

## PLANNING & ZONING COMMISSION

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R. KELLER HOPKINS  
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## Sussex County

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR OF PLANNING & ZONING

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date July 22, 2021.

Application: Lewes Crossing Phase 8 – Landscape Plan Revision (2021-21)

Applicant: BDRP, LLC  
5750 Symphony Woods Road, Suite 408  
Columbia, MD 21044

Owner: BDRP, LLC  
5750 Symphony Woods Road, Suite 408  
Columbia, MD 21044

Site Location: Southeastern side of Beaver Dam Road (S.C.R. 285), Lewes  
Approximately 2,200 feet southwest of the intersection of Beaver Dam  
Road (S.C.R. 285) and Church Street

Current Zoning: Agricultural Residential (AR-1) Zoning District

Current Use: Lewes Crossing (all phases) – 234 single family lots as an AR-1 Cluster  
Subdivision within the Coastal Area

Proposed Use: Revised Landscape Plan for Phase 8 of the subdivision which has 42  
single family lots under the same subdivision designation

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmanic  
District: Mr. Schaffer

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Sussex County Sewer District

Water: Private Provider – Tidewater Utilities

Site Area: Approximately 19.52 acres +/-




Tax Map IDs: 334-5.00-222.01 (lots as parcels 1573.00 – 1614.00)





# Sussex County

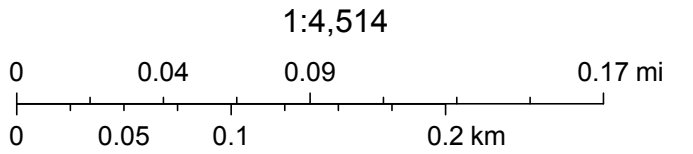


July 7, 2021

 Tax Parcels

 Streets

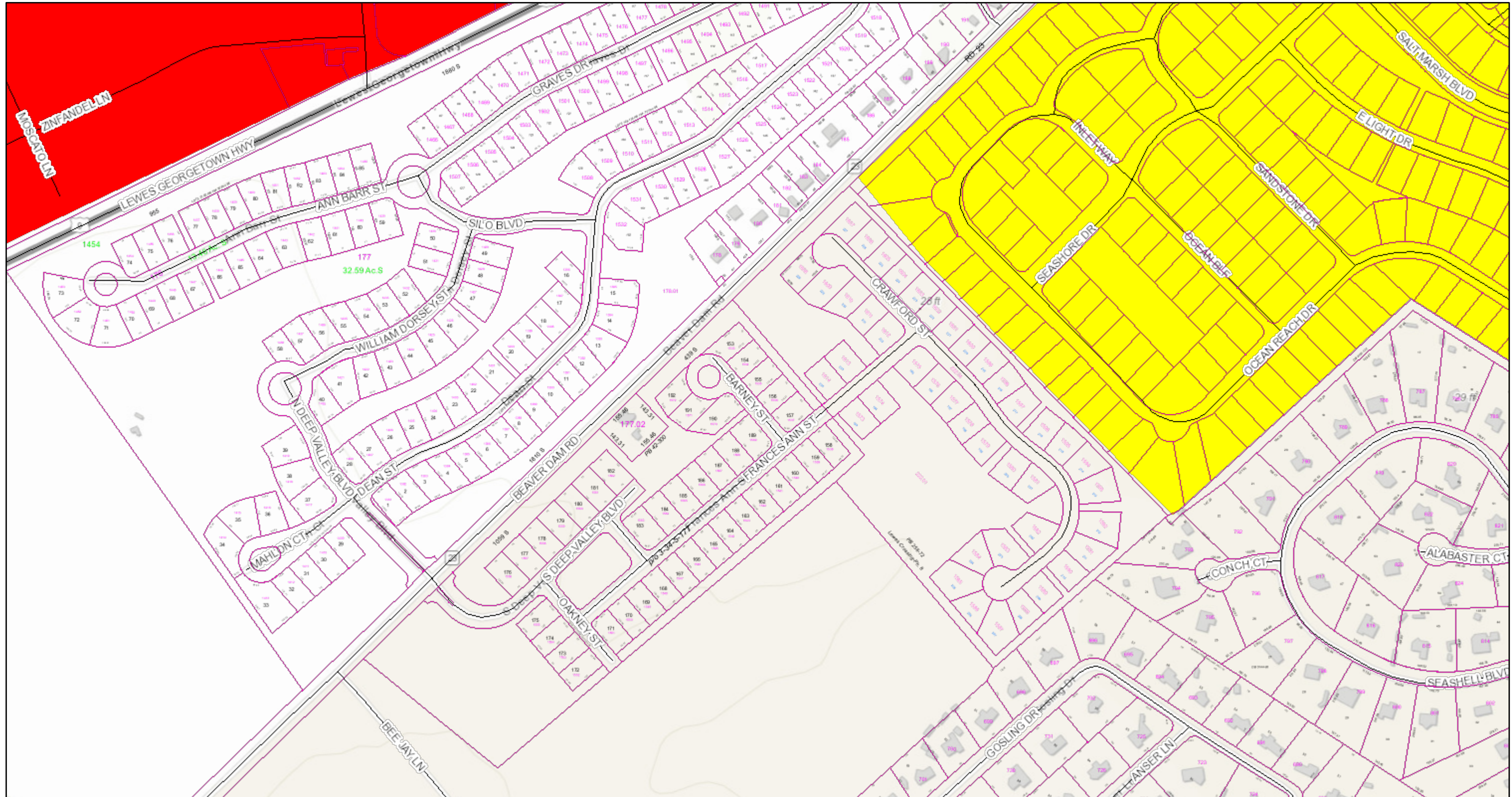
 County Boundaries



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex County Government, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



# Sussex County



July 7, 2021

1:4,514

Tax Parcels

Streets

Zoning

Agricultural Residential - AR-1

Agricultural Residential - AR-2

Medium Residential - MR

General Residential - GR

High Density Residential - HR-1

High Density Residential - HR-2

Vacation, Retire, Resident - VRP

Neighborhood Business - B-1

Neighborhood Business - B-2

Business Research - B-3

General Commercial - C-1

General Commercial - C-2

General Commercial - C-3

General Commercial - C-4

General Commercial - C-5

Commercial Residential - CR-1

Institutional - I-1

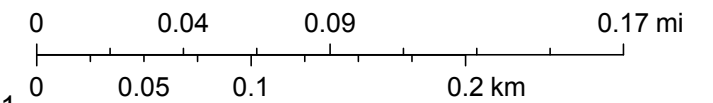
Marine - M

Limited Industrial - LI-1

Light Industrial - LI-2

Heavy Industrial - HI-1

County Boundaries




Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government





# Sussex County

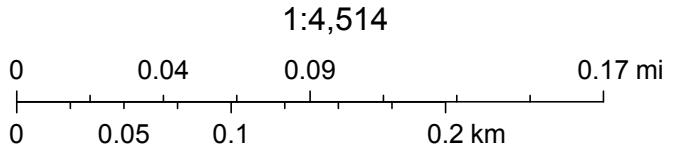


July 7, 2021

 Tax Parcels

 Streets

 County Boundaries



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex County Government



JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR  
(302) 855-7878 T  
(302) 854-5079 F  
jamie.whitehouse@sussexcountye.gov



**Sussex County**

DELAWARE  
sussexcountye.gov

## Memorandum

To: Sussex County Planning Commission Members

From: Chase Phillips, Planner I

CC: Vince Robertson, Assistant County Attorney and applicant

Date: July 13<sup>th</sup>, 2021

RE: Staff Analysis for Lewes Crossing Phase 8 – Landscape Revision (2021-21)

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This memo is to provide background and analysis for the Planning Commission to consider as a part of subdivision 2021-21 (Lewes Crossing Phase 8 – Landscape Revision) to be reviewed during the July 22<sup>nd</sup>, 2021, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

Application 2016-4 proposed Phase 8 of the subdivision (42 lots) which included the original Landscape Plan that is now related to the subject application. 2016-4 received Final Subdivision Plan approval on September 28<sup>th</sup>, 2017. The request presented before the Planning and Zoning Commission as part of the hearing is to amend the approved Landscape Plan for Phase 8 of the Lewes Crossing subdivision (2016-4). Specifically, it is proposed that 162 trees be removed from Perimeter 2 of Phase 8.

Aerial imagery, correspondence with the Sussex Conservation District, and other exhibits submitted by Solutions IPEM provide further details and components to the request. Approval from the residents and the Homeowner's Association has been collected and is enclosed within the published packet. Furthermore, two letters from professional landscapers and arborists, which supplemented the previous application of May 13<sup>th</sup>, 2021, are included with the subject request.

This revision was previously considered by the Planning and Zoning Commission as an Other Business Item on May 13<sup>th</sup>, 2021. This request was resolved through the public hearing of July 22, 2021.





File #: 2021-21  
Pre-App Date: 06/07/2021  
202109310

## Sussex County Major Subdivision Application

### Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

#### Type of Application: (please check applicable)

Standard: ☐

Cluster: ☒

Coastal Area: ☒

#### Location of Subdivision:

Southern side of Beaver Dam Road, approximately 1,800 l.f. west of intersection with Belltown Road

#### Proposed Name of Subdivision:

Lewes Crossing Phase 8

Tax Map #: 3-34-5.00-222.01

Total Acreage: 19.52 +/-

Zoning: AR-1

Density: 1.42

Minimum Lot Size: 7,500

Number of Lots: 42

Open Space Acres: 7.99 +/-

Water Provider: Tidewater Utilities

Sewer Provider: Sussex County

#### Applicant Information

Applicant Name: BDRP, LLC

Applicant Address: 5750 Symphony Woods Road, Suite 408

City: Columbia

State: MD

Zip Code: 21044

Phone #: (410) 977-3842

E-mail: megan@stonemarkventures.com

#### Owner Information

Owner Name: BDRP, LLC

Owner Address: 5750 Symphony Woods Road, Suite 408

City: Columbia

State: MD

Zip Code: 21044

Phone #: (410) 977-3842

E-mail: megan@stonemarkventures.com

#### Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Jim Eriksen, PE

Agent/Attorney/Engineer Address: 303 N. Bedford Street

City: Georgetown, DE

State: DE

Zip Code: 19947

Phone #: (302) 297-9215

E-mail: jeriksen@solutionsipem.com





# Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

- ✓ **Completed Application**
- ✓ **Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**
  - Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
  - Provide compliance with Section 99-9.
  - Deed or Legal description, copy of proposed deed restrictions, soil feasibility study
- ✓ **Provide Fee \$500.00**
- ✓ **Optional - Additional information for the Commission to consider (ex. photos, exhibit books, etc.)** If provided submit seven (7) copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ✓ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- **PLUS Response Letter (if required)** ☐ **Environmental Assessment & Public Facility Evaluation Report (if within Coastal Area)**
- ✓ **51% of property owners consent if applicable**

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

## Signature of Applicant/Agent/Attorney

\_\_\_\_\_

Date: 6-17-21

## Signature of Owner

\_\_\_\_\_

Date: 6-15-21

## For office use only:

Date Submitted: 04/21/2021 Fee: \$500.00 Check #: 1207 - BDRP, LLC

Staff accepting application: Chase Phillips Application & Case #: 202109310

Location of property: Phase 8 of Lewis Crossing - Beaver Dam Road

Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_

**SUSSEX COUNTY ENGINEERING DEPARTMENT**  
**UTILITY PLANNING & DESIGN REVIEW DIVISION**  
**C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **7/9/2021**

APPLICATION: **2021-21 Lewes Crossing Phase 8 – Landscape Plan Revision**

APPLICANT: **BDRP, LLC**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **334-5.00-222.01**

LOCATION: **Southeastern side of Beaver Dam Road (SCR 285),  
approximately 2,200 feet southwest of Church Street**

NO. OF UNITS: **Revising Landscape Plan for Phase 8**

GROSS  
ACREAGE: **19.52**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**


**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes ☐ No ☒
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 2**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Christine Fletcher** at **302-855-7719** for additional information on charges.



- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **Yes**
- ☒ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **Yes**
- (8). Comments: **The proposed project is in a Tier 2 planning area and is contiguous to the existing sewer district boundary and annexation is mandatory.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman  
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
Christine Fletcher

### **Policy for Extending District Boundaries**

1. Property owner (developer) and/or his representative shall make a request to the Utility Planning Division for a Sewer System Concept Evaluation.
2. Property owner (developer) and/or his representative shall meet with the applicable planning and zoning agency to determine if zoning is appropriate for the development being planned.
3. With appropriate zoning, property owner (developer) and/or his representative shall send a letter (with appropriate application fee as listed below) requesting the Sussex County Council to consider extending the water and/or sanitary sewer district boundaries. (Sussex County Code)

<b>Application Fees</b>	
<b>Less than 2 acres</b>	<b>\$500.00</b>
<b>2.1 -9.99 acres</b>	<b>\$750.00</b>
<b>10 - 150.00 acres</b>	<b>\$1,500.00</b>
<b>Greater than 150.00 acres</b>	<b>\$2,500.00</b>

4. The Sussex County Engineering Department shall present, for Sussex County Council's consideration, posting of notices for the proposed extension of the district boundaries.
5. The Sussex County Council approves posting notices for the proposed extension of the boundaries. (If approval to post the notices is not given, the appropriate fee is refunded.)
6. Within ninety days of the posting of the notices, the Sussex County Council approves/disapproves extending the boundaries.
7. The Sussex County Council approves/disapproves of the extension of the water and/or sanitary sewer pipelines under the appropriate Sussex County Ordinance.





July 14, 2021

Mr. Chase Phillips  
Sussex County Planning and Zoning Department  
2 The Circle, PO Box 417  
Georgetown, DE 19947

RE: Lewes Crossing Phase 8 Landscape Buffer  
Tax Parcel: 334-5.00-222.01

Dear Mr. Phillips:

A public hearing has been scheduled for the Landscape Buffer revision at Lewes Crossing, Phase 8 on July 22<sup>nd</sup>, 2021. As we discussed in our previously submitted letter, Solutions IPEM would be submitting additional documentation and exhibits prior to the hearing. Attached to this letter are several documents including:

- An existing conditions exhibit showing the current conditions of the buffer including an aerial photograph taken on June 29, 2021.
- An exhibit showing areas where the previously submitted plan does not (in our office's opinion) meet the code
- Correspondence between County staff and the Developer/Developer representative discussing the buffer in November of 2019, which is approximately 18 months after construction began.
- An email from Jessica Watson indicating that SCD would prefer for trees to not be located within the flowpath of the swales.

These items are being submitted to be included as part of the booklet for Planning Commissioners' review prior to the public hearing to help address some of the questions that arose during the Commission's May 13<sup>th</sup> meeting. These items in conjunction with additional visual aids and an expanded explanation of the plan will be presented for the Commission's consideration on this matter.

If you have any questions, please contact me at your convenience.

Sincerely,

Solutions, IPEM



Jim Eriksen, PE











**From:** [Megan Conner](#)  
**To:** [Jim Eriksen](#); [Hal Stuart](#)  
**Subject:** Fwd: Fwd: Lewes Crossing Phase 8 - Landscape Buffer  
**Date:** Tuesday, July 13, 2021 12:52:24 PM

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----- Forwarded message -----

**From:** **Janelle Cornwell** <[janelle.cornwell@sussexcountyde.gov](mailto:janelle.cornwell@sussexcountyde.gov)>  
**Date:** Wed, Nov 20, 2019 at 12:21 PM  
**Subject:** RE: Lewes Crossing Phase 8 - Landscape Buffer  
**To:** Carlton Savage <[carlton@scaledengineering.com](mailto:carlton@scaledengineering.com)>  
**Cc:** Megan Conner <[megan@stonemarkventures.com](mailto:megan@stonemarkventures.com)>

Carlton,

If there are existing trees on the property, they can be used to meet the requirements of the Forested Landscape Buffer. In the areas where it does not meet the code, then trees are planted or added to meet the requirements.

---

Sincerely,

Janelle M. Cornwell,  
AICP Planning and Zoning Director 2 The Circle  
Georgetown, DE 19947  
302-855-7878 (ph)  
302-854-5079 (fax)

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**From:** Carlton Savage <[carlton@scaledengineering.com](mailto:carlton@scaledengineering.com)>  
**Sent:** Wednesday, November 20, 2019 11:16 AM  
**To:** Janelle Cornwell <[janelle.cornwell@sussexcountyde.gov](mailto:janelle.cornwell@sussexcountyde.gov)>  
**Cc:** Megan Conner <[megan@stonemarkventures.com](mailto:megan@stonemarkventures.com)>  
**Subject:** RE: Lewes Crossing Phase 8 - Landscape Buffer

Janelle,

Here is a copy of the approved plans for your reference and to save you time.

Thanks.

**Carlton Savage Jr, PE**

Senior Engineer | Principal



Scaled Engineering Inc.

20246 Coastal Highway

Rehoboth Beach, DE 19971

Cell: (302) 236-3600



---

**From:** Carlton Savage  
**Sent:** Wednesday, November 20, 2019 11:15 AM  
**To:** Janelle Cornwell <[janelle.cornwell@sussexcountyde.gov](mailto:janelle.cornwell@sussexcountyde.gov)>  
**Cc:** Megan Conner <[megan@stonemarkventures.com](mailto:megan@stonemarkventures.com)>  
**Subject:** Lewes Crossing Phase 8 - Landscape Buffer

Janelle,

Would it be possible to set up a meeting to discuss the Landscape Buffers in Lewes Crossing – Phase 8.

Based on the approved landscape plans we are concerned that installing them per plan will be problematic.

The adjoining properties (existing residential communities) already have several plantings that are acting as buffer already.

Our fear (based on what are being advised by the installer and contractors) is that these plantings will be affected by the new buffer and/or the new buffer plantings will be affected by what's already there.

Let me know what works for you to meet and discuss further.

**Carlton Savage Jr, PE**

Senior Engineer | Principal



Scaled Engineering Inc.

20246 Coastal Highway

Rehoboth Beach, DE 19971

Cell: (302) 236-3600

--

Megan Conner

**Stonemark Ventures**

410.861.7159

[stonemarkventures.com](http://stonemarkventures.com)

--

Megan Conner

**Stonemark Ventures**

410.861.7159

[stonemarkventures.com](http://stonemarkventures.com)

## Jim Eriksen

---

**From:** jessica.watson@sussexconservation.org  
**Sent:** Wednesday, July 14, 2021 9:26 AM  
**To:** 'Chase Phillips'  
**Cc:** Jim Eriksen  
**Subject:** RE: Lewes Crossing Phase 8: Revised Landscaping to Commission

Good morning Chase,

Sorry this fell off my radar. We have no objection to the proposed landscaping plan revision– however, there should be no tress in the swale flow channel – so as not to obstruct drainage. Please let me know if you have any questions.

Sincerely,

Jessica



### Jessica Watson

Program Manager

[jessica.watson@sussexconservation.org](mailto:jessica.watson@sussexconservation.org)

23818 Shortly Road

Georgetown, DE 19947

302-856-2105 ext. 107 (office)

302-381-6136 (cell)

[sussexconservation.org](http://sussexconservation.org)

---

**From:** Chase Phillips <chase.phillips@sussexcountyde.gov>  
**Sent:** Wednesday, March 10, 2021 4:05 PM  
**To:** jessica.watson@sussexconservation.org  
**Subject:** RE: Lewes Crossing Phase 8: Revised Landscaping to Commission

Hi, Jessica,

Thank you for response and assistance.

Attached are the two plans. One is the most recently approved plan (2018), and the other is the proposal (2021). Could we confirm if any changes are being proposed around the three stormwater management ponds? More so, is the removal of trees in perimeter two subject to review by SCD? Does this proposal meet applicable regulations of SCD? Let me know if any further information is needed. Thanks again.

Best,  
Chase Phillips  
Planner I 302-855-7878



---

**From:** [jessica.watson@sussexconservation.org](mailto:jessica.watson@sussexconservation.org) <[jessica.watson@sussexconservation.org](mailto:jessica.watson@sussexconservation.org)>

**Sent:** Tuesday, March 9, 2021 11:15 AM

**To:** Chase Phillips <[chase.phillips@sussexcountyde.gov](mailto:chase.phillips@sussexcountyde.gov)>

**Subject:** RE: Lewes Crossing Phase 8: Revised Landscaping to Commission

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Hey Chase,

Can you forward me a copy of the revision? I did verbally tell Hal – (developer rep) that I thought it was fine...but I can double check and provide a response back to you – for your files.

Thanks,

Jessica

---

**From:** Chase Phillips <[chase.phillips@sussexcountyde.gov](mailto:chase.phillips@sussexcountyde.gov)>

**Sent:** Monday, March 8, 2021 9:13 AM

**To:** [jessica.watson@sussexconservation.org](mailto:jessica.watson@sussexconservation.org)

**Subject:** Lewes Crossing Phase 8: Revised Landscaping to Commission

Good Morning, Ms. Watson,

I am the planner assigned the Revised Landscape Plan for Phase 8 of the Lewes Crossing subdivision off Beaver Dam Road in Lewes.

It's my understanding that the Sussex Conservation District has reviewed certain amendments to the stormwater management features. However, the revision also proposes the deletion of trees along the northern boundary of the phase. In fact, this deletion is about 70% of the total trees along that perimeter.

Eventually this plan will be presented to the County Commission for review. My goal is to ensure an accurate facilitation to the Commission by confirming if the removal of these trees were reviewed by your agency. If we could set up a time to just briefly recap, our Director and I would greatly appreciate it. Thank you.

Chase Phillips, Planner I  
Sussex County Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947  
302-855-7878

LICENSED AND INSURED  
SERVICES



## Beaver Tree Services, Inc.

P.O. BOX 2476  
SALISBURY, MARYLAND 21802

FOR INFORMATION  
CALL 410-742-0826  
410-641-7578 - BERLIN  
302-226-3564 - REHOBETH  
410-228-5048 - CAMBRIDGE

July 28, 2020

Stonemark Ventures  
5950 Symphony Woods Rd.  
Suite 408  
Columbia, MD 21044  
C/O Jason Hearn

Re: Lewes Crossing, Lewes, DE / Tree Line Buffer

Mr. Hearn,

As per your request for my opinion of the feasibility of planting approximately (700) trees as a boundary across the Lewes Crossing property I submit the following.

After observation of this setting it is my opinion that it is not only not necessary, there is already a natural boundary barrier of existing trees. Also, it is not feasible to plant a solid buffer of (700) trees in the restricted 20-foot zone for these reasons.

- A. Planting these new trees so close to the existing tree line would be extremely difficult because of the extensive root system of the existing trees encroaching in to the buffer zone.
- B. These trees would most certainly bend for the light (phototropism) as they developed.
- C. Planting trees at the bottom of the buffer zone is an area of water drainage and the trees would not develop well there if at all.

I trust this is information need.

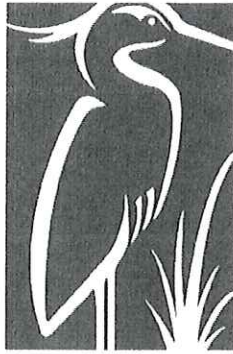
Please feel free to contact our office with questions at (410) 742-0826.

Sincerely,

James R. Beaver  
President  
ISA Certified Arborist # MA0072  
Maryland State License # 000262







*Blue Heron*

Landscape & Design

A BHCC Company

PO Box 148 Parsonsburg MD 21849

[www.blueheronlandscape.com](http://www.blueheronlandscape.com)

410.341.9500

Stonemark Ventures  
5950 Symphony Woods Rd.  
Suite 408 Columbia, MD 21044  
20 August 2020

Re: Lewes Crossing, Lewes Delaware

Mrs. Conner,

We have been requested to offer our professional assessment concerning the perimeter tree planting plan for Phase 8, in view of the existing perimeter growth.

1. Per plan, all perimeter areas are to be planted at a rate of approximately 15 trees per 100 linear feet. If virgin soil was contemplated, we find the planting plan reasonable and similar to other communities.
2. Perimeter 2 is currently heavily planted with mature trees, some in the range of 30' tall.
  - a. If the existing trees are to remain, it will not be possible under any circumstance to add the number of trees specified per the plan.
  - b. Because of the root cover from the existing trees, any planting of additional trees in Perimeter 2 will be done with significantly greater effort than would be the case with planting a virgin soil area.
  - c. Also because of the root cover from the existing trees, any additional planting will be done with possible damage to the health of the existing trees.
  - d. Any additional plantings will be subject to significant shade from the existing trees which will negatively impact the health and growth of the new plantings.
  - e. After reviewing the area, it is our judgment that perhaps approximately 50 additional trees could be planted in this area.


(continued)

3. Perimeter 3 is also currently planted but not nearly to the extent of Perimeter 2.
  - a. Item 2c and 2d above will impact Perimeter 3 but to only a small extent.
  - b. After reviewing the area, it is our judgment that perhaps the full complement of trees per plan could be planted in this area.



Beth M Hearn  
President

Blue Heron Landscape & Design  
Blue Heron Construction Corp



David Marquis  
Forestry Specialist / Landscape Manager  
Blue Heron Landscape & Design  
Blue Heron Construction Corp



## Chase Phillips

---

**From:** dandonoghuecpa@aol.com  
**Sent:** Wednesday, May 5, 2021 10:34 AM  
**To:** Chase Phillips  
**Cc:** Jamie Whitehouse; lewescrossingboard@gmail.com; secretarylcbod@gmail.com; donnalee753@gmail.com; john.randy@sbcglobal.net; jmelson@prepropmngmt.com  
**Subject:** Lewes Crossing Phase 8 Revised Landscaping Plan  
**Attachments:** LC Phase 8 Revised Land. Plan.pdf

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Chase:

As requested, here are some stats for the phase 8 only homeowners as they relate to the community wide vote that took place for the revised phase 8 landscape plan:

	Total	Lots 215 thru 227 Only
Total Phase 8 homeowners:	43	13
# Voting yes	21	7
% yes	49%	54%
# voting no	3	2
% voting no	7%	15%
# non voters	19	4
% non voters	44%	31%

**Note: 54% of the residents in the area impacted by the change in the plan (lots 215-227) approved the revised plan.**

As discussed, the plan is on the agenda for the P&Z Commission meeting to be held 4PM on 5/13/21 at Delaware Tech. I plan on attending.

Dan

-----Original Message-----

From: dandonoghuecpa@aol.com  
To: jamie.whitehouse@sussexcountyde.gov <jamie.whitehouse@sussexcountyde.gov>  
Cc: lewescrossingboard@gmail.com <lewescrossingboard@gmail.com>; secretarylcbod@gmail.com <secretarylcbod@gmail.com>; donnalee753@gmail.com <donnalee753@gmail.com>; john.randy@sbcglobal.net <john.randy@sbcglobal.net>; tbuescher1@gmail.com <tbuescher1@gmail.com>; megan@stonemarkventures.com <megan@stonemarkventures.com>; halcohomes@gmail.com <halcohomes@gmail.com>  
Sent: Sun, May 2, 2021 12:19 pm  
Subject: Lewes Crossing Phase 8 Revised Landscaping Plan

Jamie:

## Chase Phillips

---

**From:** Jamie Whitehouse  
**Sent:** Sunday, May 2, 2021 3:52 PM  
**To:** Chase Phillips  
**Subject:** FW: Lewes Crossing Phase 8 Revised Landscaping Plan

Chase,

Please ready this for Commission on May 13<sup>th</sup>

Thank you,

Jamie

---

**From:** Donna Scott <donnaalee753@gmail.com>  
**Sent:** Sunday, May 2, 2021 2:13 PM  
**To:** dandonoghuecpa@aol.com  
**Cc:** Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>; lewescrossingboard@gmail.com; secretarylcbod@gmail.com; john.randy@sbcglobal.net; tbuescher1@gmail.com; megan@stonemarkventures.com; halcohomes@gmail.com  
**Subject:** Re: Lewes Crossing Phase 8 Revised Landscaping Plan

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Great letter. A lot of work. Thanks Dan

Sent from my iPad

On May 2, 2021, at 12:19 PM, [dandonoghuecpa@aol.com](mailto:dandonoghuecpa@aol.com) wrote:

Jamie:

As requested by the Sussex P&Z Department, Lewes Crossing (LC) has conducted a homeowner vote to determine if the Lewes Crossing Phase 8 revised landscaping plan was acceptable to at least 51% of LC homeowners. The revised plan, dated 1/22/21, was provided to me by Chase Phillips. A copy of the plan is attached for your reference.

The homeowners of LC have approved the plan, as 60% (140) of homeowners voted in favor. LC currently has 233 residents.

The voting process was as follows:

The vote was conducted virtually during April 28 and 29, 2021 and was facilitated by our property manager-Premier Property Management. The vote was overseen by the LC Board of Directors (BOD). The voting process began on 4/15/21 with an announcement to homeowners that the developer (Lewes Crossing Capital Partners, LLC) had submitted the enclosed revised plan to the P&Z Department and that the revised plan was being presented to the LC homeowners for their consideration and approval. Homeowners were also notified that an on-line vote would commence on 4/28/21. Homeowners were advised that a vote of approval would require 51% of all homeowners to support the plan. Between 4/15/21 and 4/28/21, homeowners were given the opportunity to submit on-line questions related to the plan to the LCBOD. On April 28, 2021, a special LCBOD virtual meeting was held, the purpose of which was to provide a live virtual forum for homeowners to submit their final questions. The on-line voting process commenced that evening and concluded on April 29, 2021 at 4pm.

It is my understanding that the Lewes Crossing phase 8 revised landscape plan will be submitted by the P&Z Department to the P&Z Commission for their review and approval during their meeting scheduled for 5/13/21. Please advise if you have any questions or require any additional information from the LCPOA.

Thank you.



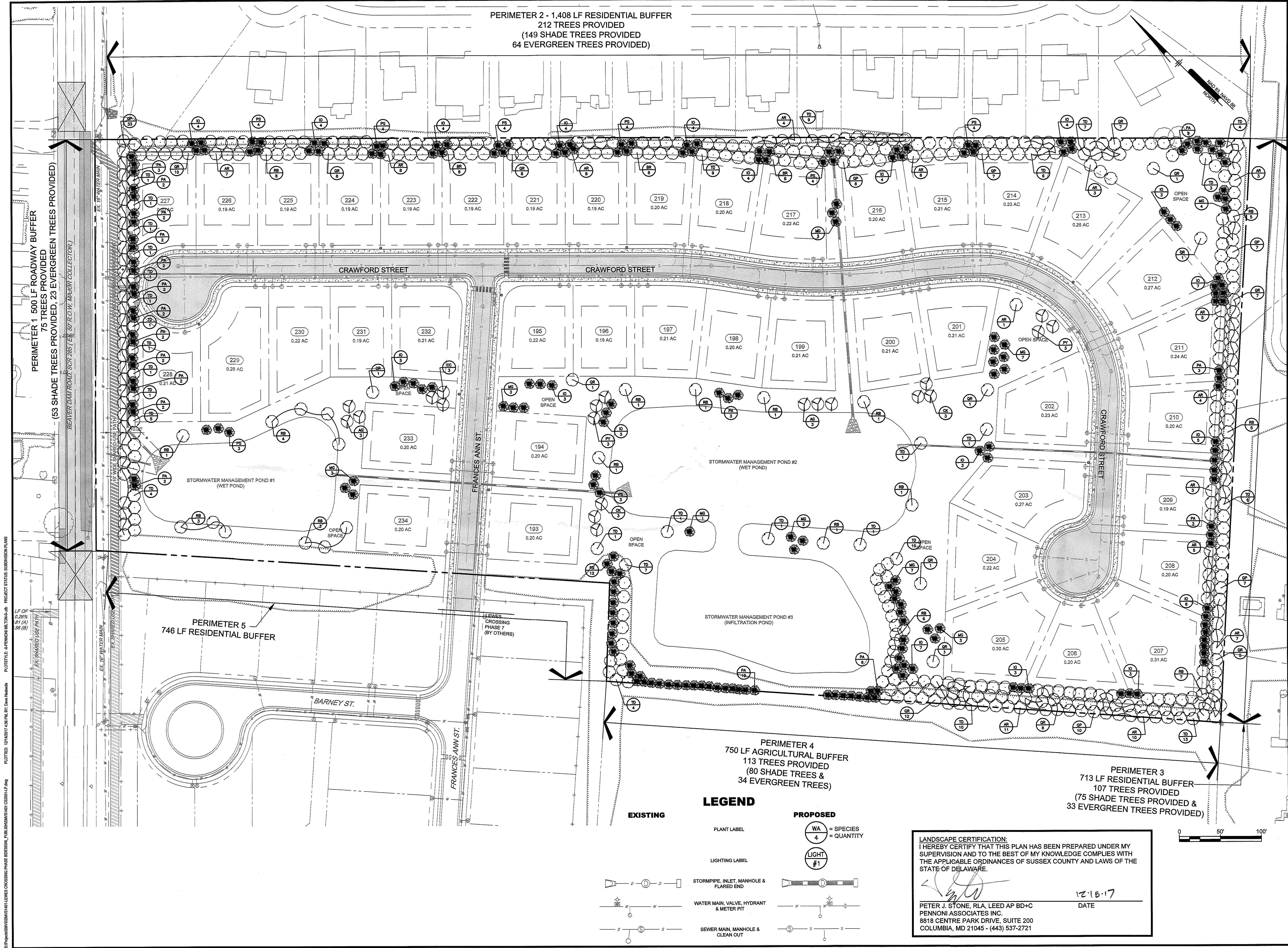
Dan

Dan Donoghue

Lewes Crossing Board of Directors/Treasurer

<LC Phase 8 Revised Land. Plan.pdf>





**Pennon**

PENNONI ASSOCIATES INC.  
18072 Davidson Drive  
Milton, DE 19968  
T 302.684.8030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

PETER J. STONE  
No. 963  
Professional Seal  
Professional Engineer  
State of Delaware  
12/18/17

**LEWES CROSSING PHASE 8**  
SUSSEX COUNTY - LEWES & REHOBOTH HUNDRED  
BEAVER DAM ROAD (SCR 285), LEWES, DE  
SUSSEX COUNTY TAX MAP: 334-5.00-222.01

**LANDSCAPE & LIGHTING PLAN**

LEWES CROSSING CAPITAL PARTNERS, LLC  
12154 HAYLAND FARM WAY  
ELLCOTT CITY, MARYLAND 21044

NO.	DATE	REVISIONS	BY
12/14/17	5	JRE	BY
8/18/17	4	JRE	
8/7/17	3	JRE	
8/1/17	2	JRE	
5/2/17	1	JRE	

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES. AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT **SMVS1401**

DATE **FEBRUARY 6, 2017**

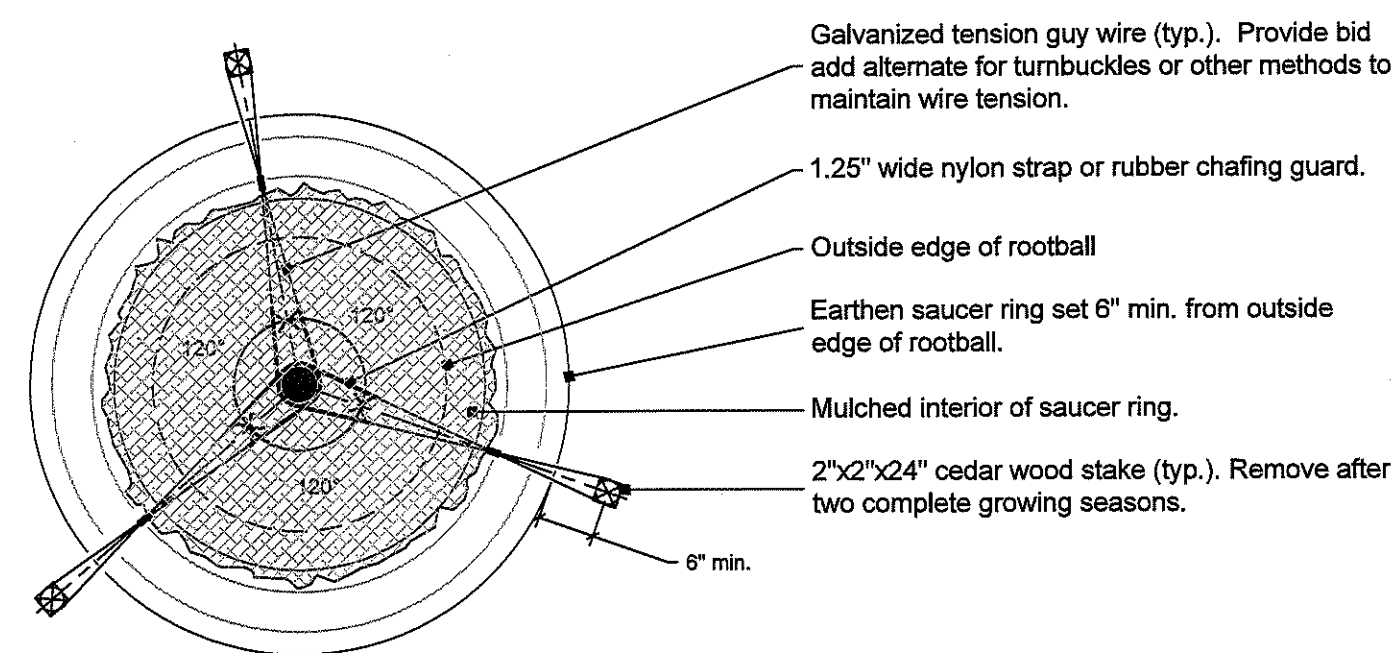
DRAWING SCALE **1" = 50'**

DRAWN BY **JRE**

APPROVED BY **DMH**

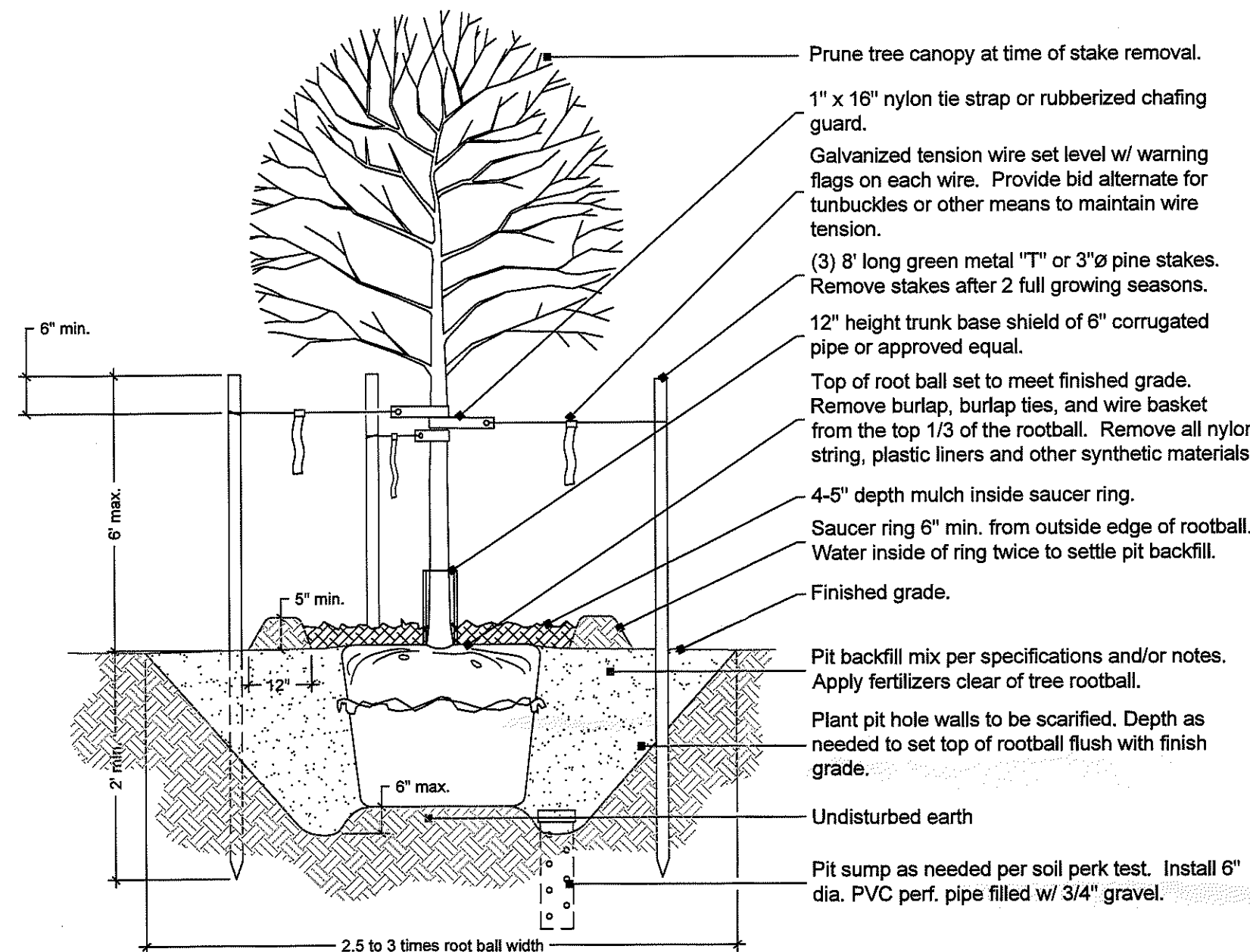
**CS2001**





PLAN

Note: Sufficient clearance shall be maintained between trees and utility facilities so as to not hinder use or access to said facilities. Contractor shall locate all underground utilities prior to digging.



SECTION

## A Canopy Tree Planting & Guying

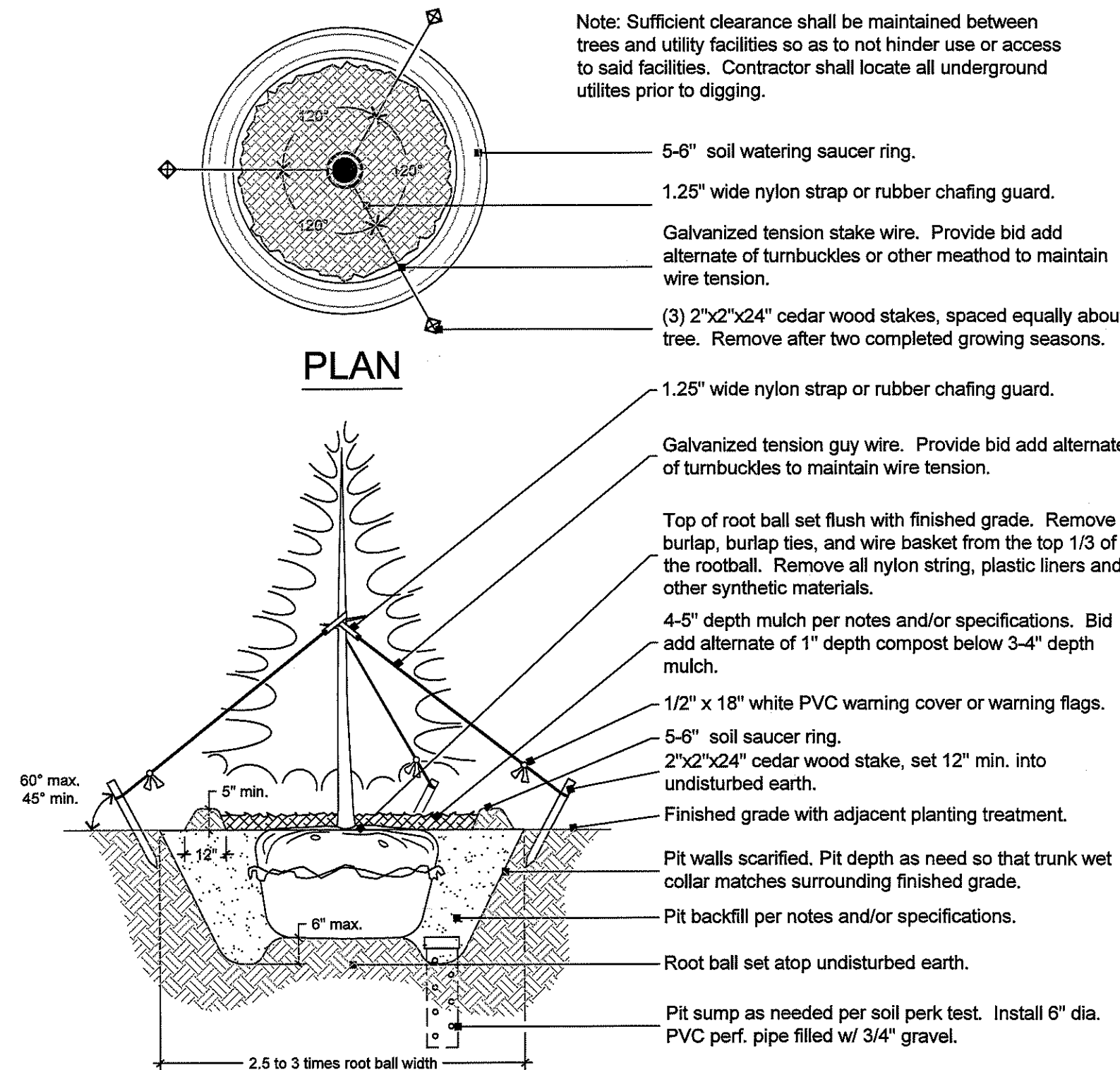
N.T.S.

### PLANT LIST

SYMBOL	QTY.	SCIENTIFIC/COMMON NAME	SIZE	ROOT	REMARKS
<b>SHADE TREES</b>					
AR	85	ACER RUBRUM 'OCTOBER GLORY'	1.5"-2.0" CAL.	B&B	PLANT AS SHOWN
QR	79	QUERCUS RUBRA	1.5"-2.0" CAL.	B&B	PLANT AS SHOWN
TD	114	TAXODIUM DISTICHUM	1.5"-2.0" CAL.	B&B	PLANT AS SHOWN
RB	74	BETULA NIGRA	1.5"-2.0" CAL.	B&B	PLANT AS SHOWN
QP	72	QUERCUS PHELLOS	1.5"-2.0" CAL.	B&B	PLANT AS SHOWN
<b>FLOWERING TREES</b>					
PY	6	PRUNUS x YEDOENSIS	6'-8' HT.	B&B	MULTI-STEM, PLANT AS SHOWN
CK	6	CORNUS KOUSA	6'-8' HT.	B&B	PLANT AS SHOWN
CC	3	CERCIS CANADENSIS	6'-8' HT.	B&B	MULTI-STEM, PLANT AS SHOWN
AG	6	AMELANCHIER x GRANDIFLORA	6'-8' HT.	B&B	MULTI-STEM, PLANT AS SHOWN
<b>EVERGREEN TREES</b>					
IO	82	ILEX OPACA	8'-10' HT.	B&B	PLANT AS SHOWN
MG	34	MAGNOLIA GRANDIFLORA	8'-10' HT.	B&B	PLANT AS SHOWN
PA	73	PICEA ABIES	8'-10' HT.	B&B	PLANT AS SHOWN
PS	42	PINUS STROBUS	8'-10' HT.	B&B	PLANT AS SHOWN

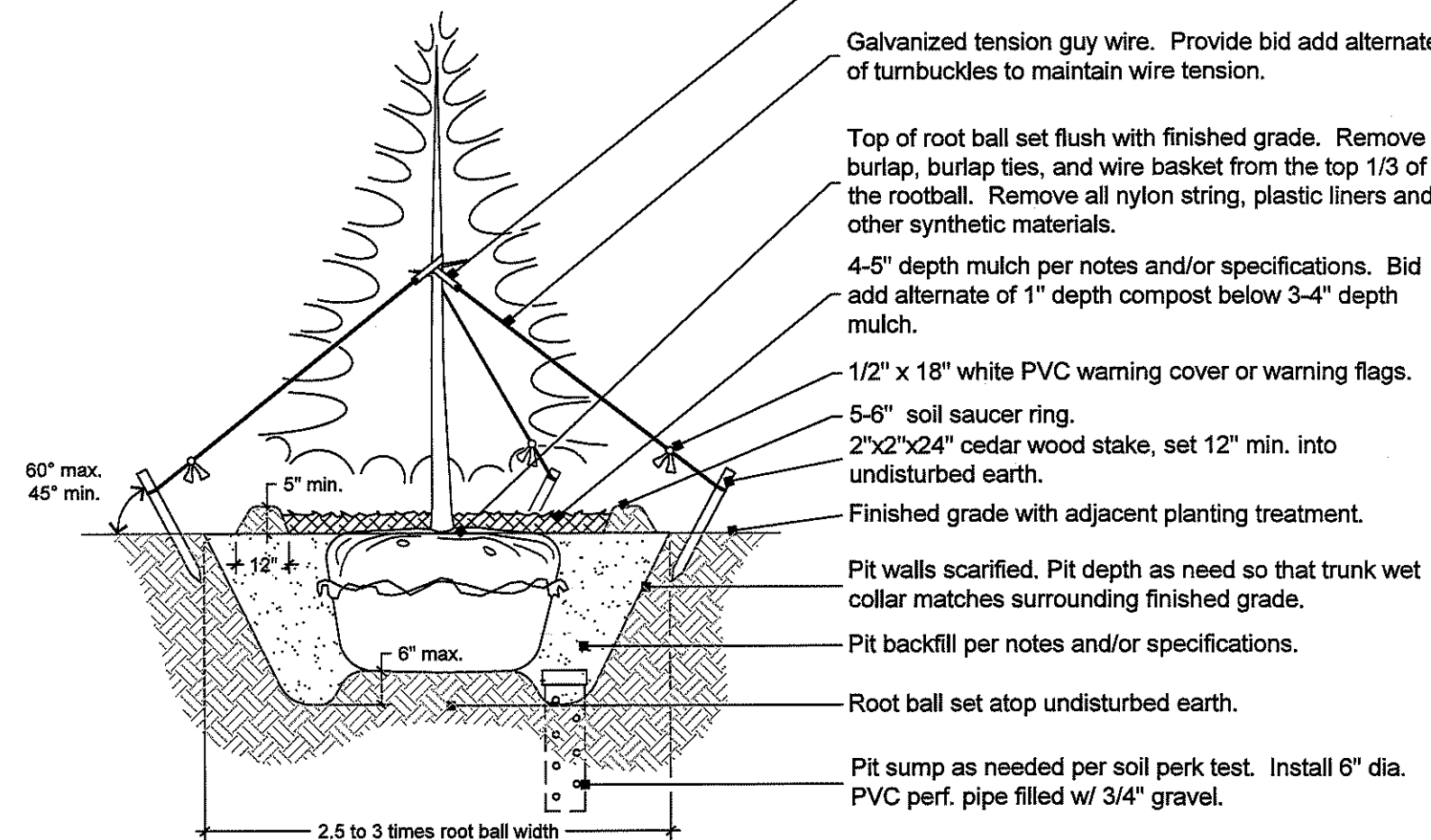
\* PLANT SPECIES SHOWN ARE A REPRESENTATION OF THE TYPE OF SPECIES TO MEET REQUIREMENTS. SUBSTATION MAY BE MADE IF NECESSARY DUE TO AVAILABILITY OR CAST SO AS TO STILL COMPLY WITH REGULATIONS.

\* THE DEVELOPER MAY SUBSTITUTE THE PLANTING TYPES PROVIDED THAT THE REPLACEMENT MEETS THE INTENT OF THE ORIGINAL PLANS AND SATISFIES SUSSEX COUNTY REQUIREMENTS REGARDING THE FORESTED/LANDSCAPED BUFFER.



PLAN

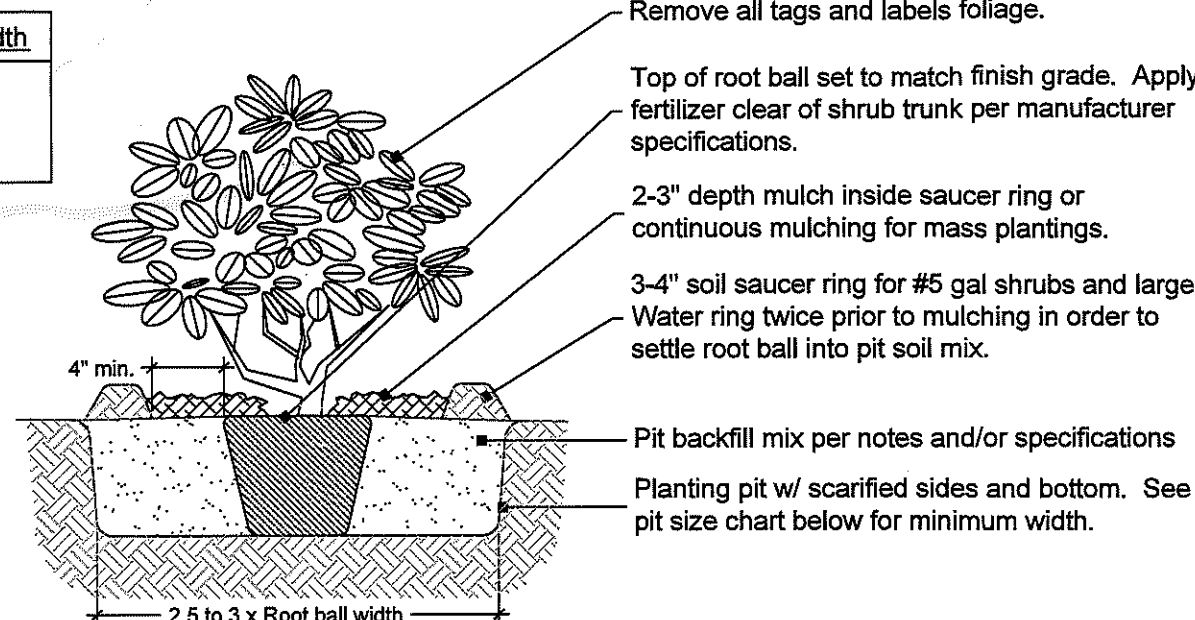
Note: Sufficient clearance shall be maintained between trees and utility facilities so as to not hinder use or access to said facilities. Contractor shall locate all underground utilities prior to digging.



SECTION

## B Evergreen Tree Planting & Staking

Shrub Size	Min. Pit Width
#1 gallon	18"
#3 gallon	30"
#5 gallon	42"



## C Shrub Planting

N.T.S.

### PROPOSED LANDSCAPE BUFFER AREAS

Buffer	Requirements	No. Required	No. Provided
1	FORESTED/LANDSCAPE PERIMETER '1' - 500 LF - 76 TOTAL TREES		
	Deciduous Tree 70% per total trees	53	53
	Evergreen Tree 30% per total trees	23	23
2	FORESTED/LANDSCAPE PERIMETER '2' - 1408 LF - 213 TOTAL TREES		
	Deciduous Tree 70% per total trees	149	149
	Evergreen Tree 30% per total trees	64	64
3	FORESTED/LANDSCAPE STRIP '3' - 713 LF - 108 TOTAL TREES		
	Deciduous Tree 70% per total trees	75	75
	Evergreen Tree 30% per total trees	33	33
4	FORESTED/LANDSCAPE STRIP '4' - 750 LF - 114 TOTAL TREES		
	Deciduous Tree 70% per total trees	80	80
	Evergreen Tree 30% per total trees	34	34
Total Deciduous Trees Provided		357	
Total Coniferous Trees Provided		154	
Total Provided Trees		511	

## LANDSCAPE CALCULATIONS

LENGTH OF PERIMETER BUFFER: 3,371 LF  
EXISTING VEGETATION INCLUDED IN BUFFER: 113 LF  
TOTAL LENGTH OF BUFFER TO BE PLANTED: 3,371 LF  
TOTAL NUMBER OF TREES REQUIRED: 511 (15 TREES/100LF)

RESIDENTIAL PERIMETER: 2,121 LF  
TOTAL NUMBER OF TREES REQUIRED: 321  
TOTAL NUMBER OF TREES PROVIDED: 321

AGRICULTURAL PERIMETER: 750 LF  
TOTAL NUMBER OF TREES REQUIRED: 114  
TOTAL NUMBER OF TREES PROVIDED: 114

ROAD PERIMETER: 500 LF  
TOTAL NUMBER OF TREES REQUIRED: 76  
TOTAL NUMBER OF TREES PROVIDED: 76

OPEN AREAS  
TOTAL NUMBER OF TREES REQUIRED: 153  
TOTAL NUMBER OF TREES PROVIDED: 153

TOTAL TREES PROVIDED: 664

## LANDSCAPING NOTES

- QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN 'AMERICAN STANDARDS FOR NURSERY STOCK'.
- CONTRACTOR SHALL BE REQUIRED TO GUARANTEE ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR AFTER INSTALLATION IS COMPLETE AND FINAL ACCEPTANCE OF PHASE I SITE WORK HAS BEEN GIVEN. AT THE END OF ONE YEAR ALL PLANT MATERIAL WHICH IS DEAD OR DYING SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE AS ORIGINALLY SPECIFIED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY 'AS BUILT' LOCATION OF ALL UTILITIES.
- NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER.
- ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN.)
- EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.
- ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 12'-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL SHOWN.
- THE FULL EXTENT OF ALL PLANTING BEDS SHALL RECEIVE 4" OF TOPSOIL AND 3" OF BARK MULCH PER SPECIFICATIONS.
- THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THIS DRAWING AND AS SPECIFIED.
- ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE BEFORE DIGGING.
- THE CONTRACTOR IS EXPECTED TO MAINTAIN PLANTINGS, INCLUDING WATERING ALL PLANTS ANY TIME FROM APRIL TO DECEMBER WHEN NATURAL RAINFALL IS LESS THAN ONE INCH PER WEEK.
- THE DEVELOPER OR HOME OWNERS ASSOCIATION SHALL BEAR THE RESPONSIBILITY OF REPLACING ANY LANDSCAPING WITHIN SUSSEX COUNTY SEWER EASEMENTS THAT IS DESTROYED OR DAMAGED DUE TO SEWER SYSTEM MAINTENANCE, REPLACEMENT, OR EXTENSION.
- THE ACTUAL STREET TREE LOCATION SHALL BE COORDINATED DURING LOT CONSTRUCTION. STREET TREES SHALL BE LOCATED WITHIN A 20 FEET OF THE LOCATION SHOWN ON THE PLANS. A 10-FOOT HORIZONTAL CLEARANCE SHALL BE MAINTAINED FROM ALL WATER AND SEWER LATERALS.
- THE SUBDIVISION SIDES AND REAR REQUIRE A 30' LANDSCAPE BUFFER MEETING THE FOLLOWING: A PLANTING STRIP AT LEAST 30 FEET WIDE NEAR THE PROPERTY LINE WHICH SHALL INCLUDE TWO CANOPY TREES, FOUR UNDERSTORY TREES AND 10 SHRUBS PER 100 LINEAR FEET OF BUFFER.
- ALL DECIDUOUS TREES THAT ARE PLANTED TO ESTABLISH THE BUFFER PLANTINGS SHALL HAVE A MINIMUM CALIPER OF 1.5 INCHES AND A MINIMUM HEIGHT OF SIX FEET ABOVE GROUND WHEN PLANTED IN ORDER TO INSURE THAT THE TREES WILL BE CAPABLE OF OBTAINING A MINIMUM HEIGHT OF 10 FEET ABOVE GROUND WITHIN FIVE YEARS OF BEING PLANTED.
- ALL EVERGREEN TREES THAT ARE PLANTED TO ESTABLISH THE BUFFER PLANTINGS SHALL HAVE A MINIMUM HEIGHT OF FIVE FEET ABOVE GROUND WHEN PLANTED IN ORDER TO INSURE THAT THEY ARE REASONABLY CAPABLE OF ATTAINING A MINIMUM HEIGHT OF 10 FEET ABOVE GROUND WITHIN FIVE YEARS OF BEING PLANTED.
- THE BUFFER AREA SHALL HAVE A FINAL GRADE THAT CONTAINS A MINIMUM OF FOUR INCHES OF TOPSOIL AND A SUITABLE GRASS MIX PLANTED AS SACRIFICIAL COVER BETWEEN THE BUFFER TREES FOR SOIL STABILIZATION UNTIL THE NEWLY PLANTED TREES BECOME LARGER. THE PLAN MAY SUBSTITUTE WOODCHIPS FOR PLANTED GRASS BETWEEN THE BUFFER TREES IN RESPECT TO BOTH NEWLY PLANTED AND EXISTING TREES, AS DETERMINED BY THE LANDSCAPE ARCHITECT.
- THE FORESTED AND/OR LANDSCAPE BUFFER SHALL BE INSTALLED WITHIN 18 MONTHS FROM THE DATE SITE WORK IS AUTHORIZED TO COMMENCE, AS DOCUMENTED BY A NOTICE TO PROCEED LETTER FROM THE COMMISSION.
- THE LAND DEVELOPER SHALL BE HELD RESPONSIBLE FOR THE HEALTH AND SURVIVAL OF THE TREES, INCLUDING REGULAR NECESSARY WATERING FOR A MINIMUM OF TWO YEARS OR UNTIL SUCH LATER DATE AS THE MAINTENANCE RESPONSIBILITIES ARE TRANSFERRED TO A HOMEOWNERS' ASSOCIATION; PROVIDED, HOWEVER, THAT THE DEVELOPER SHALL REPLACE ANY TREES THAT DIE DURING THE MINIMUM TWO-YEAR DEVELOPER MAINTENANCE PRIOR TO TRANSFERRING MAINTENANCE RESPONSIBILITIES TO A HOMEOWNERS' ASSOCIATION.
- THE PERPETUAL MAINTENANCE OF THE BUFFER PLANTINGS BY A HOMEOWNERS' ASSOCIATION SHALL BE ASSURED THROUGH THE RESTRICTIVE COVENANTS AND/OR HOMEOWNERS' ASSOCIATION DOCUMENTS WHICH ARE OBLIGATORY UPON THE PURCHASERS THROUGH ASSESSMENTS BY THE HOMEOWNERS' ASSOCIATION.

LEWES CROSSING PHASE 8  
SUSSEX COUNTY - LEWES & REHOBOTH HUNDRED  
BEAVER DAM ROAD (SCR 285) LEWES, DE  
SUSSEX COUNTY TAX MAP: 334-5, 00-222.01

LANDSCAPE DETAILS

REVISION	DATE	BY	REVISION	DATE	BY
1	8/18/17	JRE	2	8/17/17	JRE
3			4		

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PROJECT: SM  
DATE: FEBRUARY  
DRAWING SCALE:  
DRAWN BY:  
APPROVED BY:

CS200

**SUSSEX COUNTY ENGINEERING DEPARTMENT  
UTILITY PLANNING & DESIGN REVIEW DIVISION  
C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **7/9/2021**

APPLICATION: **2021-21 Lewes Crossing Phase 8 – Landscape Plan Revision**

APPLICANT: **BDRP, LLC**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **334-5.00-222.01**

LOCATION: **Southeastern side of Beaver Dam Road (SCR 285),  
approximately 2,200 feet southwest of Church Street**

NO. OF UNITS: **Revising Landscape Plan for Phase 8**

GROSS  
ACREAGE: **19.52**

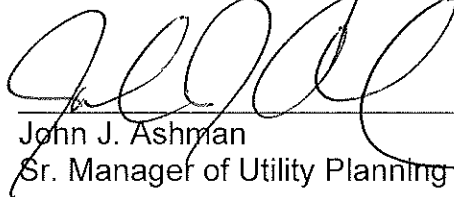
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes ☒ No ☐
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Christine Fletcher** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **Click or tap here to enter text.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



\_\_\_\_\_  
John J. Ashman  
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
Christine Fletcher



## Ashley Paugh

---

**From:** Geri Garvey <george.geri@verizon.net>  
**Sent:** Thursday, July 22, 2021 12:34 PM  
**To:** Ashley Paugh  
**Subject:** Lewes Crossing Phase 8 - Ryan

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Ashley,

As I explained in my call this morning, I am a resident of the Henlopen Landing Community. My address is 32816 Ocean Reach Drive and my home borders the new homes of the Lewes Crossing Phase 8 community.

More than a year ago when Ryan was building those homes I brought this issue to my Board at HL that the homes were so close to ours and that the buffer requires only 20 feet, which made both houses seem on top of one another. At that point, there was nothing that could be done. I was told I could plant more trees on our property to block the view. Subsequently, we have added several trees and bushes, which cost us over \$800. I've been angry that Ryan's development has affected our property values along with those of the homeowners in Lewes Crossing that border our property.

I understand that this issue is very common in Sussex County, where the developers cram as many homes on the land that they purchased.

I support the Lewes Crossing homeowners who want Ryan to follow through on their promises and follow the required ordinance regarding buffers between Lewes Crossing phase 8 and Henlopen Landing. There is 23 feet of room between us to accommodate enough trees to provide adequate blockage between the homes.

It is time that the developers are required to follow ordinances and commit to promises made to homeowners. I ask that you support the owners of Lewes Crossing on this issue.

Thank you for your consideration of my comments regarding this matter.

Sincerely,

Geri Garvey  
32816 Ocean Reach Drive  
Lewes, DE 19958  
c - 240-535-9205

# 2021-21 Lewes Crossing

Chase Phillips

---

**From:** Ashley Paugh  
**Sent:** Thursday, July 22, 2021 1:05 PM  
**To:** Chase Phillips  
**Subject:** FW: Lewes Crossing Phase 8 - Ryan

Chase,

I am forwarding this to you. I am placing a copy in the physical and electronic files.  
Please let me know if there is anything else I can do.

Thanks,  
Ashley

**From:** Geri Garvey <george.geri@verizon.net>  
**Sent:** Thursday, July 22, 2021 12:34 PM  
**To:** Ashley Paugh <ashley.paugh@sussexcountysde.gov>  
**Subject:** Lewes Crossing Phase 8 - Ryan

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Dear Ashley,

As I explained in my call this morning, I am a resident of the Henlopen Landing Community. My address is 32816 Ocean Reach Drive and my home borders the new homes of the Lewes Crossing Phase 8 community.

More than a year ago when Ryan was building those homes I brought this issue to my Board at HL that the homes were so close to ours and that the buffer requires only 20 feet, which made both houses seem on top of one another. At that point, there was nothing that could be done. I was told I could plant more trees on our property to block the view. Subsequently, we have added several trees and bushes, which cost us over \$800. I've been angry that Ryan's development has affected our property values along with those of the homeowners in Lewes Crossing that border our property.

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Thank you for your consideration of my comments regarding this matter.

Sincerely,

Geri Garvey  
32816 Ocean Reach Drive  
Lewes, DE 19958  
c - 240-535-9205



# 2021-21 Lewes Crossing

## Chase Phillips

---

**From:** Robert Tugend <roberttugend@tugendfinancial.com>  
**Sent:** Thursday, July 22, 2021 7:32 AM  
**To:** Planning and Zoning  
**Subject:** Lewes Crossing - Sussex County Ordinance 1984

**Categories:** Chase

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

I am a resident of Lewes Crossing who lives on Crawford Street. I voted no for the buy out by Ryan's Homes. The area running along the perimeter of the community behind Crawford Street, is neither appealing to view nor adequately blocks the noise and line of sight of the adjacent neighborhood. When my wife and I purchased our home we were shown drawings of the our home along with a map representing the landscape of trees that were used to sell us the property.

As purchasers of the property we put a lot of trust in the builder / developer that they would deliver a product promised at the time of sale. The developer should be held accountable for the representations during the selling process and should deliver their promoted product. If a material fact is changed and the developer is unable to delivery such items an appropriate amount of consideration should be offered to those affected. The most upsetting problem with this current situation is the builder's blatant disregard for our local zoning ordinances. Zoning ordinances are put enacted to protect and improve the lives of our community members.

I am disappointed that a local community zoning board would allow such an egregious disregard of an ordinance. All of the lot owners (215- 227) paid the price for their homes and now the builder wants to reduce their cost which in turns improves their overhead, based on what appears to be a made up recommendation by a company the builder paid to develop a report. If the builder was unable to secure the proper 20 foot forested area to comply with this ordinance; the Builder should not have been able to develop those lots. The Builder did however build homes, and got their money and now leave these property owners with the an unfinished product. The owner of those lots have a reduced quality of life and a reduced property value which cannot be determined at this time.

I hope the board explores additional remedies and makes my neighbors whole and does not allow builders to pick and choice which ordinances to follow. Then use neighbors to fight it out amongst themselves as the Builder moves down the street to do it to other customers.

Thank you for your attention to this matter,

Robert J Tugend  
Resident 10290 Crawford St

**Opposition  
Exhibit**