

MINUTES OF THE REGULAR MEETING OF **June 26, 2024**

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, **June 26, 2024**, in the County Council Chambers, Sussex County Administrative Office Building, 2 The Circle, Georgetown, Delaware.

The meeting was called to order at 3:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Ms. Holly Wingate, Mr. Bruce Mears, Mr. Brian Butler, and Mr. Scott Collins. Also, in attendance were Mr. Vincent Robertson – Assistant County Attorney, Mr. Michael Lowrey – Planner III, Ms. Ann Lepore – Planner I and Ms. Jessica Iarussi – Recording Secretary.

Motion by Ms. Wingate, seconded by Mr. Collins, and carried unanimously to approve the Agenda as REVISED. Motion carried 4-0.

Motion by Ms. Wingate, seconded by Mr. Collins, to approve the Minutes of May 22, 2024, Planning and Zoning Commission Meeting as circulated. Motion carried 4-0.

PUBLIC COMMENT

The Commission found that no one was present who wished to provide public comment.

OTHER BUSINESS

2021-25 Four Winds Farm

Final Subdivision & Landscape Plan

This is a Final Subdivision Plan and Landscape Plans for Four Winds Farm, a cluster subdivision to consist of three-hundred and thirty-six (336) single-family lots on 169 +/- acres, private roads, open space, stormwater management ponds and proposed amenities to include a clubhouse, outdoor pool and deck, bathhouse, storage building, tot lot and pickleball courts. The Preliminary Subdivision Plan was approved by the Planning and Zoning Commission at their meeting of Thursday, January 12th, 2023, subject to 20 conditions. The Landscape Plan includes a 30-ft buffer which utilizes areas of existing trees as well as planting areas on the north and south side of the proposal to satisfy the requirements of Conditions “D” and “Q” of the Conditions of Approval. The Preliminary Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes and all Conditions of Approval. The property is located on the east side of Shingle Point Road (S.C.R. 249 and Harbeson Road (Route 5). Tax Parcel: 235-25.00-39.00. Zoning AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals.

Motion by Mr. Butler, seconded by Mr. Collins and carried unanimously to Approve the Final Subdivision & Landscape Plan. Motion carried 4-0.

2017-20 Welches Pond (F.K.A. Fieldstone & The Grove at Love Creek)

Request to Amend Conditions of Approval

On May 21st, 2024, the Planning and Zoning Department received a Request to Amend Conditions of Approval for Welches Pond, a Coastal Area cluster subdivision consisting of two-hundred and

forty-seven (247) single-family lots on 256 +/- acres, private roads, open space, stormwater management ponds and amenities to include a community park, clubhouse and inground pool, boathouse and kayak ramp and dock. Specifically, the Applicant has requested that Condition “K.(b.)” of the Conditions of Approval, which currently states, “*The primary community clubhouse/pool shall be constructed prior to the issuance of the 130th Building Permit*” be amended to state, “*The primary community clubhouse/pool shall be constructed prior to the earlier of (a) issuance of the 148th building permit or (b) December 31, 2024 (60% of building permits in the community).*” The proposed amended language is consistent with current Code requirements, which require all amenities to be completed by the issuance of the residential building permit representing 60% of the total residential building permits for the subdivision. Additionally, the Applicant’s representative has submitted further documentation in the form of a letter noting that this request aligns with the expectation set in the Public Offering Statement language delivered to every purchaser of a home within the community pursuant to the Delaware Uniform Common Interest Ownership Act and photos showing the current status of construction activities on the proposed clubhouse amenity to date. The property is located on the south sides of Ward Road (S.C.R. 283A) and Cedar Grove Road (S.C.R. 283) and east of Mulberry Knoll Road (S.C.R. 284). Tax Parcel: 334-12.00-16.00. Zoning: AR-1 (Agricultural Residential District) & GR (General Residential District).

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to Approve the Request to Amend Conditions of Approval. Motion carried 4-0.

Holly Lake Campground

Preliminary Amenities Plan

This is a Preliminary Amenities Plan for the Holly Lake Campground on property containing 53.70 acres. Conditional Use Number 709 was approved by the Sussex County Council at their meeting of Tuesday, November 30th, 1982, through Ordinance No. 82. Specifically, the proposal is for the establishment of a 1,500 square foot +/- in-ground pool area, pool deck area, 24 square foot +/- pump house, and other site improvements. The property is located on the south side of Woodcrest Drive off of the east side of Beaver Dam Road (Rt. 23). The Preliminary Amenities Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Zoning: AR-1 (Agricultural Residential District). Tax Parcel: 234-16.00-14.00. Staff are in receipt of all agency approvals; therefore, the plan is eligible for both preliminary and final approval.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to Approve the Preliminary Amenities Plan. Motion carried 4-0.

Lands of Russell & Danielle Smart

Minor Subdivision Plan off of a proposed 50-ft. easement

This is a Minor Subdivision Plan for the creation of one (1) lots plus the residual lands with access off of a proposed 50-ft wide ingress/egress access easement. Proposed Lot 1 consists of 10.00 acres +/- and the residual lands shall consist of 96.139 acres +/- . A shared use maintenance agreement shall be established for the use of the shared access road. The property is located on the south side of Russell Road (S.C.R. 455B). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 532-23.00-1.00. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act

favorably on this proposal, staff are requesting that final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Butler, seconded by Mr. Collins and carried unanimously to Approve the Minor Subdivision Plan off of a proposed 50-ft. easement. Motion carried 4-0.

OLD BUSINESS

2022-33 Wilson's Landing

A STANDARD SUBDIVISION TO DIVIDE 57.60 ACRES +/- INTO THIRTY-NINE (39) SINGLE-FAMILY LOTS, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY. The property is lying on the southeast and southwest corners of the intersection of Peterkin's Road (S.C.R. 317) and Springfield Road (S.C.R. 47), approximately 0.15 mile west of Gravel Hill Road (Rt. 30). 911 Address: N/A. Tax Map Parcel: 234-8.00-38.00. Zoning: AR-1 (Agricultural Residential).

The Commission discussed this application which has been deferred since June 5, 2024.

Ms. Wingate moved that the Commission defer action on Subdivision 2022-33 Wilson's Landing.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to defer action on Subdivision 2022-23 Wilson's Landing. Motion carried 5-0.

Vote by roll call: Ms. Wingate – yea, Mr. Mears – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatly - yea

C/U 2414 Justice Boyz Properties, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTOR OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 4.72 ACRES MORE OR LESS. The property is lying on the east side of Millsboro Highway (Rt. 30), approximately 0.89 mile south of Laurel Road (Rt. 24). 911 Address: 32605 Millsboro Highway, Millsboro. Tax Map Parcel: 233-13.00-1.04.

The Commission discussed this application which has been deferred since June 5, 2024.

Ms. Wingate moved that the Commission recommend approval of **C/U 2414 JUSTICE BOYZ PROPERTIES, LLC** for a contractor's office and storage based upon the record made during the public hearing and for the following reasons:

1. The site is located along Route 30, approximately a mile from its intersection with Route 24. This use is appropriate for this location.
2. The Applicant has stated that the contractors using the site may include landscaping businesses. That is also an appropriate use at this location.
3. Traffic generated by the proposed use will be minimal and will not have a negative impact on the neighboring properties or roadways.

4. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County. It is also a location along Route 30 that is convenient for small businesses.
5. No parties appeared in opposition to the application, and the next-door neighbor appeared in favor of it.
6. This recommendation is subject to the following conditions:
 - A. The project shall be used for a contractor's office with storage. This may include a landscaping contractor. The office shall be located within the dwelling that currently exists on the site.
 - B. There shall be no retail sales from the property.
 - C. No vehicle repair or fueling operations shall be performed on site.
 - D. There shall be no manufacturing on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.
 - E. Any areas to be used for the storage of dirt, topsoil, mulch, stone or similar items shall be shown on the Final Site Plan with the type of containment used to keep them in place.
 - F. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
 - G. Any dumpsters on the site are to be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - H. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.
 - I. The hours of operation shall be from 7:00 a.m. until 5:00 p.m., Monday through Friday, and between 8:00 a.m. and 12:00 p.m. on Saturdays. No Sunday hours are permitted.
 - J. The parking areas shall be clearly shown on the Final Site Plan and on the site itself. No parking shall be located within the site's front-yard setbacks.
 - K. One lighted sign shall be permitted. It shall not be larger than 32 square feet per side.
 - L. Failure to comply with these conditions of approval may result in this Conditional Use becoming null and void.
 - M. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend approval of C/U 2414 Justice Boyz Properties, LLC for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Ms. Wingate – yea, Mr. Mears – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatly - yea

C/U 2427 Joshua L. Wharton

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.51 ACRES, MORE OR LESS. The property is lying at the end of Alma's Way, approximately 0.25 mile east of Wil King Road (S.C.R. 288). 911 Address: N/A. Tax Map Parcel: 234-6.00-66.00.

The Commission discussed this application which has been deferred since June 5, 2024.

Ms. Wingate moved that the Commission recommend approval of **C/U 2427 JOSHUA L. WHARTON** for a landscaping business based on the record made during the public hearing and for the following reasons:

1. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. This use is appropriate within this Area.
2. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping business is consistent with the underlying agricultural zoning of the property.
3. The use will not adversely affect area roadways or neighboring properties.
4. A landscaping company provides a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County.
5. There was no opposition to this application.
6. This recommendation is subject to the following conditions:
 - A. This use shall be limited to a landscaping business.
 - B. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.
 - C. As stated by the Applicant, there shall not be any retail sales occurring from the site.
 - D. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - E. The hours of operation shall be limited to 7:00 am through 5:00 pm, Monday through Friday, and from 7:00 am until 3:00 pm on Saturdays. There shall not be any Sunday hours. The Applicant shall be able to operate beyond these hours on an as - needed basis for limited situations such as snow removal, storm damage cleanup, and similar events.
 - F. Any areas to be used for the storage of dirt, topsoil, mulch, stone or similar shall be shown on the Final Site Plan with the type of containment used to keep them in place.
 - G. Any lighting on the site shall be screened so that it does not shine on neighboring properties or roadways.
 - H. Any dumpsters on the site shall be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - I. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
 - J. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.
 - K. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.
 - L. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend approval of C/U 2427 Joshua L. Wharton for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Ms. Wingate – yea, Mr. Mears – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatly - yea

PUBLIC HEARINGS

Mr. Robertson described the procedures for public hearings before the Planning and Zoning Commission.

Chairman Wheatley stated that anyone here with an interest in Conditional Use 2361, Beach Fire Brewing Company, that item has been removed from the agenda for today and will be placed on a later agenda.

C/U 2515 Renewable Redevelopment, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A HI-1 HEAVY INDUSTRIAL DISTRICT FOR AN ELECTRIC SUBSTATION AND UTILITY USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 140.25 ACRES, MORE OR LESS. The property is lying on the northwest side of Gate A Road, located off Iron Branch Road (S.C.R. 331). 911 Address: N/A. Tax Map Parcel: 233-2.00-2.01.

Mr. Whitehouse advised the Commission that submitted into record were a copy of the applicant conceptual site plan, a copy of a letter received from the applicant, a copy of the DelDOT SLER, a copy of the staff analysis, a copy of comments received from the Sussex County Engineering Department Utility Planning Division, a copy of the property deed and two comments.

Mr. Jim Fuquay, Esq., spoke on behalf of the Applicant, that the applicant is seeking a conditional use approval for an electrical substation on a portion of 140 acre parcel of land located on the northwest side of Gate A Rd.; that the land was purchased from Indian River Power, LLC in December of 2023 and the land was part of the Indian River Power Plant property near Millsboro; that the purpose of today's hearing is to consider a Conditional Use application for an electrical substation on a portion of the 140 acre property; that today's hearing is not about the development of offshore wind energy projects or the federal and state permitting process that authorizes that development; that the purpose of today's P&Z hearing is very specific, that is the applicants site an appropriate location for an electrical substation under the applicable Sussex County land use regulations; that the applicants conditional use application contains 140 acres consisting of 71.42 acres of mostly wooded wetlands and 68.89 acres of most mostly wooded uplands; that the substation site itself will require the removal of approximately 21.89 acres of upland woodlands and the remaining upland woodlands and wetlands will remain undisturbed to the greatest extent possible; that of the 140 acre site, approximately 23.59 acres will be disturbed during the location of the underground cable vaults that contain the incoming transmission lines and then the site of the actual substation itself which will utilize 13.32 acres of the property; that to the East of the site is the Indian River Power plant which generates electricity and continues to be transmitted to the DP&L electrical substation on Gate A Rd.; that the site is immediately adjacent to and contiguous with the site of the proposed substation; that the Renewable Development site surrounds the DP&L substation on three sides; that an electrical substation is a critical component of an electrical

generating transmission and distribution system; that an electrical substation changes the high transmission voltage from the generating source to a lower distributing voltage, which can then be transmitted to the electric grid and ultimately delivered to the user; that the substation is a combination of various components of equipment used to accomplish the voltage change and to ensure safety of the operation; that the main pieces of equipment in a substation are the transformers, which actually change the voltage, the circuit breakers, isolators, surge arrestors, capacitor banks, voltage regulators and cooling equipment; that there are control buildings which house the control and monitoring systems that manage the operation of the substation; that the substation and control buildings are unmanned and all that operation takes place remotely; that the traffic generated by the substation after construction, the will be minimal, as there are no regular employees; that any traffic would be related to the maintenance, inspection and repair of the equipment when that is required and in addition there would be ground maintenance and periodic security inspections; that the location of the substation is approximately 1 mile North East of Iron Branch Road and approximately 1700 feet from the closest off site dwelling; that the 13 acre substation itself is surrounded by the remainder of the 140 acre. parcel and is buffered by a significant natural barrier of existing mature trees; that the only sounds associated with the substation are a low hum or a buzz from the transformers and other equipment, a clicking from circuit breakers, relays and switches and the sound of the cooling fans and pumps; that there's no noticeable odors from the operation; that there is a grounding system comprised of ground wires and rods that would dissipate electricity from lightning into the ground to prevent damage to the equipment and ensure safety; that the site lighting at the substation will be similar to the lighting at the existing DPL substation; that there is no waste, trash or other byproducts produced; that there's no plan for any sewer or domestic water connection proposed for the site; that the substation design will be reviewed and comply with requirements of the state fire Marshall's office, stormwater management will be designed and constructed in compliance with the state and county requirements; that the design will utilize a subgrade stormwater containment to manage the quality and quantity of discharge; that the containment is anticipated to be a multilayer aggregate base across the entire stone surface of the substation area which would have to be approved by a soil conservation; that the substation itself will maintain a 50 foot buffer from any wetland area; that a portion of the substation area is located within the 100 year floodplain as that is designated on the FEMA maps; that the entire substation pad area and all critical equipment will be constructed at a height to avoid potential flood impact that will exceed FEMA elevation requirements; that the entire substation area will be enclosed by a security fence, which will be finalized as part of the final site plan approval; that a fence would be 7 feet high chain link fence and it would have a 45° angle topping course of barbed wire; that the gate to the facility will have the appropriate ability for emergency vehicle access; that the fence signage would provide the site name, the owner, contact information and appropriate warnings about safety and unauthorized entry onto the property; that the substation will be designed in conformity with all applicable county, state and federal standards and codes, as well as in compliance with DP&L's requirements for the interconnect utility for the connection to the electric grid; that this substation will be connecting into DP&L on the adjacent property and then from there into the electrical grid; that all the impacts I just discussed are similar to impacts and operations of the adjacent DP&L substation that has been operating safely at that location without negative impact for decades; that as the applicable land use regulations, the entire 140 acre site is currently zoned HI-1 heavy industrial, as is all of the adjacent power plant property; that the HI-1 district also authorizes as a conditional use public

utilities, including buildings of regulator stations and substations; that the zoning ordinance describes a conditional use as a use that is generally of a public or semipublic character and is essential and desirable for the general convenience and welfare; that conditional uses require the exercise of planning judgment as to location and site plan because of the nature of the use and the importance of the relationship of the use to the comprehensive plan; that the entire 140 acre site and the power plant property are designated as being in the industrial area as shown on the comprehensive plans future land use map; that the comprehensive plan states that the county recognizes that the availability of public services and infrastructure is necessary in order to spur industrial growth; that the county supports efforts by utility providers to extend service areas; that the comp plan discusses the importance of renewable energy sources, including emerging technologies such as offshore wind energy for utility scale electricity, and encourages renewable energy sources.

Mr. Butler asked if there would be any storage of lithium batteries within the confines of the substation.

Mr. Matthew Filippelli, technical director stated that there is no large commercial scale battery storage at this facility at this time.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing the Commission discussed the Application.

In relation to C/U 2515 Renewable Redevelopment, LLC. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 5-0.

C/U 2416 Over The Hill Holdings, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR AND OUTDOOR SHOOTING/ARCHERY RANGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 10.55 ACRES MORE OR LESS. The property is lying on the northeast corner of the intersection of Parker Road (S.C.R. 415) and Line Road (S.C.R. 419). 911 Address: 38531 Parker Road, Millsboro. Tax Map Parcel: 333-15.00-20.00.

Mr. Whitehouse advised the Commission that submitted into record were a copy of the applicant's exhibit booklet, a copy of the applicant site plan, a copy of the DelDOT SLER, a copy of the written comments received from the Sussex County Engineering Department City Planning division, a copy of the property deed, a copy of the staff analysis and zero public comments.

Mr. Mike Smith, Esq., with the Smith Firm, represented the Applicant, Over The Hill Holdings, LLC; that in attendance with him are the owners, Mr. Lloyd Bainey and his two sons, Jeff and Chad; that the Board of Adjustment approved a special use exception through case number 12083 on January 8th, 2018, with the approval being granted at that time for an indoor shooting and archery range; that the approval being given on March 6, 2018; that at that time the Board of

Adjustment found that there was no evidence presented that would have suggested that the facility would have a substantial adverse effect on any of the neighboring properties; that at that the approval was good for five years; that the operation has been a huge asset to the community for all the reasons that I'll discuss and there has been a harmonious working relationships with neighboring properties; that there's been no material adverse effect on them and the facility has operated in an extremely clean and safe manner; that the part of the parcel in the application is essentially showing is the rural nature of the area surrounding the property; that given the nature of this use of a rural setting is probably the best location for this type of application and type of use; that there are no known tax stitches or wetlands on the site; that the counties future land use map has this parcel in a low density area and in the future land use and comp plan, the low density areas are noted as being used for businesses that support agricultural activities; that the facility provides training for hunting related education and firearm carrying; that has a direct correlation to the agricultural business operations in the area given wildlife management and hunting activities that occur quite frequently in this area; that the DelDOT SLER was submitted and the traffic impact was noted as being negligible; that in the original special use exception, there was a site development plan that was done and prepared for the indoor facility located on the southern portion of the site; that the property extends back to the outdoor shooting facility and the improvements that are shown on this plan are the same as those that exist today; that the overall building area that's noted on this plan for the site is 13.2964ft that's going to include everything that's on that property; that the required parking spaces on the original was 40 and there's 43 available, but any final site plan for the overall site would comply with whatever parking requirements were needed; that one note is there is a 25,000 gallon sprinkler system tank that they had to install as part of the facility as a measure of security in the sense that it has a fire suppression system with a standalone 25,000 gallon tank in case it were ever to discharge; that there is a Western dirt berm for the outdoor range plus a vegetated buffer which includes some green giant trees and some natural vegetation between the outdoor range and the homes along Parker Rd.; that the building that's constructed 53 feet, 10 inches wide by 41 feet 4 inches deep or 2225.11 square feet; that the building is open on the backside to the firing lanes down the range; that there is an anticipated need for 12 parking spaces, but again the applicant will comply with whatever requirements are put in place on this building; that there is an intercom system, so if somebody were to come to the range and want to shoot, they would have to either have somebody present or use that intercom system before entering the building, which would be locked at that point; that there is always a range officer present and those are qualified individuals who are monitoring any shooters that may be present at that point in time; that the shooting at this outdoor range is restricted in the sense that there are no rounds permitted that will fire over 3000 feet per second and they do not allow any home loaded ammunition; that the earthen berms are around 150 feet wide as far around the shooting facility and the sides are around 330 feet long, plus or minus, they were constructed 22 feet tall; that the berms are a U shape essentially, with the building being in the opening of that U and it being encapsulated for everything beyond that point; that a conditional use application is more about the nature of the use and the property and a little bit less about the details of the use, but given the nature of the use that we're applying for, we felt like this sophistication of the facility and the cleanliness of it was worthwhile to produce; that there's some firearms used or available for renting for training purposes, but there is a vault that is locked and secured for those to be stored overnight; that this is a secured facility which is alarmed and monitored by a very elaborate camera system that applies for both the indoor and outdoor facilities; that there is a specialty

cleaning company that comes in and handles the cleaning of lead or metal that may go downrange after firing; that the company range cleaners is going to monitor the outdoor facility, at least on an annual basis, and they're going to clean it on an as needed basis, the assumption is that the outdoor facility will need cleaning less frequently than the indoor, which is done on an annual basis; that there is an indoor facility currently housing 2 classrooms that can be used by range customers to be rented or in particular, used by area police departments for training; that they're also utilized by the range time staff to teach Stop the Bleed training which is first aid training, CPR training and a master hunters education class; that there are 7 current employees at range time that are USCA certified instructors, the United States Concealed Carry Association, one of the largest associations that exist for that type of use and a lot of them, instruct these types of classes; that Lewis, Milton, S Bethany and Dagsboro police departments are all training there and municipal police departments do not have internally the same facilities to train as the state police do; that they are not permitted the same uses of the state police facilities that the state police force are; that there is an extreme limitation of where they can go and how they can qualify for their shooting; that there are some letters from police departments that are anticipated to use the facility in this calendar year, including Bethany, the Delaware police sort team which is equivalent to a SWAT team for Delaware, Dewey Beach, Ocean View and Selbyville; that the facility currently is open Tuesday to Sunday, to the public, it is closed to the public on Mondays with the express intention that it only be used for law enforcement on that day; that they are closing their facility down, not making the same income and are allowing a reservation system for these police agencies to come in; that the public shouldn't be seeing the training of police officers, nor should they be engaged in that same practice so they're reserving it; that the police departments come in with a master range officer, some of the municipalities don't have one, but they're coordinating with each other to have that person present when they come into the facility; that they are coordinating their training scenarios with the range time folks, which is going to be Jeff or Chad, and once that's greenlit and they say it's safe for the facility, the police departments are then going to take over the facility from that point forward and conduct their training exercises; that no public is permitted to be present on those days; that there are letters of recommendation from 3 Departments, including Lewes Police Department, S. Bethany Police Department and Milton Police Department; that the facility operates with all required licensing in place; that a sound test was done as noise may be an issue or concern for people; that for the shooting portions of the test they used a FN SCAR 16" Barrel Semi-Automatic, a gun that would be used by law enforcement and the ammunition that is highest velocity usable; that the first two sound testing's are sort of setting a control; that the first one being a conversation between Jeff and Chad and that was 70 to 73 decibels on talking at normal levels; that the next one would be taken with Jeff holding the equipment at about 6 foot height and 10 feet away from a Mahindra 2538 tractor, a 37.4 horsepower tractor with a six inch finish mower on it; that they used that to cut the grass at the facility to gauge what noise levels you would hear on a normal basis and that was 77 to 79 decibels; that with the PTO engaged in the mower running with the 2100 RPMS to actually cut it was a cap of 111 decibels; that the fourth reading, is where Chad would have been firing that firearm from the shooting benches at the outdoor range and Jeff was standing with the meter 5 feet behind him inside the building; that the noise capped at 116 decibels; that once outside that facility, all those sound deadening rubber mats and the concrete walls are dropping that noise level down to below what the level of normal conversation would be which is 63 to 70 decibels; that the 6th reading was taken at the edge of the berm which was 76 to 79 decibels; that the next readings were done on the westerly boundary edge of the property closer

to the houses on Parker Road, the reading #8, which is more directly in line with the shooter to the West was below a conversation, at 58 to 62 decibels, the one taken at the back of the property, the northerly side in the northwest corner was 61 to 65 decibels; that there are no restrictions as far as Delaware statutes on the proximity of discharging a firearm, aside from those that apply typically for hunting scenarios; that Title 7 Section. 719A of the Delaware Code says that you cannot discharge a firearm within 15 yards of a public roadway, the second code section is title 166902 says you can't discharge in, on or into any public right of way all of which they are abiding by; that you cannot discharge a firearm in proximity to an occupied dwelling that is within 100 yards; that the current facilities are compliant with that, all more than 100 yards away from any dwelling or any other outbuilding; that this code provision does specify that it applies while hunting or trapping, but logically speaking, it makes sense that it would apply to this facility as well, so we are compliant with that also; that archery is 50 yards from any dwelling which is in compliance; that The General Assembly made a decision to provide a higher level of protection for shooting ranges, that once a shooting range has been in operation for more than a year it is by law given protections from nuisance suits, and this is just that heightened protection that is given at that point in time; that County Code section 115-22 would be the permitted conditional uses within an AR-1 zoning of residential business, commercial and industrial uses are permitted when they satisfy the purposes of the chapter and more fully meet the conditions of issuing a conditional use; that the 115171 is a general purpose section for conditional uses which based on all the reasons that stated, the use being proposed is of a public character, essential and desirable for the general convenience and welfare of the residents of Sussex County; that it will not have a material adverse effect on neighboring properties, it complies with the with the comp plan and it is in keeping with orderly growth in the area; that the hours of operation would be 8:00AM to 10:00PM seven days a week, but within the conditions they are seeking to have the range open to the public 8:00AM – 7:00PM Tuesday through Sunday and 8:00AM to 10:00PM on Mondays; that Monday's would be strictly for police trainings and they need to be able to train in low light to no light and that is why the hours would be extended on Monday's

Mr. Robertson asked Mr. Whitehouse if there have been any complaints or violations from the property and they have been in full compliance with their special use exception for the time they have been there.

Mr. Whitehouse stated that there are no complaints or violations on file and there was a question on the building permit and the issuance of the building permit, which was expedited, but there were no violations.

Ms. Librada Farmiglietti spoke in opposition to the application due to the outdoor range right in the back of her house; that she spoke with the applicants about the outdoor range and the concern of the amount of noise produced from the firing of guns; that they assured her that the noise was not going to be a problem for the homeowners; that the noise is a problem when she is in her home and when she is in her yard; that with the range being open everyday that it disrupts her time home and the ability to enjoy her property; that even with her doors and windows closed the amount of noise from the some of the guns is overwhelming.

Mr. Smith responded that the noise readings that were presented are the information that we have available to us and the best information that we believe exists today; that there are constitutional protections for the possession of a firearm and what we are proposing here is safer than what a person is permitted to do on an agricultural residential parcel without an approval; that if these gentlemen own this parcel and it's not developed for commercial use they could fire 10,000 rounds a day within that compliance, and that's technically permitted; that the discharge of firearms in Sussex County happens particularly during hunting seasons, but these guys are trying to be as respectful as possible and make sure that the sound resonates to the maximum extent possible to the East of this parcel; that the berm on the West hand side of the outdoor firing range was intentionally constructed higher so that sound would take the path of least resistance and go towards the East at that point.

Mr. Behney responded that our left berm on the West side is about 15 feet taller than the right side on the East side of the property; that when the shooter is 16 feet inside the building it shoots off the left side of the berm and moves its way to the right side of the berm towards Mr. Glen Moore's property; that we designed it that way because we're trying to be polite as possible to the neighbors on the West; that with the nature of the range and with the readings that we had, we have done a really good part of that with the vegetation that's being planted around the property around their houses; that those evergreens grow about 14 to 15 inches a year and they're a year and a half old and already over 4 feet tall and will get taller; that they're trying to be as polite as possible when it comes to sound as guns are loud and we understand that and just try to be as nice as possible towards the neighbors.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing the Commission discussed the Application.

In relation to C/U 2416 Over The Hill Holdings, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 5-0.

C/U 2417 White House Beach, Inc.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE ADDITION OF EIGHT (8) LOTS INTO THE WHITE HOUSE BEACH MANUFACTURED HOME PARK AND BEING ON A 1.04 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 324.18 ACRES MORE OR LESS. The property is lying on the south side of Long Neck Road (Route 23), approximately 2.53 miles southeast of the intersection of Long Neck Road (Route 23) and School Lane (S.C.R. 298) within the White House Beach Manufactured Home Park. 911 Address: N/A. Tax Map Parcel: 234-30.00-6.00 (p/o).

Mr. Whitehouse advised the Commission that submitted into record were a copy of the applicants conceptual conditional use site plan, a copy of the staff analysis, a copy of a letter from the Sussex County Engineering Department Utility Planning Division, a copy of the Minutes of the Sussex

County Council meeting of March 9, 1971 and the meeting of the September 26, 1972, a copy of the minutes from the County Council meeting of November 16th, 1976, a copy of the DelDOT SLER and zero comments.

Mr. John Roach, Esq., spoke on behalf of the applicant, White House Beach; that White House Beach has been in existence for about four generations located off of Rolling Neck Rd.; that they would like to expand the park and found that there was an area on the entrance side of that park, which allowed us to put in about 8 lots; that the park is serviced by a sewer system that runs down E. Harbour Rd. and a central water system available also for this part; that there has been a lot of inquiries about expansion, open lots and doing a lot of looking around and trying to use some of the existing lots, they're pretty small and they're a little hard to fit manufacture homes in and we felt this was a better alternative; that they are now going to better meet the requirements and setbacks; that a wetland study was done by Ian Kaufman about three years ago and they were able to identify wetland areas and we plotted that out with the lots and they did not coincide so there's no interference there.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing the Commission discussed the Application.

In relation to C/U 2417 White House Beach, Inc. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 5-0.

C/U 2426 Jody Vasey

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE AND AGRICULTURAL EDUCATION CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 70 ACRES, MORE OR LESS. The property is lying on west side of Horse Cart Lane, approximately 0.38 mile southwest of Appels Road (S.C.R. 626). 911 Address: N/A. Tax Map Parcel: 130-8.00-30.00.

Mr. Whitehouse advised the Commission that submitted into record were a copy of the staff analysis, a copy of the applicants conceptual site plan, a copy of the property deed, a copy of the DelDOT SLER, a copy of a letter received from the Sussex County Engineering Department Utility Planning Division, a copy of the applicant site photos and three public comments.

Ms. Jody Vasey spoke on behalf of herself, the applicant, that they have been helping with the community and making it better with all of their events; that they have done teaching dairy to kindergarteners, bringing cows to schools, performing sheep rescues, teaching bus drivers about importance of having EpiPens and helping to make changes to create new legislation with EpiPens and schools, helping teens through mental challenges with art workshops, advocating for honey bees, helping teens with opportunities to find healing on our farm; that they are 4H leaders, volunteers, 4H link members linking the leaders to youth and we're involved in foreign exchange groups where we host out-of-state youth at our farm to travel and learn about Delaware; that our

family has been honored with appreciation by the President, the Governor of the Lieutenant, Governors, Senators, Commissioners and others; that they want to be able to have some larger events that include things agriculturally related, educational, entertainment, historical, cultural, recreational activity; that they want to do things like wreath workshops, wool workshops from the Guild Flower Show, flower workshops, farm to fork dinners, markets, farm meetings, youth AG events and recreation, educational workshops, holiday winter farm days, hay rides, county and state for each Halloween, winter, summer Events, Boy Scouts, University of Delaware programs, goat yoga for each younger member, weekend nature hunting for kids for each, and FFA banquets, nature and farm experiences, wildlife photography, horticulture and entomology; that we do those things already, but want to do bigger things with more people, youth church groups, memorial events and offer the community the opportunity to get married on this beautiful, secluded area of our farm; that not one of our neighbors has come to us with any complaints about noise or traffic ever, and there are weeks we've had over 100 cars coming for hay products, classes, advice and workshops; that her husband's health is declining and this would alleviate some of the financial burden they are under currently; that hosting larger events under 200 people would help to make ends meet so they wouldn't have to sell off portions the farm property as lots; that with some compromise this can work with anticipated small ag programs meeting, classes, workshops to be 30 to 50 guests and families bring their four kids; that for a wedding it would be under 200, which is on the high end; that for weddings we'd encourage carpooling so there would be no more than 100 cars and events would end by 10, last call for alcohol would be 9:00 and absolutely no fireworks or explosives or anything like that because there are livestock in the area; that the proposed area is encased by a buffer of trees that is a pretty far distance from my house as the total acreage on that property 70 acres and then the property between our neighbors is another 27 acres; that her house is the closest so noise would be monitored; that there is a buffer of woods that's 410 feet long by over 200 feet wide, that is between the site and our hay field and then going even further away across from the hay field is first our house and then up here another buffer of one acre of BlackBerry orchard trellises which are three feet in length along the property of Frank and Arlene Bouchette; that there's also our elderberry orchard aronia and their own very large cedar trees going the whole length of their property line; that they will maintain the quality of life for wildlife as we hunt and maintain environmental best practices; that we maintained over 50 feet of buffer woods more than 50 feet on our property line in consideration of the hunters and the surrounding areas; that they will maintain Horse Cart Lane as they have since 2009; that they reapply and keep gravel leveled and smooth and lift the rocks when needed; that the lane has narrowed considerably over the years, but it can be widened; that there is posted speed limit signage on the lane; that there are many trucks, hay wagons, trailers and vehicles which use the lane for our three neighbors; that they will remind all customers to not follow the GPS and to come to the very last house on the lane; that they will add extra speed limit signage on the lane, put up exit signs pointing towards Route 36, temporary signage and cones to prevent accidental entrance to the Bouchet home, solar lights along the lane to provide guidance and signage to restrict cars from using high beams; that they will provide dusk to dawn lighting for exiting in the dark hours and having the ability to switch the lighting off afterwards to maintain darkness for the neighboring 2 properties; that we've had Porta Potties, trash trucks and fuel delivery delivered many times to our farm and the neighbors had no issues; that emergency vehicles have access to the lane and plenty of room for a helicopter, paramedics as well; that with regards to the AG tourism events we always scan the lane after and never notice any trash of any kind afterwards and we'll continue to

do that afterwards; that we would have a licensed caterer and rent the space to them for the larger events and have licensed beer and wine vendors.

Chairman Wheatley questioned the applicant about the actual lane and who owns it, how many people use the lane by ownership or by easement and is there a shared maintenance agreement?

Ms. Vasey stated that the ownership of the lane is between herself and Ms. Yolanda Messick, that all of the neighbors have the right to use the lane and that there is no shared maintenance agreement, that her and her husband just always maintained it because they are the last home on the lane and since they have the most traffic on it.

Mr. Butler asked what the current width of the lane is and if the lane can be widened.

Mr. Dean Vasey spoke in response to Mr. Butler's question, that the lane is currently about 10 feet wide and that there's a there's a 20 foot right away back to the first turn and then after the first turn, it changes ownership over to us and then we own the lane all the way back as far as it goes; that from Appels Rd. back to the first house, which is the Rogers house is about 750 feet and that technically is owned by the Messick's, then once it turns, we own the 20 feet back to our property, but right there is also the Boucher property, it's another 1000 feet from that bend back to the corner of the Boucher's property, and then we own the back.

Mr. Robertson asked if there was an easement for this property and is there a copy of the Deed to help all of the Commissioners understand what everybody's rights are; that we've actually dealt with this on several event venues and even on a subdivision recently as to who has rights in the easement, what the easement width is dimensionally; that you will have rights and so does everyone else and what does that mean? Does that mean that it's right to use it residentially or expand it to something else? What about the maintenance, what's spelled out in that agreement?; that you have been maintaining it, but it's one thing to maintain for residential purposes, but the burdens and maintenance increased significantly if it's going to be used for something besides residential reasons; that I want to see what the Deed says.

Chairman Wheatley discussed the application process for the record and for the members in the chambers; that the lane is a big deal and that I'm not going to be comfortable making a decision until I understand exactly what's going on with it; that I would be in favor of leaving the record open to receive information before we make a decision, because I'm not comfortable making a decision without it because these shared lanes are in theory a good idea, in practice this is what happens; that everyone is upset about who can use the lane, who takes care of the lane; that it should all be in writing somewhere to be figured out; that the applicant should get a get a survey done that depicts the driveway because you all sitting here today think you know what your rights are and what you own; that it would not surprise me at all that when you research it, it's something different or if you do know someday you're going to die or you're going to sell that property and then somebody else is going to come in and not know what they have.

Ms. Wingate asked how many owners are listed on the lane?

Mr. Vasey stated that there are 3 families that are use the back of the lane, but all of the owners utilize the lane to access their homes up to a certain area.

Ms. Wingate stated that there are a few questions about the events planned, being what time would the events end, is the plan to have contracted vendors bring in food, alcohol, porta johns and dumpsters, would a sign for the business be needed.

Ms. Vasey stated that hours would be 8:00AM – 10:00PM every day, outside vendors would be brought in to handle food, alcohol and porta johns and the client would need to remove their own trash after the event; that someone will scan the lane to make sure no garbage or debris has been left behind from her guests following an event.

Mr. Roberston asked about the parking and where the planned parking would be in conjunction to the event space and how many spaces would they have; that if the Commission were to recommend approval of this and County Council were to approve it, you have to get a site plan, which means that road's going to need to be surveyed, the entire properties need to be surveyed in the area; that the Commission is going to want you to identify the area of the conditional use so that it's clear that it doesn't extend beyond that on to the remainder of the parcel and you will need DelDOT and possibly others approvals.

Ms. Vasey stated that there's a 410 foot tree buffer and on the other side of that is the proposed area is the proposed event space that is 117 feet from the property line; that the tree buffer is 410 feet long and about 200 feet or more wide with the parking on the other side of it; that it is an open field so the amount of spaces available is pretty open to whatever is required by code, including putting down gravel if necessary; that there will be a lighted trail from the parking area through the trees to the event space.

Mr. James J. Weller, Jr., of 10243 Webb Farm Rd., Lincoln, spoke in opposition to the applicant and that a business should take into consideration how it impacts other people, such as neighbors; that it started with some 4H things and so on, then weddings and parties; that I asked Jody if she was going to build a building? And she said possibly all from tents, but then, she said times are tight we're doing this because we're going to need to do it to make income; that I don't want it to play as an Agri business thing with a bunch of 4H kids picking flowers; that I think this is a little bit more of a we are going to make money doing this and in fairness, what does this do to the neighbors? Because it is out in the country, a beautiful setting and Apells Rd. is a very small road; that if they're going to have an event of 100 to 200 people, it's going to dump 100 or 150 cars on a country road with no shoulders, no lighting and I don't know how that's going to go; that I don't know if they've done a traffic study with DelDOT or not, I don't know if it would be required at this point, but they're doing a lot more on their property already; that there's been many events, but if they're doing it to make money, they're not going to be able to do just one thing a week or two things a month; that all I ask is to consider what it does to the neighborhood; that they'll stop drinking at 9:00, but does it wear off by 10:00 when they leave and the trash and the debris and whatever it's going to bring, I want all parties to be considered; that there will be light pollution no matter which way you point the light; that she did say no fireworks, which is a good thing, but she didn't say because it bothers the neighbors, she said because it bothers her animals; that I'm more

worried about than anything is the roads and the traffic; that there's deer all over the place out there and you've brought 100-200 people, half of them are drinking and drinking and driving is not good; that the traffic is of concern, the noise to some degree, trash, of course and just public safety overall.

Ms. Yolanda Messick spoke on behalf of herself in opposition to the application that she has lived at her property since 1997 and her deed states that she is the rightful owners of the easement; that the easement is not meant to be commercial, where do we draw the line in terms of agriculture to where it becomes commercial? My husband I farm, I have a little Berry patch that I put on the other side of my home, but I went to my neighbors and said this is what it's going to be, small. It's not every day so that we won't have a lot of traffic coming out of that lane; that my home and yard is close enough that easily and accident can happen; that it is also on a 90° turn and at the end of our property there's a little teeny house that sits there and what will stop traffic from driving into that home; that my home is only 40 foot off the road and it wouldn't take anything for somebody to come around this bend and end up into our yard; that there are several questions which include what defines an event which there will be alcohol consumed? Who covers that? The alcohol license? Is it that family or is it the people who are catering the event? What impact does that have on the property value as we are in an agland preservation district. Is that going to make it more valuable? Less valuable? How many cars will use the easement? We have a 20 foot right away and I have measured the stone lane is between 16 and 18 feet, at the entrance it's wider, but goes down to 12 or 14 feet; that my husband and my son are farmers how will this affect our farming operation? We do not have control as when the crop duster applies his chemicals or when we will be spreading manure; that in terms of signage, we own the lane and the entrance of that lane and we are not allowing signage to go up, nor do we have any plans of selling any property from that lane to allow for signage to go up.

Ms. Earlene Bouchet spoke on her own behalf in opposition to the application that she spoke to a surveyor and had him look over their survey to which they said that Rodney and Yolanda Messick own the entire 1400 feet of the easement and that it is 20 feet wide, but the actual road is not that wide; that the Messick's own from the public road (Route 36) to Appels Rd. and there's actually a wooden fence at their property line and then they own Horse Cart Lane and all of the homes back there have that as a right of way; that the Roger's family has from the corner of Appel's to the bend of Horse Cart in front of their home and then she has from the bend to her property line and the Vasey's have the end of Horse Cart Lane; that the concern is that in order for anyone to access the Vasey property they need to travel these roads passed her home and the traffic is a major issue as they do not take into account that this is a private single lane road; that they drive fast and do not know the orientation of the road and end up driving onto the neighbors properties and park within the parameters of neighbor's property.

Mr. Bouchet spoke on behalf of himself in opposition to the application that there were some misleading statements from Judy; that I have complained to Dean several times about the driving and how it was so bad that somebody knocked the fence down, which Dean did fix; that there's always trash along the road; that since buying our place in 2016, I have not seen the Vasey's put any product down on the road to fill the potholes or when they say they maintain it, they grade it constantly; that I just recently put 30 ton of ground concrete down to fill up the holes that grading

keeps making, which is what they are saying is maintaining it; that he runs a grader on it and cuts the grass once in a while; that in our front yard there are tracks of cars, trucks, everything through our yard constantly; that the Vasey's very seldom talk to us unless they need something; that they put on this picture of what they do for the neighbor, for the larger neighborhood, but not what they do to their direct neighbors, it's a whole different world.

Ms. Priscilla Rogers spoke on her own behalf in opposition to the application for the conditional use for the events venue and the other programs that they were having is going to take a toll on the unimproved lane; that we live the 1st house, 800 feet from Apells Rd., the Bouchet's are 1376 feet from Apell's Rd., and the Vasey's are point 38th of a mile from the Apells Rd., that the Vasey family moved to their property approximately 2007, 2008. The family of five, each having their own vehicles, other vehicles, farm equipment, hay, bailers, wagons; that there's been a change to that unimproved lane where the potholes just consistently stay there; that over the 52 years, we've probably spent thousands of dollars purchasing stone, oyster clamshells, whatever we needed to make the lane look very nice; that Dean has equipment and he drags the stones try to fill in the potholes, but over the past few years the volume of traffic on Horse Cart Lane has changed because they sell hay, straw, elderberry syrup, chicken, cheap honey, it is a business; that there is plenty of people going through the lane already, but this is certainly going to be an increase now that I've heard Ms. Vasey say it could be 100 cars; that with the increase in the events and the sharp curve in front of my house and how close we are to it, are the neighbors going to be notified when the events are going to happen?; that if the event is going to start at 7:00 the steady stream of traffic would probably start at 6:30 and if somebody was at the Vasey's property dropping someone off and then leaving, how's that going to be when it's a single unimproved lane?; that you're going to have traffic rerouting on the Bouchet's property and our property; that our property being damaged with ruts from people trying to get around the traffic that's going, the upkeep and the additional expense to maintain the lane because we've done it for 52 years, money out of pocket it will be a burden on us continually or will the Vasey's be responsible for all the maintenance?; that noise from the traffic going and coming, safety of the vehicles because of the limited visibility when corn is being grown.

Mr. Harold Senate spoke on his own behalf in opposition to the application that with that many people being gathered in a rural area, if something were to go wrong down a 1400-foot dirt road how would EMS and firefighters be able to respond to such an event?

Chairman Wheatley explained that this is a 2 step process in which the applicant will go before the County Council and re-present their case to them; that if the County Council approves the application that one of the things that will be required is that they provide a Final Site Plan with all of the issues addressed, including the ability to have emergency responders gain access to the property.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing the Commission discussed the Application.

In relation to C/U 2426 Jody Vasey. Motion by Mr. Butler to defer action leaving the record open for written information about the easement providing access to the property for 10 business days, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Meeting adjourned at 5:53 p.m.

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