivision and having a buffer strip adjoining the two developments.

Mr. Ralph stated that he is hesitant about requiring the developer to construct a landscaped buffer between the two developments.

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.

Mr. Abbott advised the Commission that a septic feasibility statement has been received and that the site is suitable for individual on-site septic systems.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve this application as a preliminary.

OTHER BUSINESS

1. RE: Richard Huston

The Commission reviewed a request to create a 1.61 acre parcel on the south side of Route 20.

Mr. Abbott advised the Commission that the staff would not approve the survey since there was only 134 feet of road frontage remaining to the adjoining property, but there is 152 feet of road frontage remaining at another location on Route 20.

Mr. Allen questioned if the two parcels would share the existing entrance and were advised by Ned Maull that they would.

Mr. Maull advised the Commission that the remaining parcel has 361.35 feet of frontage total.

Mr. Schrader advised the Commission that the parcel can be approved since there is 150 feet of frontage at another location but that the owner would not be permitted to have any further subdivision without a public hearing.

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

2. RE: Ralph Dickerson

The Commission reviewed a request to create a one-half acre parcel off of an existing 50 foot right of way off of Route 9.

Mr. Abbott advised the Commission that the existing right of way serves two existing parcels and that this would be the third lot under the old policy.

Motion made by Mr. Smith, seconded by Mr. Magee, and carried unanimously to approve this request. Any further subdivision of this property will require a public hearing and the street will have to be built as per Chapter 99 of the Code of Sussex County.

3. RE: Allen Chorman

The Commission reviewed a site plan for C/U #964 for an airstrip, hanger and storage buildings on Route 565.

Mr. Abbott advised the Commission that the site plan complies with the zoning code, and added that the staff has not received any agency approvals and or permits.

Motion made by Mr. Smith, seconded by Mrs. Monaco, and carried unanimously to approve the site plan as submitted as a preliminary. Final approval is subject to the staff receiving all required agency approvals and or permits.

4.RE: Indian Landing North

Mr. Abbott advised the Commission that the staff has received a letter from the owners of Indian Landing North requesting permission to create an additional lot in the park.

Mr. Abbott advised the Commission that the original approval was for 182 lots, that only 169 lots were plotted and that if this request were approved it would still be under what was originally approved.

Mr. Abbott advised the Commission that both lots have to be a minimum of 5,000 square foot.

Motion made by Mr. Magee, seconded by Mr. Smith, and carried unanimously to approve this request.

5. RE: New Dimensions Construction

Mr. Abbott advised the Commission that a request to have a lot fronting on the Delaware Bay and not on Mississippi Avenue.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the Delaware Bay as the frontage for this parcel.

6. RE: Harry Donovan

The Commission reviewed a request to create 7 lots along Route 620 and two five acreage tracts with access from a 50 foot right of way.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the request with the stipulation that no further resubdivision is allowed and that this statement be shown on the record plat.

OLD BUSINESS

1. RE: Subd. #91-25--Junior Armiger

No one was present on behalf of the application of Junior Armiger to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Broad Creek Hundred by dividing 48.49 acres into 68 lots, located on the southeast side of Route 490, and as an extension to the existing Hill'N'Dale Subdivision.

Mr. Abbott advised the Commission that the public hearing for this application was held on December 19, 1991, at which time the application was deferred pending receipt of a septic feasibility statement from DNREC.

Mr. Abbott advised the Commission that a septic feasibility statement has been received, and that the site is suitable for individual on-site septic systems.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve this application as a preliminary.

Meeting adjourned at 11:30 PM