

MINUTES OF THE REGULAR MEETING OF OCTOBER 25, 1990

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, October 25, 1990, at 7:45 P.M. in the County Council Chambers, Room 115, the Courthouse, Georgetown, Delaware, with the following present:

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

Motion made by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve the minutes of October 11, 1990, as circulated.

PUBLIC HEARINGS

1. RE: ORDINANCE TO AMEND CHAPTER 99 (BUFFER STRIPS)

AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY RELATING TO THE ESTABLISHMENT OF LANDSCAPED BUFFER STRIPS.

Mr. Lank summarized the subdivision ordinance amendments.

Mr. R. C. Willin stated that one (1) acre lots may be counter productive, large evergreens may be affected by wind damage, and expressed concerns that poor maintenance of buffer areas would result in obnoxious weeds.

Mr. Willin also stated that requiring and permitting cluster development may resolve the need for narrow buffers.

Mr. Moore read a letter from Walter Gabel, Forester with the State Department of Agriculture, which includes some additional suggestions for inclusion in the ordinance amendments.

Mr. Berl discussed the definitions "Agricultural Use Land," "Active Agricultural Use Land," and "Landscaped Buffer Strips," and that the ordinance will require specific review by the State Forester at the Technical Advisory Committee review level. Mr. Berl also reminded the Commission that bonding may be required to guarantee a growing buffer strip.

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. Ralph, seconded by Mrs. Monaco, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved as proposed.

2. RE: ORDINANCE TO AMEND CHAPTER 99 (SANITARY SEWER FACILITIES)

AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY RELATING TO SANITARY SEWER FACILITIES WITHIN SUBDIVISIONS.

Mr. Moore summarized the subdivision ordinance amendments.

Mr. Robert W. Wood, County Engineer, was present on behalf of the County Engineering Department to provide support for the proposed amendment.

Mr. Wood stated that the Ordinance will provide that if the County Engineering Department determines that public sewer service will be necessary in the future in the area of a proposed subdivision, the Commission shall, not may, require the installation and capping of sanitary sewer mains and house connections.

Mr. Wood also stated that the likely consideration will be areas in planned sanitary sewer districts, if the services are to be provided within five (5) years.

No parties were present 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.

Motion made by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved as proposed.

3. RE: Subdiv. #90-28--Delmar Feed Mills

Application of Delmar Feed Mills to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Seaford Hundred by dividing 5.86 acres into 6 lots, located on the east side of Route 536, 800 feet south of Route 542.

Lee Littleton, developer, and Donald Miller, surveyor, were present on behalf of the application.

Mr. Moore summarized the comments from the October 22, 1990, Technical Advisory Committee meeting.

Mr. Moore stated that the 404 wetlands line shall be the building restriction line and questioned the presence of buildable area on Lot # "L".

Mr. Littleton stated that he had entrance permits for the strip lots on Route 536 and the two (2) proposed entrances for the six (6) lots.

No one was present in support of the application.

No one was present in opposition to the application.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to defer action pending receipt of a feasibility for on-site waste water disposal and verification of the Highway entrance permits.

4. RE: Subdiv. #90-29--W. Nelson Hall

Application of W. NELSON HALL to consider the Subdivision of land in a GR General Residential Zoning District in Cedar Creek Hundred by dividing 75 acres into 64 lots, located on the southeast side of Route 228, 350 feet south of Route 30, and a request for a variance from the 600 foot cul-de-sac length.

W. Nelson Hall, developer, and Donald Miller, surveyor, were present on behalf of the application.

Mr. Moore summarized the comments from the October 22, 1990, Technical Advisory Committee meeting.

Mr. Moore expressed concern for the proposed street in the D. P. & L. right of way, and stated that he had contacted Dan Massey of Delmarva Power for comments on the proposed street, but has not received an answer.

Mr. Miller presented a copy of the proposed road showing a delineation of the street being in the D. P. & L. right of way, but not directly under the power lines.

Mr. Moore presented an alternate street alignment showing the street crossing the D. P. & L. right of way, but running to the west of the property, not under the power lines.

Mr. Miller stated that the request for a variance from the cul-de-sac length was due to the configuration of the property.

Mr. Berl advised the Commission that the record may be left open.

Flossie Lynch and George Phillips, local residents, spoke in opposition, stating that they didn't want more people moving into the area, and that new people moving into a farming area may not be aware of farming practices.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to leave the record open until November 15, 1990, allowing two (2) weeks for Mr. Wheatley to respond in writing and one (1) week for Mr. Rutt to review the response.

OTHER BUSINESS

1. RE: Rosetta Billings
Route 62

The Commission reviewed a request to create a ten (10) acre lot, having access to an existing private road.

No one was present on behalf of the proposal.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the one (1) lot subdivision with the stipulation of no further subdivision without a major subdivision application.

2. RE: Sugar Maple Farms
Time Extension

The Commission reviewed a request to grant a one (1) year time extension for the proposed Sugar Maple Farms Subdivision.

The developers' written request stated that delays in agency approvals is the reason for the request.

Motion made by Mrs. Monaco, seconded by Mr. Smith, and carried unanimously to approve a one (1) year time extension.

3. RE: Gordon Olson
Route 536

The Commission reviewed a request to create three (3) lots having access from an existing private road.

No one was present on behalf of the request.

No one was present in support of the application.

Charlene Clark spoke in opposition, stating it was a rural area and she did not want more people living behind her residence. Ms. Clark stated that she resides on one of the lots on Route 228.

James Larrimore questioned whether or not he could gain access to the subdivision for the purpose of subdividing his property, which is adjacent to the proposed subdivision.

Motion made by Mrs. Monaco, seconded by Mr. Smith, and carried unanimously to defer action on the application pending receipt of a feasibility from D.N.R.E.C. for the on-site waste water disposal systems and receipt of comments from Delmarva Power.

5. RE: Subdiv. #90-30--Samuel Alloway, Jr.

Application of Samuel Alloway, Jr. to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Broad Creek Hundred by dividing 39.45 acres into 54 lots, located on the north side of Route 78, 800 feet east of Route 493, and on the southeast side of Route 493, 1,000 feet north of Route 78.

Samuel Alloway, Jr., developer, David Rutt, attorney, and John Wech, McCann Surveyors, Inc., were present on behalf of the application.

Mr. Moore summarized the comments from the October 22, 1990, Technical Advisory Committee meeting.

Mr. Rutt questioned Mr. Alloway as to how he intended to develop the proposed subdivision.

Mr. Alloway stated that he intends to place restrictions as to house size, and will have a homeowners building review committee.

Mr. Wech reviewed the design of the proposed subdivision and discussed the merits of the design.

No one was present in favor of the application.

Coleman Wheatley, adjacent property owner, stated that he was not notified and wanted the record left open for two (2) weeks in order to respond.

Mr. Wheatley expressed concern as to the effect on the ground water, and questioned the intent of the proposed open space.

Motion made by Mrs. Monaco, seconded by Mr. Ralph, and carried unanimously to approve the request with the stipulation of no further subdivision without a major subdivision application.

4. RE: Fenwick Farms
Revised

The Commission reviewed a revised subdivision. The revision results in a reduction in the number of lots due to the presence of 404 wetlands.

Motion made by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to approve the revised subdivision plat.

OLD BUSINESS

1. RE: Subdiv. #86-17--Dogwood Estates

The Commission reviewed the final subdivision plat for the proposed 38 lot subdivision.

Mr. Moore stated that all final approvals have been obtained.

Motion made by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to approve the subdivision as a final.

2. RE: Subdiv. #90-24--Oakmont Estates

The Commission reviewed the preliminary plat for the proposed 107 lot subdivision.

The application had been deferred at a previous hearing pending receipt of a feasibility from D.N.R.E.C. and a phasing plan for the development.

Mr. Moore stated that the feasibility had been obtained and a phasing plan submitted.

Motion made by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to approve the subdivision as a preliminary with the stipulation that the secondary access road to Route 472 be constructed at the same time as Phase II construction occurs.

3. RE: Laurel Village Manufactured Home Park

The Commission reviewed a revised preliminary development plan for the Laurel Village Manufactured Home Park.

The revised plan deletes the need for road crossings in 404 wetlands.

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

4. RE: Cotton Patch Hills, Second Additions
formerly Frances Price Subdivision.

Mr. Lank questioned the Commission on setbacks for the referenced subdivision.

Mr. Lank advised the Commission that the Price Subdivision was approved by the Commission in 1970 with specific setbacks designated on the plat, that the subdivision was made a part of Cotton Patch Hills in 1972, and that the setbacks were to conform to the plot plan and restrictions of Cotton Patch Hills, that the present owners have received approval from Cotton Patch Hills Home Owners Association for setbacks that conform to the recorded restrictions of Cotton Patch Hills, and that the front setback from the street, Cotton Way North, is less than County regulations, but greater than the original Price Subdivision.

It was the consensus of the Commission that since the subdivision was approved by the Commission in 1970, with specific setbacks designated on the plat, the setbacks should be honored and construction permitted to the specification of Cotton Patch Hills restrictions.

A copy of the approval of Cotton Patch Hills Association shall be required prior to issuance of any Certificates of Compliance on any of the five (5) lots within the Second Addition to Cottonway North.

5. RE: 1991 Public Hearing Schedule

Mr. Lank submitted a copy of the proposed schedule for regular meetings of the Planning and Zoning Commission, as attached, for the record.

6. RE: Planning and Zoning Commission Meetings
Starting Time

Mr. Ralph suggested that the Commission meet earlier than 7:45 P.M. to start meetings and suggested 7:00 P.M.

Mr. Allen advised the Commission that he could not guarantee his being on time for meetings starting at 7:00 P.M. due to his work schedule.

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There was a consensus of the Commission, that effective January 1, 1991, the Planning and Zoning Commission meetings will begin at 7:30 P.M.

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

Meeting Adjourned 10:15 P.M.

Lawrence B. Lank, Secretary