

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE

## BOARD OF ADJUSTMENT

JEFF CHORMAN, CHAIRMAN  
KEVIN E. CARSON  
JOHN WILLIAMSON  
JOHN T. HASTINGS  
JORDAN WARFEL



# Sussex County

DELAWARE  
sussexcountyde.gov

(302) 855-7878

## AGENDA

August 15, 2022

6:00 P.M.

**PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA\*\***

### Call to Order

### Pledge of Allegiance

### Approval of Agenda

### Approval of Minutes for June 27, 2022

### Approval of Finding of Facts for June 27, 2022

### Public Hearings

**Case No. 12728– Rodger Pearce** seeks a special use exception for a garage studio apartment (Sections 115-23 and 115-210 of the Sussex County Zoning Code). The property is located at the east side of Seagull Lane at the intersection of Bunting Road and Seagull Lane. 911 Address: 23004 Seagull Lane, Georgetown. Zoning District: AR-1. Tax Map: 133-6.00-56.15

**Case No. 12729– H & K Group, Inc.** seeks a special use exception to operate a potentially hazardous use (Construction and Demolition Debris Recycling facility by use of portable crusher) (Sections 115-110 and 115-111 of the Sussex County Zoning Code). The property is located on the northwest side of Thorogoods Road approximately .5 miles from Rt. 20. 911 Address: 30548 Thorogoods Road, Dagsboro. Zoning District: HI-1. Tax Parcel: 233-5.00-71.02

**Case No. 12730– River II, LLC** seeks a special use exception to operate a potentially hazardous use (Construction and Demolition Debris Recycling facility by use of a portable crusher) (Sections 115-110, and 115-111 of the Sussex County Zoning Code). The property is located on the northwest side of Sussex Highway approximately .35 miles from Iron Hill Road. 911 Address: 36393 Sussex Highway, Delmar. Zoning District: HI-1. Tax Parcel: 532-13.00-80.06



**Additional Business**

\*\*\*\*\*

**-MEETING DETAILS-**

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on August 8, 2022 at 4:30 p.m. and at least seven (7) days in advance of the meeting.

The Agenda was prepared by the Director of Planning and Zoning and is subject to change to include the additional or deletion of items, including Executive Sessions, which arise at the time of the meeting.

Agenda items may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountyde.gov/council-chamber-broadcast>

The County is required to provide a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.** Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

**Conference Number: 1 302 394 5036**

**Conference Code: 570176**

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments for those items under public hearings on this agenda.

The Board of Adjustment meeting materials, including the “packet” are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/board-of-adjustment>

If any member of the public would like to submit comments electronically, these may be sent to [pandz@sussexcountyde.gov](mailto:pandz@sussexcountyde.gov). All comments are encouraged to be submitted by 4:30 P.M. on Thursday, August 11, 2022.

####



Case # 12728

Hearing Date \_\_\_\_\_

202207899

### Board of Adjustment 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 all applicable)**

Variance   
Special Use Exception   
Administrative Variance   
Appeal

Existing Condition   
Proposed   
Code Reference (office use only)  
115-23 115-210

**Site Address of Variance/Special Use Exception:**

23004 Seagull Lane, Georgetown, DE. 19947

**Variance/Special Use Exception/Appeal Requested:**

This is an appeal from the denial of an Administrative Approval Application and a request for a reasonable accommodation under the Fair Housing Act to construct a stand-alone approx 600 sq.ft. special use dwelling for the applicant's disabled daughter that also meets the criteria for a special use exception

**Tax Map #:** 1-33-06-56.15

**Property Zoning:** AR-1

**Applicant Information**

Applicant Name: Rodger Pearce  
Applicant Address: 23004 Seagull Lane  
City Georgetown State DE Zip: 19447  
Applicant Phone #: (302) 245-9641 Applicant e-mail: rpearce@megec.co

**Owner Information**

Owner Name: same as applicant  
Owner Address: \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip: \_\_\_\_\_ Purchase Date: July 2005  
Owner Phone #: \_\_\_\_\_ Owner e-mail: \_\_\_\_\_

**Agent/Attorney Information**

Agent/Attorney Name: Blake W Carey / The Smith Firm, LLC  
Agent/Attorney Address: 8866 Riverside De.  
City Seaford State DE Zip: 19973  
Agent/Attorney Phone #: (302) 875-5595 Agent/Attorney e-mail: carey@vslegal.net

**Signature of Owner/Agent/Attorney**



Date: 6/27/22



**Criteria for a Special Use Exception:** (Please provide a written statement regarding each criteria)

*You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Special Use Exception to be granted.*

1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

See Appendix A.

---

2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum)

---

**Basis for Appeal:** (Please provide a written statement regarding reason for appeal)

Adjacent neighbor opposed Administrative Application.  
Applicant is seeking an appeal from the denial of the Administrative Approval Application for the reasons stated above: 1) the application meets the standards for a reasonable accommodation under the Fair Housing Act; and 2) the application meets the requirements for a special use exception.

---

## Appendix A

### Criteria for a Special Use Exception

1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

This is a request for a reasonable accommodation under the Fair Housing Act to construct a stand-alone ~600 square foot special use dwelling for the Applicant's disabled daughter. This accommodation is both reasonable and necessary due to the applicant's daughter's autism as supported by her physician (letter enclosed). As a result, the request satisfies the requirements of the Fair Housing Act.

In addition to satisfying the requirements for a reasonable accommodation under the Fair Housing Act, the structure sought will not substantially affect adversely the use of adjacent and neighboring properties. Particularly, the properties to the East, North and West have trees along their border which will block the proposed structure from view. The property to the South is across Bunting Road and will also not see the proposed structure. The structure will be within setbacks related to the Property and will generate no noise or disturbances.

- a. No additional traffic or parking will be required. My daughter Hope cannot drive. The Dart Paratransit bus presently picks her up and drops her off at the home and that will continue as it has.
- b. There will be no additional pollution for the proposed dwelling. Mr. Mallory's property sits adjacent to the Melvin Joseph Sand and Gravel Pit where machinery starts at approx. 7-7:30am daily and runs throughout the day as part of their normal operations. In addition to the machinery at the plant dump trucks regularly run down Bunting Rd. throughout the day. The proposed Special Use Exception dwelling will not add to noise pollution. In fact due to Hope's autism she does not like loud noises.
- c. The proposed Special Use Exception dwelling will sit in the same location as an existing shed therefore it will not affect the use of Mr. Mallory's property.

Dear:

My name is Hope Pearce, I have Autism But ~~it will~~ <sup>that</sup> won't stop me for reaching my goals.

The reason for building a new house near my family's yard because I want to be near my family but not too far. I want to have my own place so I can have my own independence my own space.

So I hope you can build my new home near my family's yard.

Love: Hope

June 27, 2022

Rodger and Kimberly Pearce  
23004 Seagull Lane  
Georgetown, DE. 19947  
302-245-9641  
[rpearce@megee.co](mailto:rpearce@megee.co)

RE: Hardship situation stick built structure on property

To Whom it may concern,

My daughter Hope Pearce who at time of this letter is 25 years of age. She is also autistic.

Due to her autism she has social awareness deficiencies. Her awareness of people that pose a threat or danger to her is extremely limited. With much work from the family she has gained some independence and is able to work at a chocolate store. She takes the Dart Paratransit Bus to and from work. I share that information with you to show that Hope at no time is away from home without supervision.

As she has gained independence she is able to perform most home duties and has been a dream/goal for her to have her own place. Please see attached letter from Hope.

It is in Hope's best interest to both continue her growth in independence, but to stay close to the family. Please see Hope's doctor attached letter.

Therefore, we are desiring to build a Hardship situation approx. 600 sq. ft. stand-alone stick built additional dwelling on our property for her use. Please see attached drawings of location.

Respectfully,

A handwritten signature in black ink, appearing to read "Rodger Pearce", written in a cursive style.

Rodger Pearce



# TidalHealth Primary Care

503 W. Market Street Georgetown, DE 19947

(302) 856-7099 Fax (302) 856-3247

Harry C. Anthony, Jr., M.D. Joseph F. Karnish, D.O. Maritza G. Parreno, M.D.

Jessica W. Baxter, FNP-BC Melissa Tyler, PA-C

February 16, 2022

To Whom It May Concern:

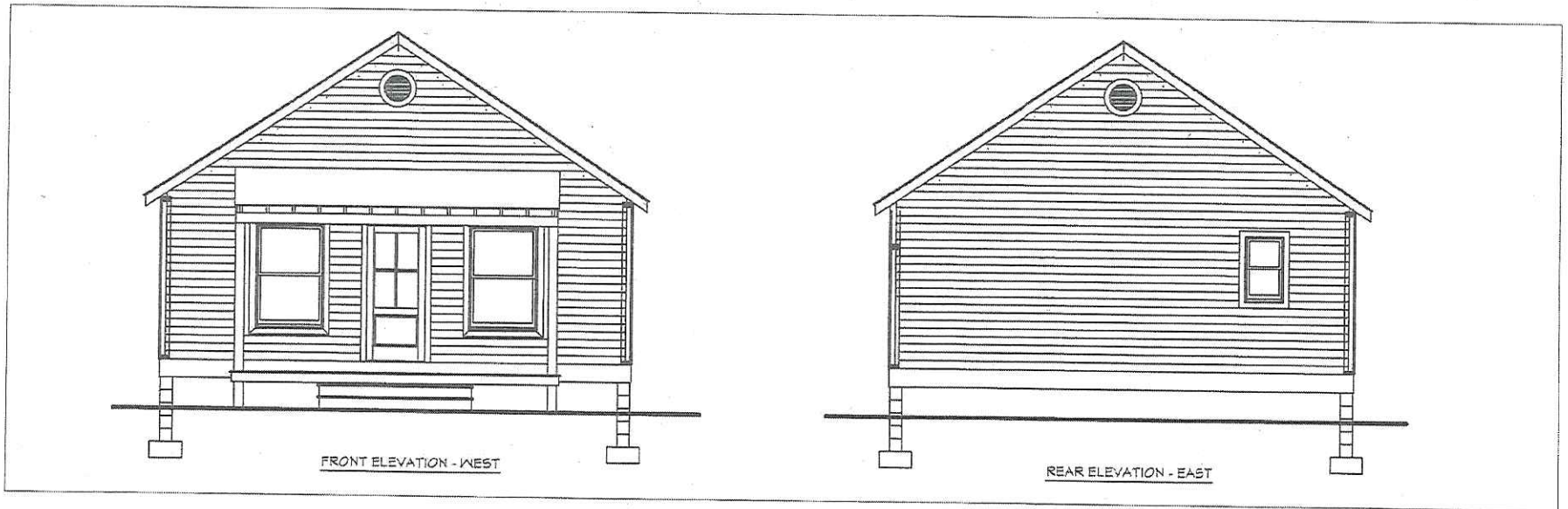
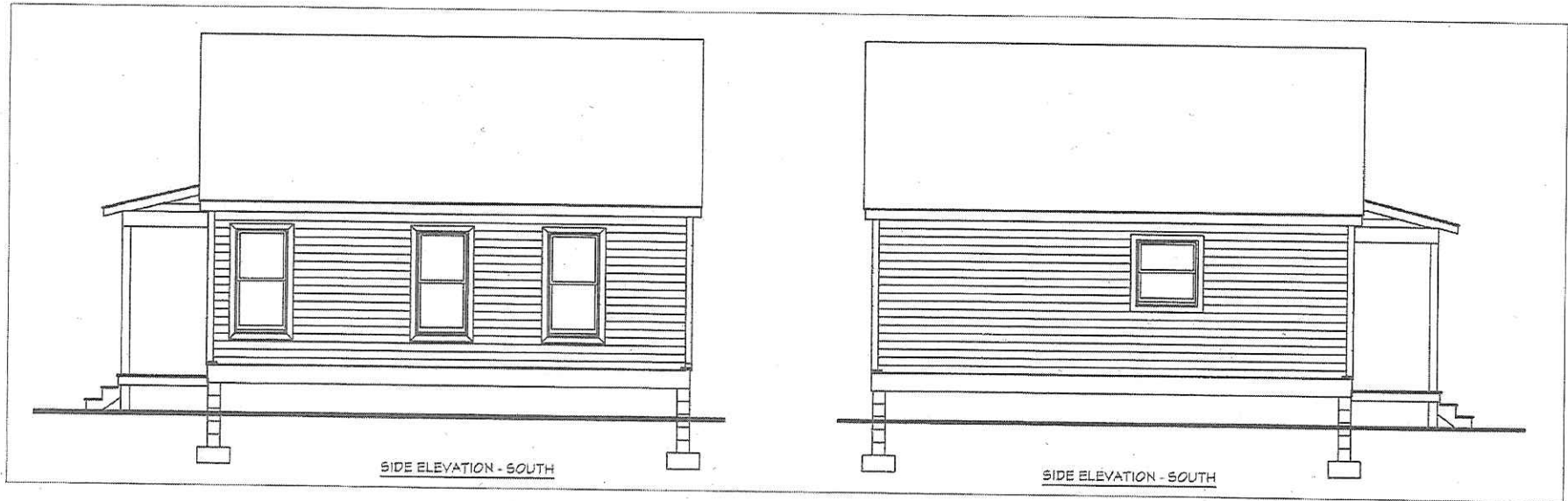
RE: Hope V. Pearce (dob: 03/24/1997)

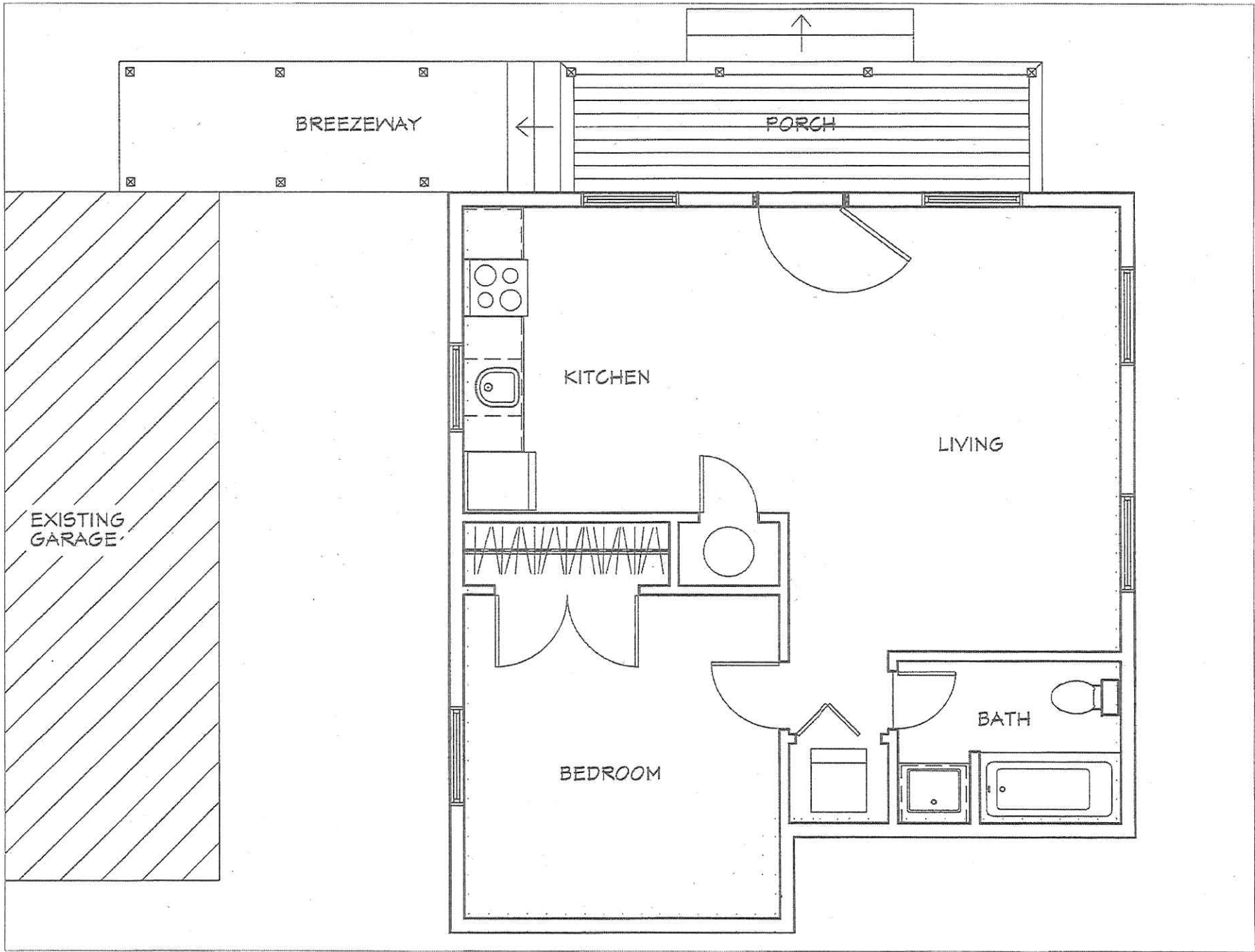
Hope is a 24-year-old female who has been under our medical care for many years. Her medical diagnoses include autism spectrum disorder and hypothyroidism secondary to Hashimoto's thyroiditis. She has expressed a desire to become more independent and specifically indicated she would like to live in her own apartment but nearby her parents. Knowing Hope, her idea of an *apartment* is not a public setting apartment as much as it is a place that she can call her own. As such, Hope would not have that same sense of independence living in an attached addition to her parents' home. After speaking with her parents, who retain Hope's guardianship, they are willing to build a detached cottage on their property for Hope that would meet all their needs. I believe this arrangement would not only provide an immense boost to Hope's self-esteem and satisfy her growth in independence but also comfort her family knowing Hope would avoid potential dangers of her living alone in a public setting significantly distant from her guardians.

Respectfully,



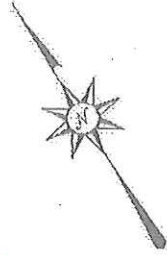
Joseph F. Karnish, D. O.





**FIRM INFORMATION:**  
 100029 - 0325 - J  
 JANUARY 06, 2005  
 ZONE: "X", NO B.F.E.

S 58°55'59" E 232.84'



Lands of  
 ULYSSES J. DAUGHTON  
 db. 2949, pg. 38

N 31°04'01" E 361.65'

50' wide access easement

*Removing shed.  
 putting well in its place*

green house

shed

garage

13.9' 40.2' 4.1' 34.7'

10.1' 16.1' 23.1' 34.9'

56.9' 40.2' 34.9'

24.2' 35.5'

28.2' 26.1' 24.2' 51.4'

24.2' 10.5' 22.2'

68.2' 28.2' 18.2' 160.1'

67.8'

24.2' 64.2'

10.1' 16.1'

S 32°02'39" W 365.52'

Lands of  
 DONNALEE V. MALLORY  
 db. 1714, pg. 267

APPROVED  
 EXISTING LOT  
 7-19-05  
 SUSSEX COUNTY  
 PLANNING & ZONING COMMISSION

**NOTE:**  
 This plat and survey does not verify  
 the existence or nonexistence of  
 right-of-ways and/or easements  
 pertaining to this property.

0.89 ± mi. to the r/w  
 of Co. Rd. No. 432

N 57°58'09" W 226.64' (total)

COUNTY ROAD NO. 322 (50' R/W)

Lands of HERBERT L. MOORE and LAURA S. MOORE to  
 be conveyed to RODGER B. PEARCE and KIMBERLY T.  
 PEARCE. Being known as LOT NO. 1, LANDS OF  
 CLEVELAND M. & LILLIAN I. KEMP. Ref: plat book 39,  
 page 117.

- 3/4" PIPE (FD)
- CONCRETE MON. (FD)

AREA: 1.9174 ACRES

TAX MAP NO. 1-33-06-56.15

SCALE: 1"=60'

No title search provided or stipulated.  
 CLASS "B" SURVEY

HUNDRED: BALTIMORE

COUNTY: SUSSEX

STATE OF DELAWARE

DATE: 07/14/05

DRAWN BY: P. ARNOLD

**SIMPLER  
 SURVEYING  
 & ASSOCIATE**

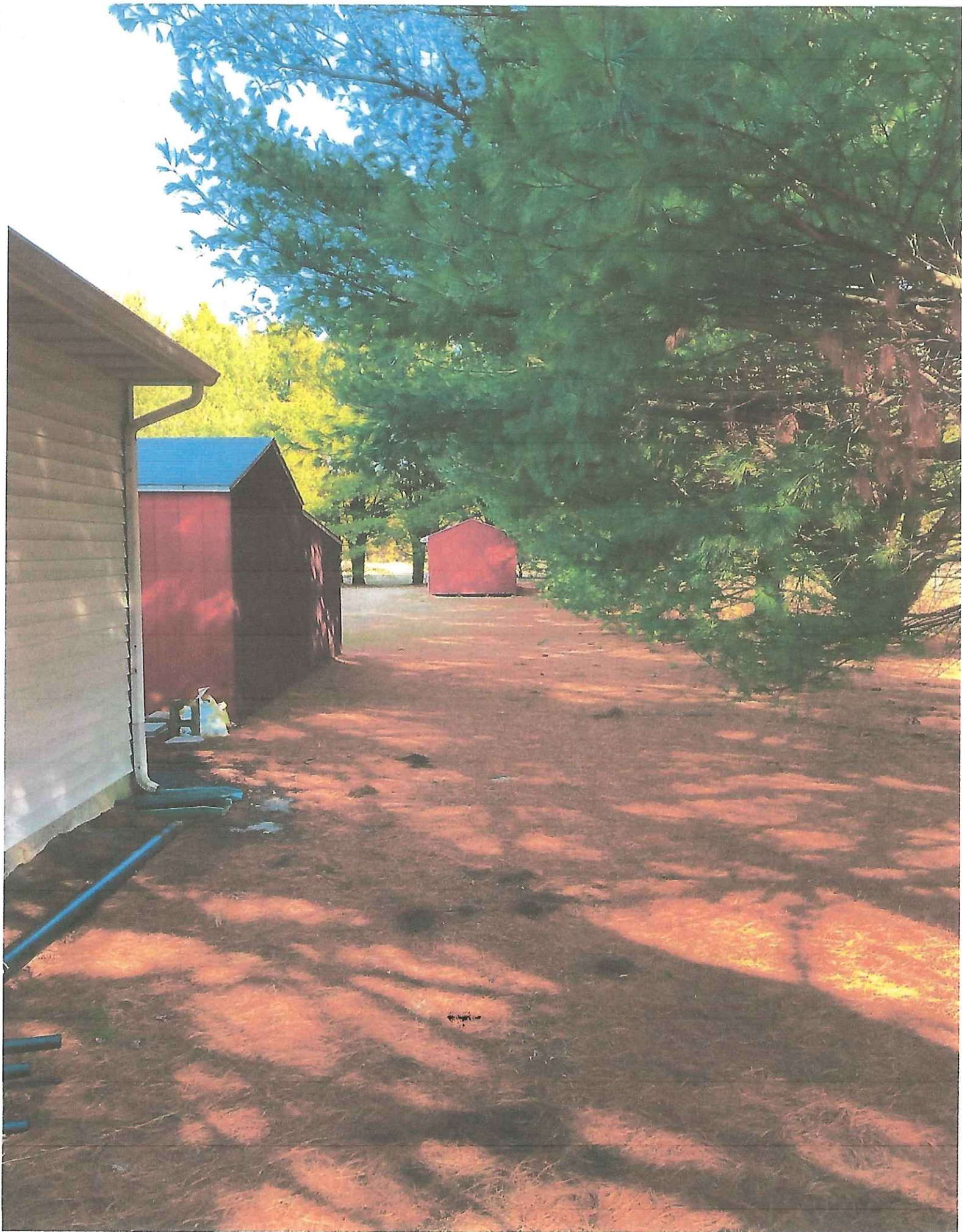
32486 POWELL FARM ROAD, FRANKFORD, DE 19945  
 www.delawaresurveyor.com  
 PHONE: (302) 539-7873 FAX: (302) 539-4336

*[Signature]*  
 7/14/05

P.L.S. 289



Location of proposed dwelling





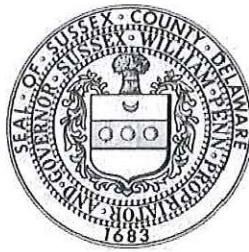




**PLANNING & ZONING**

JAMIE WHITEHOUSE, AICP  
DIRECTOR

(302) 855-7878  
PANDZ@SUSSEXCOUNTYDE.GOV



**Sussex County**

DELAWARE  
sussexcountyde.gov

May 27, 2022

RE: Administrative Approval Request for Rodger Pearce  
23004 Seagull Lane Georgetown, DE 19974  
Tax Map: 133-6.00-56.15

Dear adjacent property owner:

Please be advised that Rodger Pearce has requested an administrative approval to allow for a proposed garage studio apartment to be approved for the location above.

On October 22, 2019, the Sussex County Council adopted Ordinance No. 2684 which states that the Director of Planning and Zoning may administratively grant the use of a garage studio apartment under 800 square feet.

The Ordinance provides that the Director shall give written notice to adjacent property owners of the requested administrative approval and accept written statements for ten (10) working days from the date of mailing. If any objection is received, the Director shall refer the application to the Sussex County Board of Adjustment.

Therefore, please provide a written response to the Director within ten (10) working days from the date of this mailing if you desire to object to this administrative approval request.

Thanking you in advance for your consideration in this matter. Should you have any questions, please do not hesitate to contact this department at (302) 855-7878.

Respectfully Submitted,

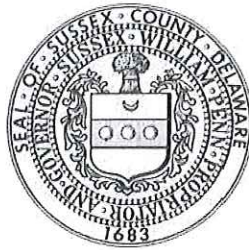
Ann Lepore  
Planning Technician



**PLANNING & ZONING**

JAMIE WHITEHOUSE, AICP  
DIRECTOR

(302) 855-7878  
PANDZ@SUSSEXCOUNTYDE.GOV



**Sussex County**

DELAWARE  
sussexcountyde.gov

June 13, 2022

Rodger Pearce  
23004 Seagull Lane  
Georgetown, DE 19947

RE: Denial Letter for Administrative Special Use Exception Approval for a Garage/Studio Apartment under 800 square feet for Lands of Rodger Pearce located at 23004 Seagull Lane (GSA-22-06)  
Tax Parcel: 133-6.00-56.15

Dear Rodger Pearce:

The submitted request for the Administrative Special Use Exception Approval (Section 115-20A) for a Garage/Studio Apartment to be located at the above address has been **denied**.

Based on the criteria for the denial of an Administrative Approval it has been determined that:

- The Planning Office received an objection to the requested Administrative Approval.

The Applicant may proceed with an application to the Sussex County Board of Adjustment following receipt of an additional \$350.00 fee. Payment by check shall be made out to Sussex County Council.

Please feel free to contact me with any questions during business hours 8:30 am – 4:30 pm Monday through Friday at 302-855-7878.

Sincerely,

Ann Lepore  
Planning Technician



## Ashley Paugh

---

**From:** Dominic Mallory <chevelledom@yahoo.com>  
**Sent:** Saturday, June 11, 2022 3:42 PM  
**To:** Ashley Paugh  
**Subject:** Third letter of opposition to Pierce hardship application.

**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 Anne Leopre,

My name is Dominic Mallory. This is a third letter of opposition to the Pierce hardship application. I am sending this third letter on behalf of myself and my mother, Donna Mallory. I will keep it short this time, not sure if the other letters are still on file or not. As with the last two applications, we are only opposing the LOCATION of the proposed house. With all three applications the proposed hardship house will be right outside our window. This application and the one before even moved it closer to our house than the first application. The claim is its the only place he can put it, as he told me. Come on now, on 2 acres, really? Is it the only place we can really put it or just where we want it? As stated before, we dont oppose to him having it, we just dont want it outside our window. Why cant it be outside his window instead. Sorry for the rant, it is just starting to get a little old at this point. This is almost a year this had been dragging on now, if he were just willing to compromise and move away form our house Hope could alerady be living in her little dream home. Instead i just get dirty looks from across the fence like I'm some kind of monster. If you need anything else from me feel free to ask.

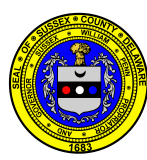
Kind regards,  
Donna and Dominic Mallory



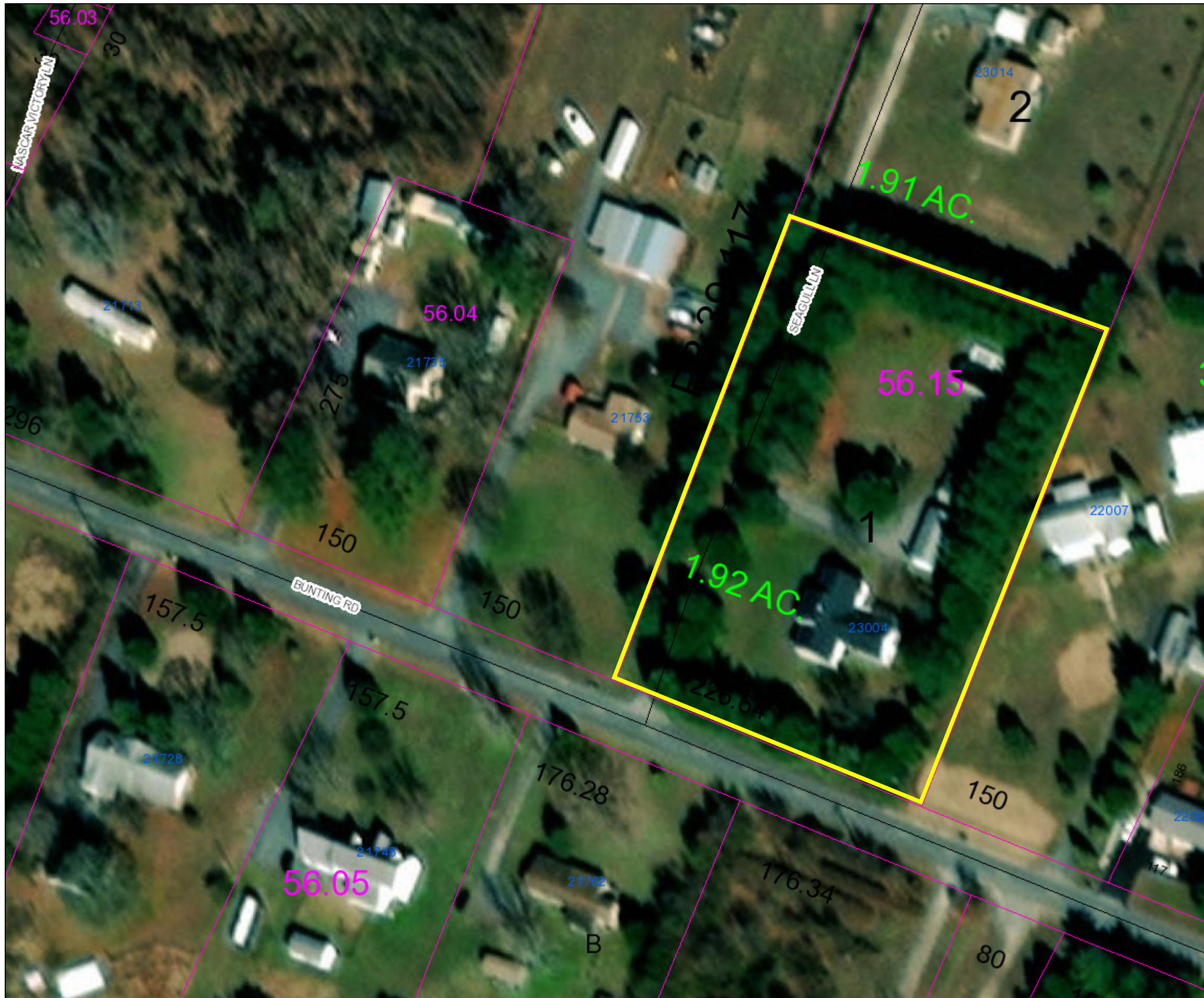








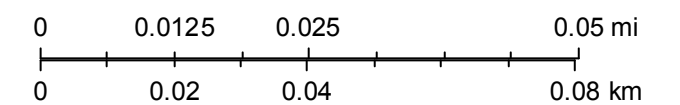
# Sussex County



<b>PIN:</b>	133-6.00-56.15
<b>Owner Name</b>	PEARCE RODGER B & KIMBERLY T
<b>Book</b>	3172
<b>Mailing Address</b>	23004 SEAGULL LN
<b>City</b>	GEORGETOWN
<b>State</b>	DE
<b>Description</b>	N/RT 322
<b>Description 2</b>	2400'E/RT 321
<b>Description 3</b>	LOT 1
<b>Land Code</b>	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Municipal Boundaries

1:1,128







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A Family of Companies

DIVERSIFIED STRENGTH... FROM THE GROUND UP!

P.O. Box 196  
2052 Lucon Road  
Skippack, PA 19474

Phone: (610) 584-8500

Fax: (610) 584-5432

www.hkgroup.com

June 2, 2022

Sussex County Planning & Zoning Department  
2 The Circle  
PO Box 417  
Georgetown, DE 19947

Attn: Chase Phillips, Planner II

Re: Haines & Kibblehouse, Inc. – Dagsboro Stone Depot  
Special Use Exception – Portable Crusher and Screen  
30548 Thorogoods Road, Dagsboro, DE 19939  
Tax Map No. 233-5.00-71.02

RECEIVED  
JUN 08 2022  
SUSSEX COUNTY  
PLANNING & ZONING

Dear Mr. Phillips:

On the behalf of Haines & Kibblehouse, Inc. (now by merger H&K Group, Inc.), please find following enclosed listed items in support of a Special Use Exception Application being made for the above referenced property:

- Board of Adjustment Application Form
  - Check #001026116 in the amount of \$400.00 payable to the “Sussex County”
- Checklist for Applications
- Zoning Use/Variance Application Narrative, 6/02/2022 (3 Copies)
  - Appendix A – Deed
  - Appendix B – Plot Plan
  - Appendix C – Aerial Site Plan
  - Appendix D – Manufacturer Equipment Cut Sheets

The subject property is within the Heavy Industrial (HI-1), as depicted on the Sussex County Zoning Map. The Applicant is seeking special use exception to allow the use of a portable crusher and screen to crush and screen concrete, asphalt chunks and asphalt millings on the subject parcel. Crushing is categorized as a potentially hazardous use and requires special use exception approval pursuant to §115-111 of the Sussex County Code.

Should you have any questions concerning this application or require additional information, please do not hesitate to contact me direct at (610) 222-3515 or by cell at (484) 576-0210. Thank you in advance for your assistance in this matter.

Sincerely,

H&K GROUP, INC.

Scott S. Drumbore, P.E.  
Director, Engineering & Environmental Services

SSD/  
ENCLOSURES

cc: File B-110M/6000-3005

RECEIVED

JUN 08 2022

SUSSEX COUNTY  
PLANNING & ZONING

# Board of Adjustment 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

Case # 12729  
Hearing Date 8/15  
202208413

**Type of Application: (please check all applicable)**

Variance   
Special Use Exception   
Administrative Variance   
Appeal

Existing Condition   
Proposed   
Code Reference (office use only)  
115-110 115-111

**Site Address of Variance/Special Use Exception:**

30548 Thorogoods Road, Dagsboro, DE 19939

**Variance/Special Use Exception/Appeal Requested:**

Requesting approval of Special Use Exception to operate a portable crusher, which will be permitted by DENREC Division of Air Quality, to crush and screen concrete, asphalt chunks and asphalt millings. Crushing and processing is categorized as a potentially hazardous use and requires Special Use Exception under Section 115-111 of the Sussex County Code.

Tax Map #: 233-5.00-71.02

Property Zoning: HI-1

**Applicant Information**

Applicant Name: H&K Group, Inc.  
Applicant Address: 2052 Lucon Road, PO Box 196  
City SKippack State PA Zip: 19474  
Applicant Phone #: (484) 576-0210 Applicant e-mail: sdrumbore@hkgroup.com

**Owner Information**

Owner Name: Haines & Kibblehouse, Inc. (now by merger H&K Group, Inc.)  
Owner Address: 2052 Lucon Road, PO Box 196  
City Skippack State PA Zip: 19474 Purchase Date: 2/13/06  
Owner Phone #: (484) 576-0210 Owner e-mail: sdrumbore@hkgroup.com

**Agent/Attorney Information**

Agent/Attorney Name: Scott S. Drumbore (H&K Group, Inc.)  
Agent/Attorney Address: 2052 Lucon Road  
City Skippack State PA Zip: 19474  
Agent/Attorney Phone #: (484) 576-0210 Agent/Attorney e-mail: sdrumbore@hkgroup.com

**Signature of Owner/Agent/Attorney**

  
SCOTT S. DRUMBORE

Date: 6/2/22



**Criteria for a Variance:** (Please provide a written statement regarding each criteria).

*You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Variance to be granted.*

*In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance or Code. The Board is empowered in no case, however, to grant a variance in the use of land or structures thereon.*

1. Uniqueness of property:

That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.

N/A

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2. Cannot otherwise be developed:

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

N/A

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3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant.

N/A

---

4. Will not alter the essential character of the neighborhood:

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

N/A

---

5. Minimum variance:

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

N/A

**Criteria for a Special Use Exception:** (Please provide a written statement regarding each criteria)

*You shall demonstrate to the Board of Adjustment that the property meets **all** of the following criteria for a Special Use Exception to be granted.*

1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

Refer to enclosed Special Use Exception - Project Narrative.

---

2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum)

Refer to enclosed Special Use Exception - Project Narrative

---

**Basis for Appeal:** (Please provide a written statement regarding reason for appeal)

Refer to enclosed Special Use Exception - Project Narrative

---

## PROJECT NARRATIVE

### 1.0 Introduction

The following application for a Special Use Exception, seeks approval to operate a portable crusher and screen, hereinafter portable crusher, to crush and screen concrete, asphalt chunks and asphalt millings on Tax Map #233-5.00-71.02. Crushing is categorized as a potentially hazardous use and requires Special Use Exception approval under Section 115-111 of the Sussex County Code. A copy of the deed for the subject property has been included in Appendix A. A copy of a Property Survey (Plot Plan) has been included in Appendix B. Appendix C includes an Aerial Site Plan of the subject property. Appendix D includes manufacturer cut sheets of the portable crusher (Trakpactor 320) and portable screen (Warrior 1800) equipment. The property, located at 30548 Thorogoods Road, Dagsboro, is currently within the County's Heavy Industrial (HI-1) Zoning District. The current use of the subject property is an aggregate materials processing facility (Dagsboro Stone Depot). This facility receives aggregate transported via rail car where it is unloaded and stockpiled for distribution into the regional market. Additionally, the aggregate materials are utilized at the adjacent River Asphalt facility. The aggregate materials processing facility was approved via Special Use Exception in 2004 (Board of Adjustment Case No. 8573). Additionally, Case No. 6167 approved a temporary portable crushing plant in 1996.

#### **CRITERIA FOR A SPECIAL USE EXCEPTION:**

- (1) Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

*The proposed use, i.e. portable crusher, is compatible with the current use of the property which is an aggregate materials processing facility where aggregate is unloaded from rail cars via an unloading pit and a series of transfer conveyors. The adjacent parcel to the south-east is located within the Heavy Industrial (HI-1) Zoning District and is occupied by an hot mix asphalt plant which utilizes the aggregate from the Dagsboro Stone Depot. The properties to the east and north-east are also located in the HI-1 Zoning District. The properties due north and to the north-west are located in the Neighborhood Business District. The property to the immediate south-west lies in the Agricultural Residential (AR-1) Zoning District and is predominantly un-developed. Whartons Branch follows the north-west property boundary and separates the residential development within the Neighborhood Business Zoning District to the north-west with approximately 600 feet to 800 feet of mature woodland between the two sites.*

*It is anticipated that the portable crusher will operate approximately ten (10) working days per month in order to crush and screen the concrete, chunk asphalt and asphalt millings managed on-site.*

*The portable crusher is not likely to create anymore noise, vibrations, dust, heat, smoke, odor, glares or other objectionable influences than the normal activities which currently occur on-site, i.e. rail cars, unloading equipment and conveyors, loaders, excavators, trucks, etc. Following is a point-by-point response to these potential influences specific to the portable crusher:*

#### Noise:

*The location of the portable crusher will be no closer than 100 feet to the property boundaries and will generally be centrally located, within the northern end of the site. To the greatest extent possible, the equipment is located to allow management of the stockpiles toward the perimeter of the site to provide visual buffer and sound buffer. The portable crusher, at a distance of approximately 100 feet, will generate noise levels averaging between 60 and 70 dBA with occasional peaks reaching 80 dBA as a result of the mobile equipment feeding the portable crusher.*

#### Vibrations:

*The portable crusher will not generate or cause vibrations detectable within or outside the limits of the property.*

#### Heat:

*The portable crusher will not generate or cause heat detectable within or outside the limits of the property.*

Smoke:

*The portable crusher will not generate smoke detectable within or outside the limits of the property. Emissions from the equipment will be in compliance with the Air Quality Permit issued by DENREC Division of Air Quality & Waste Management.*

Glares:

*The portable crusher will not generate or cause glare detectable within or outside the limits of the property.*

Other objectionable influences (Dust):

*The portable crusher will operate in accordance with and will be in compliance with the Air Quality Permit issued by DENREC Division of Air Quality & Waste Management. Dust, associated with the crushing and screening of the subject materials, will be managed and controlled via factory installed spray bars and nozzles which are controlled by a manifold system. Water delivery to the dust suppression system will be from a tank reservoir (typically 1,000 to 1,500 gallons). The dust suppression system operates on low volume, high pressure spray nozzles which emit a mist at points of dust generation throughout the equipment, i.e. materials transfer points, hoppers, conveyor drop points, etc.*

- (2) Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum).

*Applicant respectfully requests a 5-year duration related to the term of the Special Use Exception approval.*

**Appendix A – Deed**

11334

03275 2014

Tax Parcel No. 2-33 5.00 71.02

Prepared by ~~Return~~ to:  
Richards, Layton & Finger, P.A.  
P.O. Box 551

Wilmington, DE 19899  
Return to: Paul R. Chen & Assoc.  
234 North Sixth Street  
Reading, PA 19601

**THIS DEED, MADE** this 13<sup>th</sup> day of February, 2006,

**BETWEEN** FGJ Ventures, LLC, a Delaware limited liability company, party of the first part,

-and-

HAINES AND KIBBLEHOUSE, INC., a Pennsylvania corporation, party of the second part,  
PC Box 140 SKIPPACK PA 19474

**WITNESSETH**, That the said parties of the first part, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00), lawful money of the United States of America, and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, its successors and assigns,

ALL that certain tract, piece and parcel of land situate, lying and being in Dagsboro Hundred, Sussex County, State of Delaware, and being more particularly described as Parcel "A" as shown on a Minor Subdivision Plan for Thoro-Goods' Concrete Co., prepared by Daniel J. McCann, P.L.S. #634, dated march 15, 2004, and now of record in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware, in Plot Book 85, Page 33.

TOGETHER WITH a right of ingress and egress over and upon an Ingress/Egress Easement fifty feet (50') wide as shown on the aforementioned Plot.

SUBJECT to all restrictions, easements and covenants appearing on the Minor Subdivision Plan for Thoro-Good's Concrete Co., Inc. and recorded in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware, in Plot Book 85, Page 33.

SUBJECT to all restrictions, easements and covenants appearing on the Plan for Thoro-Good's Concrete Co., Inc. and recorded in the Office as aforesaid in Plot Book 27, Page 195.

SUBJECT to an Easement Agreement between Ed and Virginia Cordrey and the State Highway Department of the State of Delaware dated September 5, 1956 and recorded in the Office as aforesaid in Deed Book 465, Page 256.

SUBJECT to a Right of Way Agreement among Clifford Thoroughgood and Madelyn Thoroughgood, Delaware Power & Light Company and The Diamond State Telephone Company dated March 25, 1965 and recorded in the Office as aforesaid in Deed Book 522, Page 36.

Consideration: \$135000.00 Exempt Code: A

County	State	Total
20250.00	20250.00	40500.00
counter	Date: 02/27/2006	



SUBJECT to a Right of Way Agreement among Clifford Thoroughgood and Madelyn Thoroughgood, Delaware Power & Light Company and The Diamond State Telephone Company dated May 11, 1966 and recorded in the Office as aforesaid in Deed Book 522, Page 348.

SUBJECT to the right of ingress and egress easement as referenced in a Deed between Thoro-Good's Concrete Co., Inc. and FGJ Ventures, LLC dated April 30, 2004 and recorded in the Office as aforesaid in Deed Book 2979, Page 223.

SUBJECT to the covenant that the party of the second party, its successors and/or assigns, shall not operate a concrete plant upon the premises.

BEING the same lands and premises which Thoro-Good's Concrete Co. by Deed dated April 30, 2004 and recorded in the Office of the Recorder of Deeds in and for ~~New Castle~~ Sussex County, State of Delaware, in Deed Book 2979, Page 223, did grant and convey unto FGJ Ventures, LLC, in fee. <sup>FJT. SAT.</sup> <sup>SUSSEX FJT SAT.</sup>

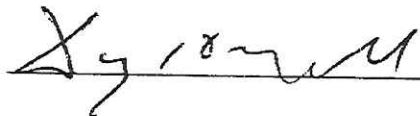
GRANTEE(S) ADDRESS:

P.O. Box 196  
Skippack, PA 19474

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal, the day and year aforesaid.

Sealed and Delivered in  
the Presence of:


FGJ Ventures, LLC

  
\_\_\_\_\_

By: Frank W. Thoroughgood (SEAL)  
Frank Thoroughgood, Member/Manager

  
\_\_\_\_\_

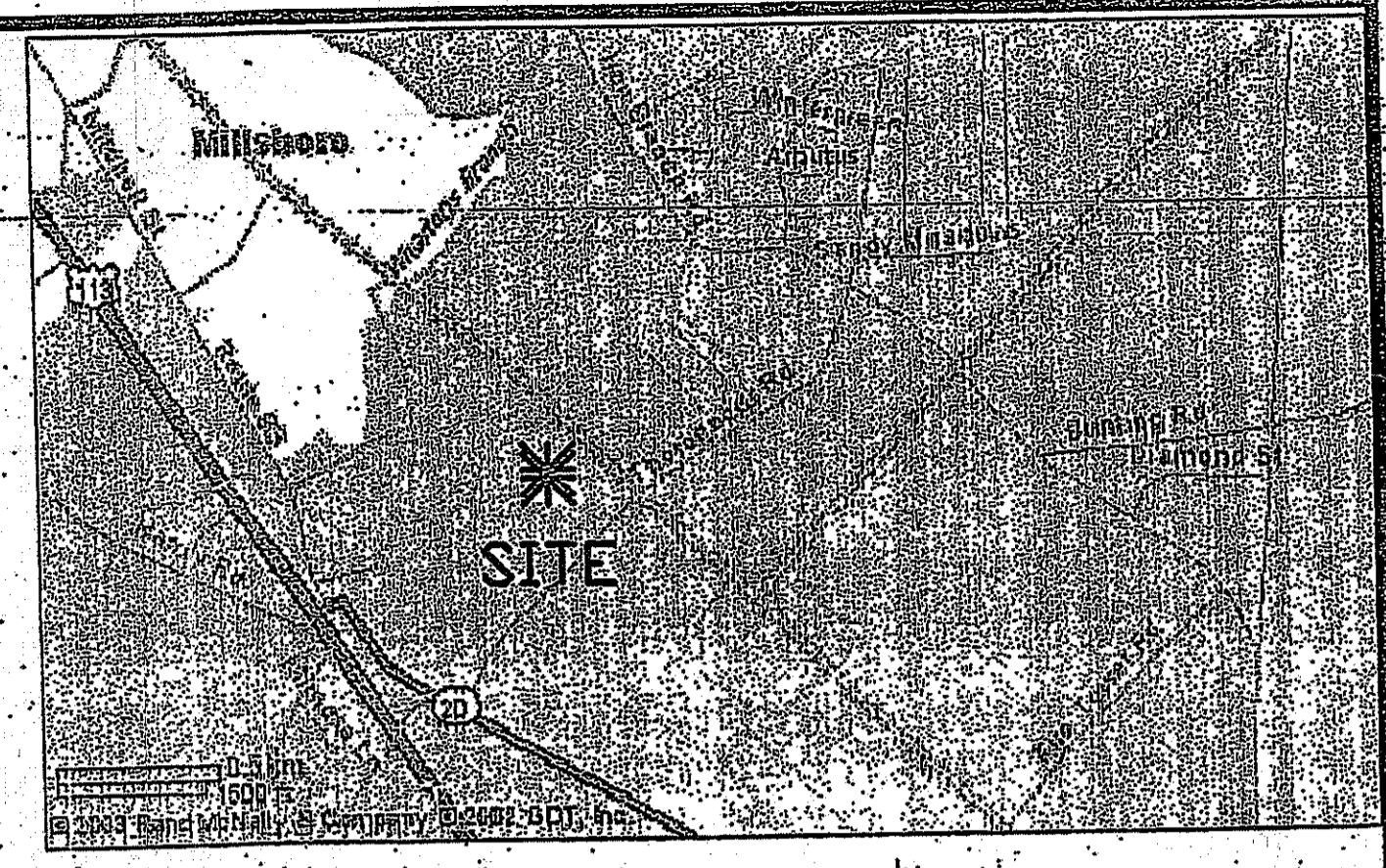
By: Glenn B. Thoroughgood (SEAL)  
Glenn Thoroughgood, Member/Manager

  
\_\_\_\_\_

By: John Thoroughgood (SEAL)  
John Thoroughgood, Member/Manager

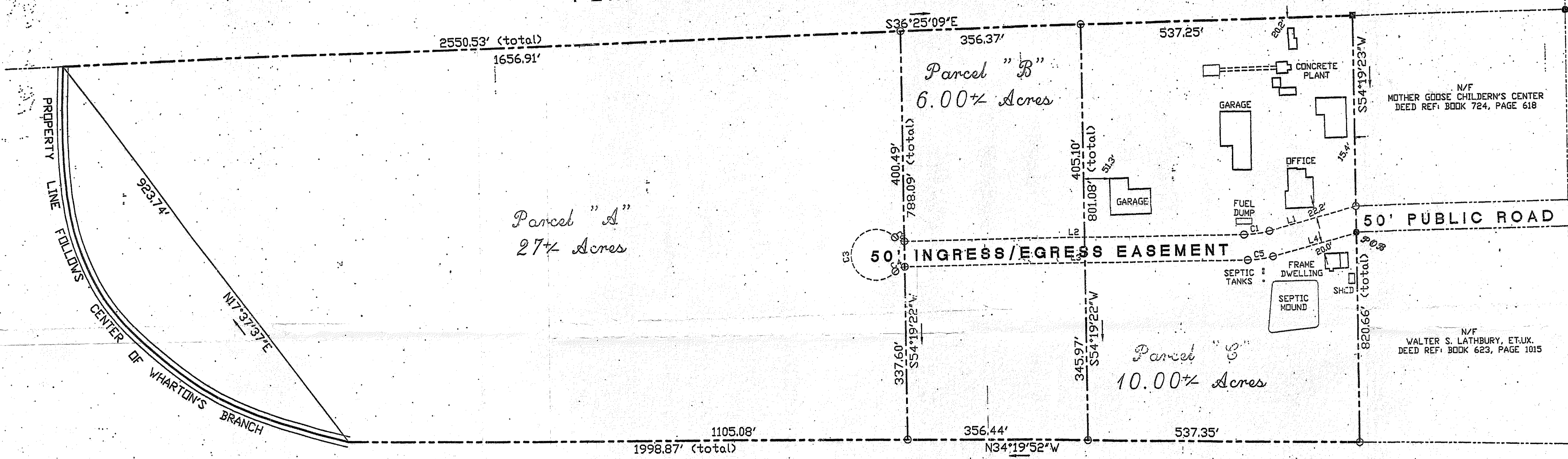


**Appendix B – Plot Plan**



- LEGEND:**
- X = CHISELED "X" MARK
  - ⊕ = IRON REBAR FOUND
  - ⊙ = IRON PIPE FOUND
  - = IRON PIPE TO BE SET
  - = CONCRETE MARKER FOUND
  - = POINT OF BEGINNING
- DEED REF: BOOK XX, PAGE XXXX  
CLASS "B" SURVEY

PENN. CENTRAL RAILROAD



COUNTY ROUTE 333

Parcel "A"  
27% Acres

Parcel "B"  
6.00% Acres

Parcel "C"  
10.00% Acres

N/F  
MOTHER GOOSE CHILDREN'S CENTER  
DEED REF: BOOK 724, PAGE 618

N/F  
WALTER S. LATHBURY, ET.UX.  
DEED REF: BOOK 623, PAGE 1015

EASEMENT TABLES

LINE	LENGTH	BEARING
L1	179.83	N50°06'46"W
L2	670.31	S35°40'38"E
L3	676.64	S35°40'38"E
L4	172.49	N50°06'46"W

Curve	Length	Radius	Direction	Chord
C1	50.39	200.00	S42°53'42"E	50.26
C2	21.03	25.00	S11°34'56"E	20.41
C3	243.19	50.00	S54°19'22"W	66.67
C4	21.03	25.00	N59°46'19"W	20.41
C5	50.39	200.00	S42°53'42"E	50.26

N/F  
COASTAL SUPPLY CO., INC.  
DEED REFERENCE: BOOK 648, PAGE 79

**NOTES:**

I HEREBY STATE THAT THIS PARCEL SURVEY WAS PREPARED IN ACCORDANCE WITH ACCEPTABLE LOCAL SURVEYING STANDARDS FOR THE EXCLUSIVE USE OF THE PRESENT OWNER AND THOSE WHO PURCHASE OR ISSUE TITLE INSURANCE TO THIS PARCEL WITHIN SIX MONTHS FROM THE MOST RECENT DATE HEREON. THIS SURVEY IS NOT TRANSFERABLE UNLESS THIS PLAT HAS AN EMBOSSED SEAL AND AN ORIGINAL SIGNATURE OF THE SURVEYOR, IN RED INK. THIS IS NOT AN AUTHORIZED COPY. THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NONEXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING OR AFFECTING PROPERTY.

DANIEL J. McCANN  
E.L.S. #624

MINOR SUBDIVISION PLAN for:  
**THORO-GOOD'S CONCRETE CO., INC.**  
DAGSBORO HUNDRED - SUSSEX COUNTY - DELAWARE

**McCann, Inc.** Established 1968

SURVEYING \* SITE PLANNING  
37 THE CIRCLE  
GEORGETOWN, DE. (302)856-1793  
CLARKSVILLE, DE. (302)539-0202  
DOVER, DE. (302)674-4777

SHEET NUMBER  
1 OF 1

DF-C7A  
DRAWING NUMBER

04-02-3158 2-33-5,00-71.00 169/14  
WORK ORDER TAX MAP FIELD BOOK  
DAN MARCH 15, 2004 DAVE  
DRAWN BY DATE CHECKED BY  
1" = 100' 43± ACRES TOTAL  
SCALE AREA

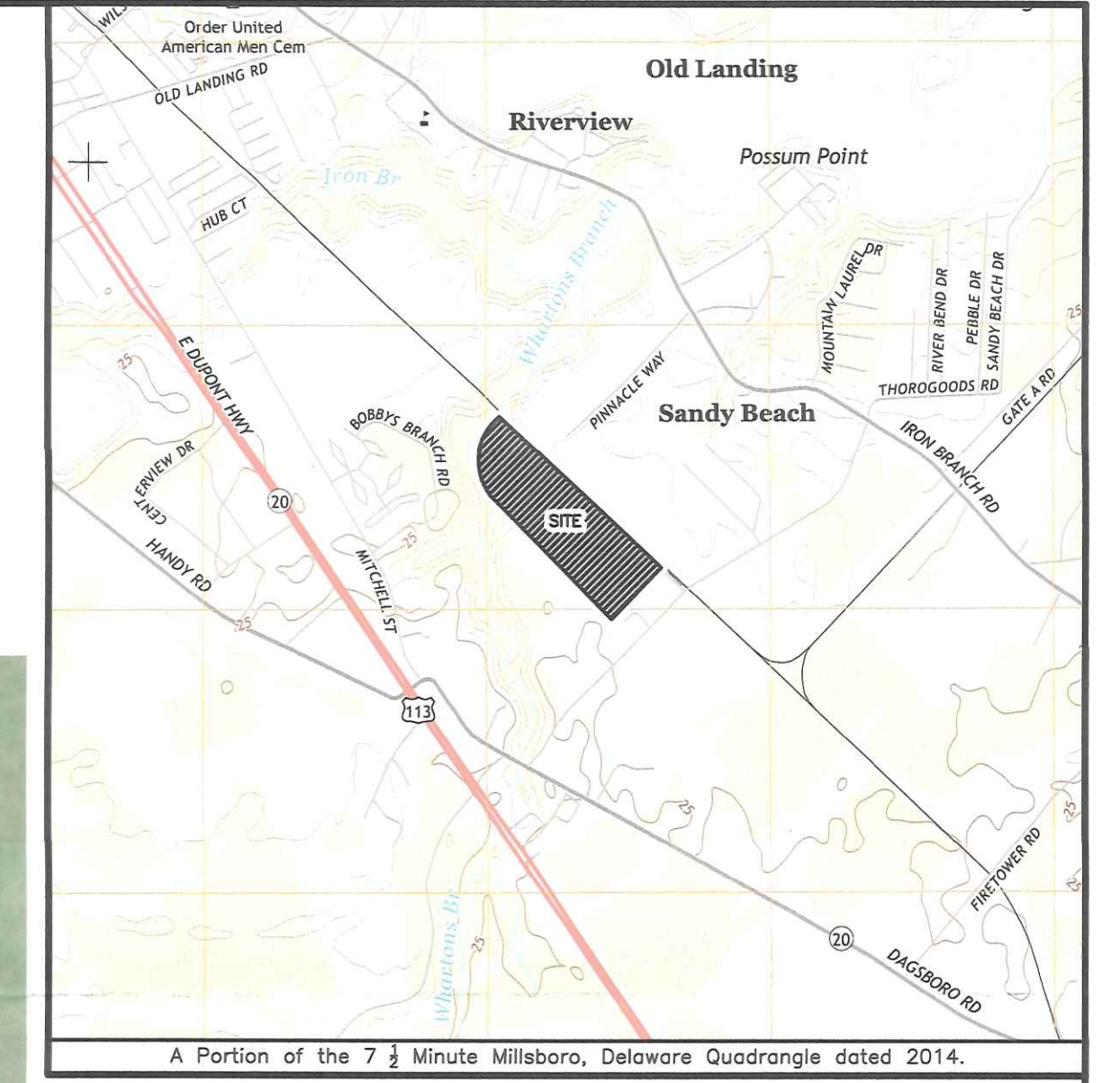
**Appendix C – Aerial Site Plan**

EASEMENT #1				
Segment Label	Cord Length	Cord Bearing	Curve Length	Curve Radius
L1	179.03'	N 50° 06' 46" W	---	---
C1	50.26'	S 42° 53' 42" E	50.39'	200.00'
L2	670.31'	S 35° 40' 38" E	---	---
C2	20.41'	S 11° 34' 56" E	21.03'	25.00'
C3	66.67'	S 54° 19' 22" W	241.19'	50.00'
C4	20.41'	S 11° 34' 56" E	21.03'	25.00'
L3	676.64'	S 35° 40' 38" E	---	---
C5	50.26'	S 42° 53' 42" E	50.39'	200.00'
L4	172.49'	N 50° 06' 46" W	---	---

EASEMENT #1 - REVISED				
Segment Label	Cord Length	Cord Bearing	Curve Length	Curve Radius
L1	50.00'	S 54° 21' 23" W	---	---
L2	75.55'	N 35° 40' 38" W	---	---
C1	49.75'	N 58° 10' 36" W	51.05'	65.00'
L3	329.40'	N 80° 40' 33" W	---	---
C2	2.67'	N 79° 57' 58" W	2.67'	115.00'
L4	70.69'	N 54° 21' 23" E	---	---
L5	282.06'	S 80° 40' 33" E	---	---
C3	88.01'	S 58° 10' 36" E	90.32'	115.00'
L6	75.57'	S 35° 40' 38" E	---	---

EASEMENT #2				
Segment Label	Cord Length	Cord Bearing	Curve Length	Curve Radius
L1	356.35'	S 36° 24' 03" E	---	---
L2	47.86'	S 54° 21' 23" W	---	---
L3	194.63'	N 47° 51' 36" W	---	---
C1	156.51'	N 42° 08' 06" W	156.77'	784.49'
L4	10.80'	N 36° 24' 03" W	---	---
L5	102.17'	N 54° 12' 23" E	---	---

EASEMENT #3		
Segment Label	Cord Length	Cord Bearing
L1	337.97'	S 36° 24' 03" E
L2	204.16'	N 42° 08' 06" W
L3	138.22'	N 47° 51' 36" W
L4	47.86'	N 54° 21' 23" E



- SOURCE NOTES:**
1. Tract boundary and Easement #1 derived from plan entitled: "Minor Subdivision Plan," prepared for Thoro-Good's Concrete Co., Inc., by McCann, Inc., 37 The Circle, Georgetown, DE 19947, dated 3/15/2004, and recorded in Sussex County Plan Book 85, Page 33.
  2. Easement #1 - Revised derived from plan entitled: "Driveway Easement Exhibit Dagboro Materials: Exhibit C1," prepared by The H&K Group, 2052 Lucon Road, Skippack, PA 19474, dated 03/18/2005, and recorded in Sussex County Deed Book 3275, Page 31.
  3. Easement #2 derived from plan entitled: "Rail Siding Easement Exhibit Dagboro Materials: Exhibit A1," prepared by The H&K Group, 2052 Lucon Road, Skippack, PA 19474, dated 03/18/2005, and recorded in Sussex County Deed Book 3275, Page 23.
  4. Easement #3 derived from plan entitled: "Rail Siding Easement Exhibit Dagboro Materials: Exhibit B1," prepared by The H&K Group, 2052 Lucon Road, Skippack, PA 19474, dated 03/18/2005, and recorded in the Sussex County Deed Book 3275, Page 25.
  5. Adjacent property lines, property information, and zoning information obtained online from Sussex County (<https://maps.sussexcountypa.gov/OnlineMap/Map.html>).

**LEGEND**

- Property Line
- Adjacent Lot Lines
- Zoning Boundary Line
- Existing Railroad

Scale: 1" = 100'

100 0 100 200

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DATE	REVISIONS	BY	CHK.	REV.
<b>H&amp;K Group, Inc.</b> Dagboro Stone Depot <b>AERIAL SITE PLAN</b>				
DAGSBORO HUNDRED		SUSSEX COUNTY		
DRAWN	C.A.Z.	<b>THE H&amp;K GROUP</b> <b>ENGINEERING &amp; ENVIRONMENTAL</b> <i>Services Division</i>		SCALE 1" = 100'
DESIGN	---	SHEET Aerial Plan		DRAWING NO. ©
CHECKED	S.S.D.			
DATE	6/2/2022	1 of 1		

2052 Lucon Road • P.O. Box 189 • Skippack, PA 19474 • (610) 384-8800

**Appendix D – Manufacturer Equipment Cut Sheets**

## IMPACTOR

# TRAKPACTOR 320

The Powerscreen® Trakpactor 320 is a mid-sized horizontal impact crusher with a fully independent hydraulic driven pre-screen. It has been designed to offer operators and contractors both excellent reduction and high consistency of product shape for performance in quarry and recycling applications while also improving fines removal and reduce chamber wear costs for the customer. With track mobility the plant is capable of working in the most demanding environments and features a rapid set-up time, fuel efficient direct drive system and excellent throughput capacity.

### Features & Benefits

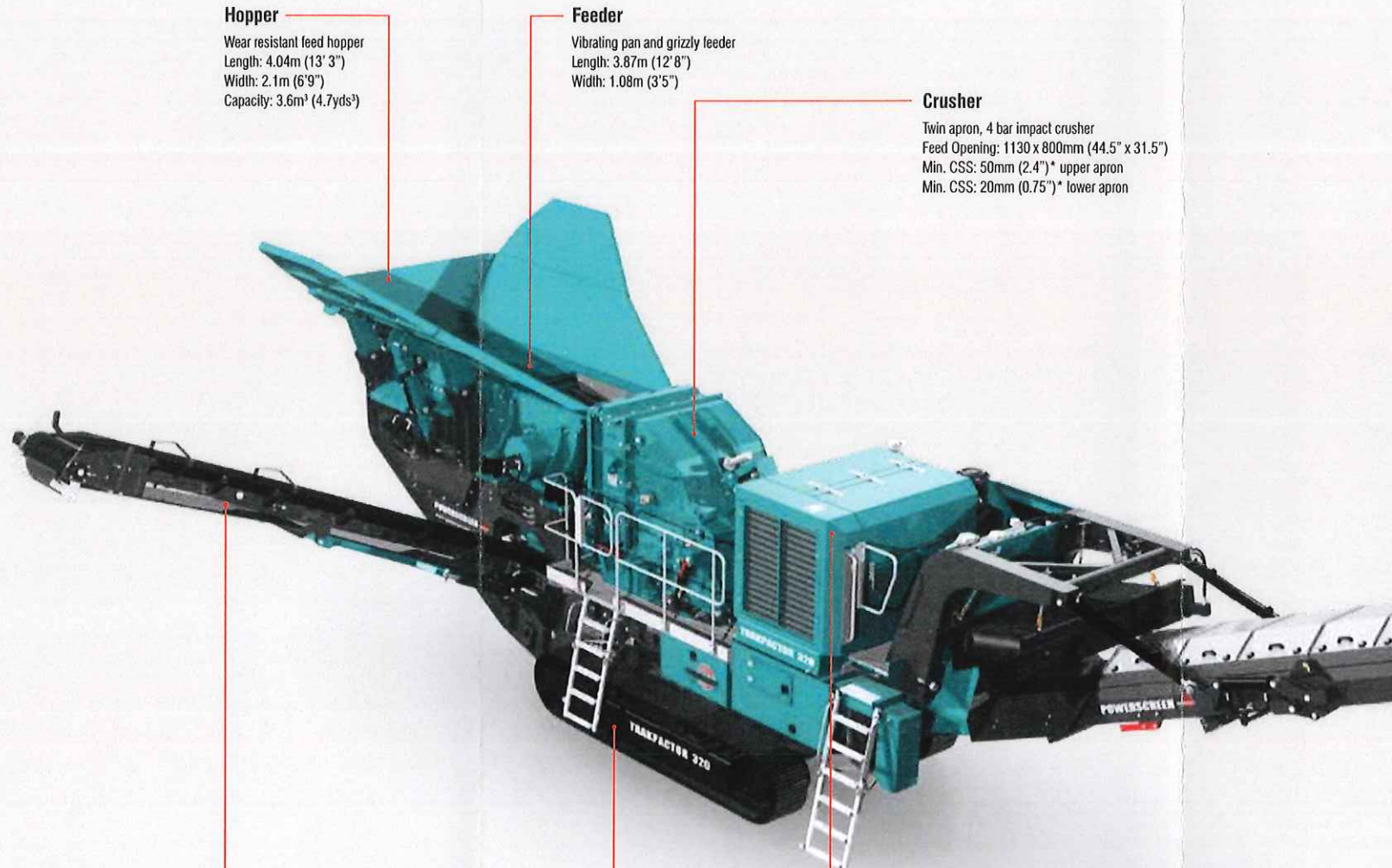
- Suitable for a variety of feed materials including recycling, demolition & quarry applications
- Crusher chamber: Patented hydraulic overload protection and adjustment system.
- Bolt in cartridge grizzly – 42mm nominal spacing
- Load management system to control feeder speed
- 4 Bar rotor & twin apron design
- Crusher speed variation through user friendly PLC control system
- Modular conveyor with raise/lower facility to aid clearance of rebar
- Economical to operate with a highly fuel efficient direct drive system
- Double deck grizzly feeder with under screen
- Fitted with Powerscreen Pulse Telematics system

### Options

- Full & half size chrome, martensitic, austenitic & ceramic blow bars
- Grizzly cartridges
- Independent hydraulic pre-screen with hydraulic folding and locking hopper.
- Underpan feeder
- Pre-screen cassettes – punch plate and grizzly
- Punch plate options
- Blanking plates/mats for grizzly
- Wire mesh for feeder underscreen
- Single pole/twin pole magnet
- Belt scale
- Refuelling pump
- Hydraulic water pump
- Radio remote control
- Dust hood on product conveyor
- Plant lighting
- Hopper extensions
- Bypass conveyor & extended bypass conveyor
- Extended product conveyor

### Applications

- Blasted rock
- River rock
- C & D waste
- Foundry waste
- Processed ores
- Processed minerals



### Hopper

Wear resistant feed hopper  
Length: 4.04m (13' 3")  
Width: 2.1m (6'9")  
Capacity: 3.6m<sup>3</sup> (4.7yds<sup>3</sup>)

### Feeder

Vibrating pan and grizzly feeder  
Length: 3.87m (12' 8")  
Width: 1.08m (3'5")

### Crusher

Twin apron, 4 bar impact crusher  
Feed Opening: 1130 x 800mm (44.5" x 31.5")  
Min. CSS: 50mm (2.4")\* upper apron  
Min. CSS: 20mm (0.75")\* lower apron



## WARRIOR

# WARRIOR 1800

Designed for medium to large operators, where high capacity and throughput are paramount, the Powerscreen® Warrior 1800 is a tough, heavy duty machine built for screening, 2 or 3 way splitting and stockpiling in quarrying, recycling, construction and demolition aggregates and top soil applications.

With low ground pressure crawler tracks the Warrior 1800 is highly mobile. The versatile screen accepts a wide range of media options including bofor bars, finger screens, woven mesh and punch plates.

### Features & Benefits

- Heavy duty, incline belt feeder with hydraulic hopper sides
- Heavy duty, adjustable angle, grease lubricated 2 bearing, 2 deck screenbox
- Jack up screen facility to aid mesh changes
- Hydraulic "slide out facility" on oversize tail conveyor to ease mesh changes
- Screen walkway and access steps
- Hydraulic folding conveyors with excellent stockpiling capacity
- Engine protection shutdown system

### Options

- Radio controlled tracking
- Dual Power (additional electric hydraulic drive)
- Quick release screen wedge tensioning
- Auto lubrication system
- Dust suppression
- Wide range of screen media
- 2 or 3 way split configuration
- High capacity incline apron feeder
- Telescopic side conveyor option



WARRIOR 1800  
(INCLINE BELT FEEDER) 3 WAY SPLIT

### Output Potential

Up to 600 tph (661 US tph)\*

### Hopper

Capacity: 6.8m<sup>3</sup> (8.9yds<sup>3</sup>)  
Hydraulic folding wing plates  
Collapsible rear wall for direct feeding

### Feeder Conveyor

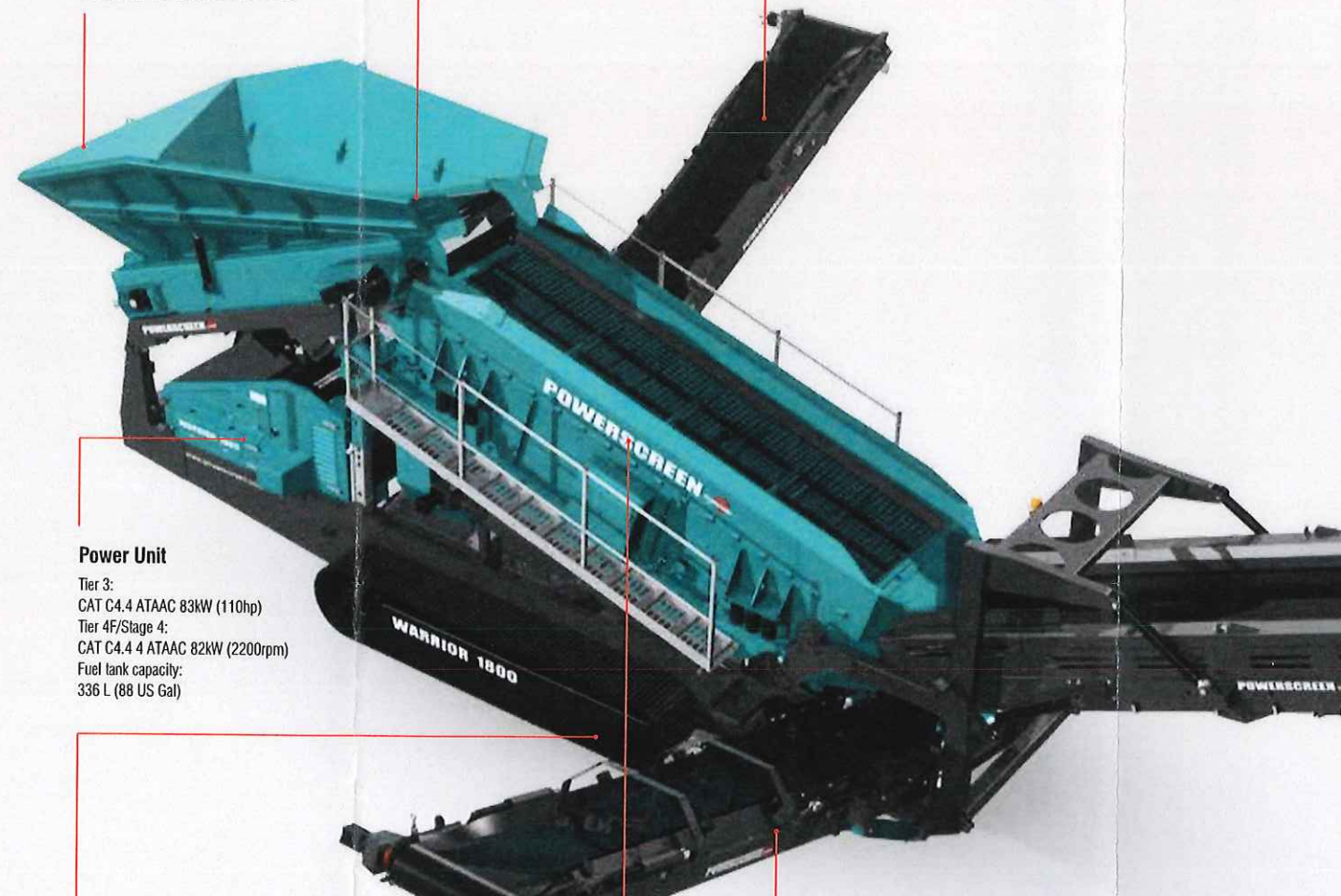
Width: 1300mm (51")  
Heavy duty belt feeder  
Super grip drive drum  
Variable speed control

### Side Conveyor (Finesize)

Width: 900mm (35")  
Discharge height: 3.7m (12'2")  
Variable speed control  
Angle adjustable 14° - 25°

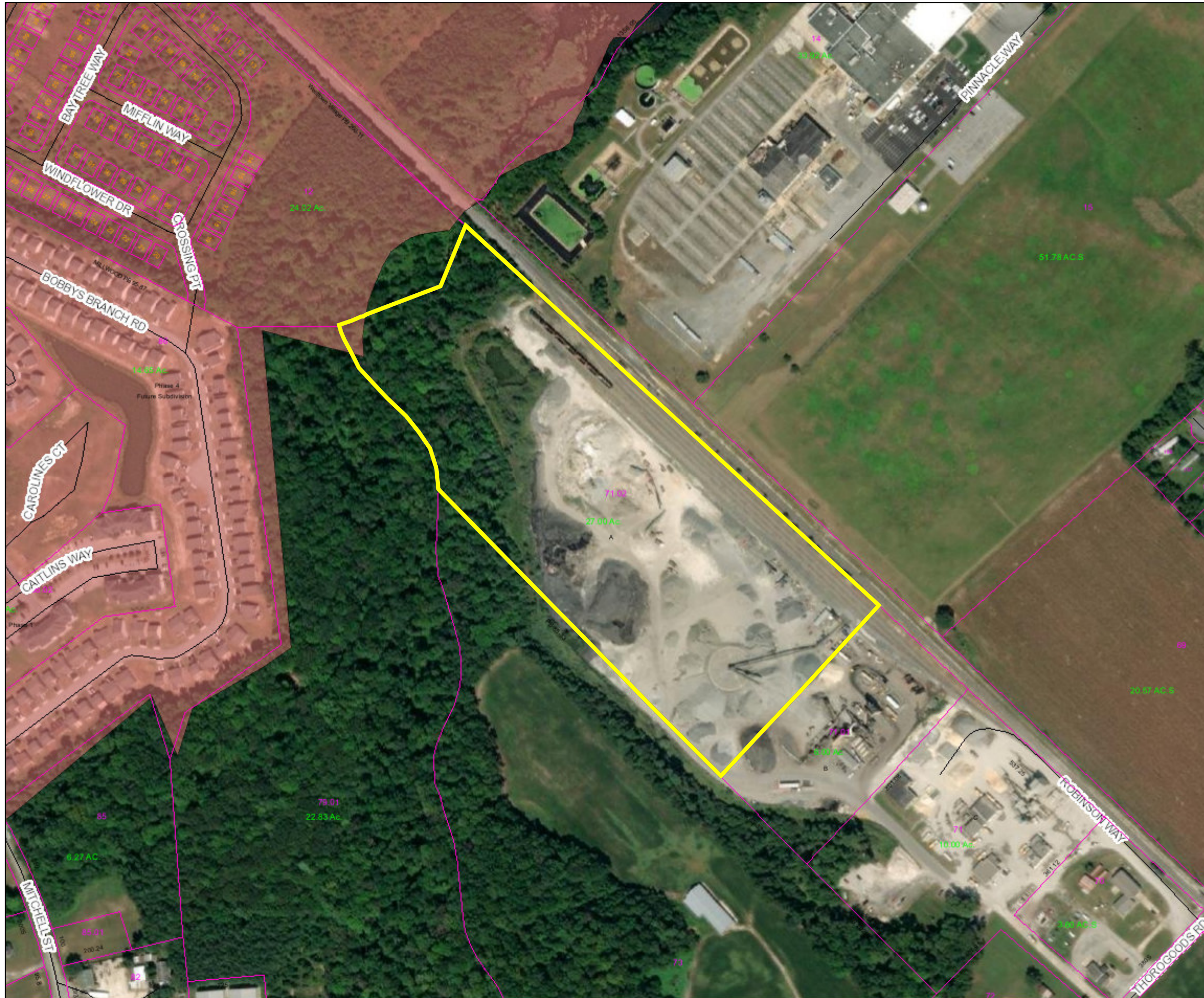
### Power Unit

Tier 3:  
CAT C4.4 ATAAC 83kW (110hp)  
Tier 4F/Stage 4:  
CAT C4.4 4 ATAAC 82kW (2200rpm)  
Fuel tank capacity:  
336 L (88 US Gal)





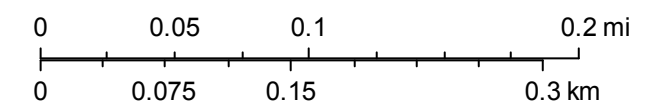
# Sussex County



<b>PIN:</b>	233-5.00-71.02	
<b>Owner Name</b>	HAINES & KIBBLEHOUSE INC	
<b>Book</b>	3275	
<b>Mailing Address</b>	PO BOX 196	
<b>City</b>	SKIPPACK	
<b>State</b>	PA	
<b>Description</b>	PARCEL A	
<b>Description 2</b>	1293' NW/RD 333	
<b>Description 3</b>	N/A	
<b>Land Code</b>		

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries
- Municipal Boundaries

1:4,514



JAMIE WHITEHOUSE, AICP  
PLANNING & ZONING DIRECTOR  
(302) 855-7878  
pandz@sussexcountycle.gov



**Sussex County**  
DELAWARE  
sussexcountycle.gov

Memorandum

To: Technical Advisory Committee Members, and Others

From: Jamie Whitehouse, AICP, Director of Planning and Zoning

CC: Ms. Amy Hollis, Recording Secretary, Sussex County Board of Adjustment

Date: June 27, 2022

RE: Special Use Exception for 30548 Thorogoods Road, Dagsboro, Delaware  
Tax Parcel ID: 233-5.00-71.02

---

The Sussex County Board of Adjustment has received an application from H & K Group, Inc. for a Special Use Exception for a concrete crusher to support the manufacturing and recycling associated with a concrete batch plant. The site is located in a HI-1 Heavy Industrial Zoning District.

**H & K Group, Inc.** seeks a special use exception to operate a potentially hazardous use (Construction and Demolition Debris Recycling facility by use of portable crusher) (Sections 115-110 and 115-111 of the Sussex County Zoning Code). The property is located on the northwest side of Thorogoods Road approximately .5 miles from Rt. 20. 911 Address: 30548 Thorogoods Road, Dagsboro. Zoning District: HI-1. Tax Parcel: 233-5.00-71.02

This matter is tentatively scheduled for August 15, 2022, at 6:00 pm. Prior to the notice of this meeting, the Planning and Zoning Department is writing to Agencies with a potential interest in the application. If you have any comments or observations regarding this proposal, please could I ask that they are submitted no later than **August 6, 2022**.

Please feel free to contact me with any questions during business hours 8:30 am – 4:30 pm Monday through Friday at 302-855-7878 or via email at [PANDZ@sussexcountycle.gov](mailto:PANDZ@sussexcountycle.gov).

Sincerely,

Jamie Whitehouse, AICP  
Director, Planning and Zoning Department  
Enc. Copy of the application form and support documents.





**DELAWARE HEALTH AND SOCIAL SERVICES**  
Division of Public Health

Office of Engineering  
Phone: (302) 741-8640  
Fax: (302) 741-8641

June 29, 2022

Jamie Whitehouse  
Sussex County Planning & Zoning Commission  
PO Box 417  
Georgetown, DE 19947

**Re:** Sussex County Technical Advisory Committee

Dear Mr. Whitehouse:

The Division of Public Health Office of Engineering is in receipt of the following Special Use Exception applications:

1. **Applications:**     *H & K Group, Inc.*  
                              *River II, LLC*

These applications will not impact existing or proposed public water systems and do not require review from the Office of Engineering.

Please do not hesitate to contact me at 302-741-8646 with questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Milliken, Jr.", written over a horizontal line.

William J. Milliken, Jr.  
Engineer III  
Office of Engineering

RECEIVED

JUN 29 2022

SUSSEX COUNTY  
PLANNING & ZONING

## Amy Hollis

---

**From:** Fox, Duane T. (FireMarshal) <Duane.Fox@delaware.gov>  
**Sent:** Wednesday, June 29, 2022 9:48 AM  
**To:** Amy Hollis  
**Cc:** Planning and Zoning  
**Subject:** RE: Special Use Exception Applications for Potentially Hazardous Use

**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.

Amy,

The DE State Fire Marshal's Office has no objection to the special use request for H&K Group Inc and River II LLC. Both will need to make a site plan submittal to the DE State Fire Marshal's Office – Georgetown location.

DUANE T. FOX, JR., CFPS, CFI, CFPE  
ASST CHIEF, TECHNICAL SERVICES  
DE STATE FIRE MARSHAL'S OFFICE  
22705 PARK AVE, GEORGETOWN  
302-856-5298

RECEIVED

JUN 29 2022

SUSSEX COUNTY  
PLANNING & ZONING

---

**From:** Amy Hollis <amy.hollis@sussexcountyde.gov>  
**Sent:** Tuesday, June 28, 2022 2:38 PM  
**To:** C. Daniel Parsons <dparsons@sussexcountyde.gov>; tdickerson@decoop.com; Fox, Duane T. (FireMarshal) <Duane.Fox@delaware.gov>; dholden@chpk.com; John J. Ashman <jashman@sussexcountyde.gov>; Cinelli, Jennifer (DelDOT) <jennifer.cinelli@delaware.gov>; McCabe, R. Stephen (DelDOT) <Richard.McCabe@delaware.gov>; Brian Tolley <brian.tolley@sussexcountyde.gov>; Melendez, Milton (DDA) <milton.melendez@delaware.gov>; Jordan T. Dickerson <jordan.dickerson@sussexcountyde.gov>; meghan.crystall@delaware.gov; jessica.watson@delaware.gov; Susan Isaacs <sisaaacs@sussexcountyde.gov>; Subdivision (MailBox Resources) <Subdivision@delaware.gov>; Vince Robertson <vrobertson@pgslegal.com>; Jamie Sharp <jsharp@mooreandrutt.com>; Cephas, Marvina (DNREC) <Marvina.Cephas@delaware.gov>; Tholstrup, Michael S. (DNREC) <Michael.Tholstrup@delaware.gov>; Thelton.savage@usda.gov; Milliken, William (DHSS) <William.Milliken@delaware.gov>; Braunskill, Kesha (DDA) <Kesha.Braunskill@delaware.gov>; Weinkam, Robin A. (DNREC) <Robin.Weinkam@delaware.gov>; lisa.savage@delmarva.com  
**Cc:** Chase Phillips <chase.phillips@sussexcountyde.gov>; Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>; Jennifer Norwood <jnorwood@sussexcountyde.gov>  
**Subject:** Special Use Exception Applications for Potentially Hazardous Use

Good Afternoon,

Attached are two (2) memorandums with applications attached for Special Use Exceptions within Sussex County.

For those who typically receive paper copies, I apologize as we are having issues with our printer for the site plans and were unable to make the necessary copies, and we sincerely appreciate your flexibility.

*Thank you,*

*Amy Hollis*

## Amy Hollis

---

**From:** Planning and Zoning  
**Sent:** Friday, July 22, 2022 12:36 PM  
**To:** Amy Hollis  
**Subject:** FW: FWS review of Special Use Exception projects

Amy,  
Please file both electronically and paper for the file. This is of high importance. Thank you.

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



---

**From:** Cullen, Kathleen M <kathleen\_cullen@fws.gov>  
**Sent:** Friday, July 22, 2022 10:32 AM  
**To:** Planning and Zoning <pandz@sussexcountyde.gov>  
**Subject:** FWS review of Special Use Exception projects

**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.

Hi Jamie-

This is regarding the Special Use Exception applications for H&K Group Inc and River II, LLC. There are no records of federally listed species at either of these sites. If further documentation is needed, please fill out the Online Certification

Letter: <https://www.fws.gov/sites/default/files/documents/Online%20Certification%20Letter.pdf>

Please let me know if you have any questions.

Thank you,  
Kathleen

Kathleen Cullen  
U.S. Fish & Wildlife Service - Chesapeake Bay Field Office  
177 Admiral Cochrane Dr., Annapolis MD, 21401  
410-573-4579 - [kathleen\\_cullen@fws.gov](mailto:kathleen_cullen@fws.gov)



An Equal Opportunity Employer

H&K GROUP, INC.
A Family of Companies
DIVERSIFIED STRENGTH... FROM THE GROUND UP!
P.O. Box 196
2052 Lucon Road
Skippack, PA 19474

Phone: (610) 584-8500
Fax: (610) 584-5432
www.hkgroup.com

June 2, 2022

Sussex County Planning & Zoning Department
2 The Circle
PO Box 417
Georgetown, DE 19947

Attn: Chase Phillips, Planner II

Re: River II, LLC
Special Use Exception - Portable Crusher and Screen
36393 Sussex Highway, Delmar, DE 19940
Tax Map No. 532-13.00-80.06

RECEIVED
JUN 08 2022
SUSSEX COUNTY
PLANNING & ZONING

Dear Mr. Phillips:

On the behalf of River II, LLC, please find following enclosed listed items in support of a Special Use Exception Application being made for the above referenced property:

- Board of Adjustment Application Form
Check #022001640 in the amount of \$400.00 payable to the "Sussex County"
Checklist for Applications
Zoning Use/Variance Application Narrative, 6/02/2022 (3 Copies)
Appendix A - Deed
Appendix B - Plot Plan
Appendix C - Aerial Site Plan
Appendix D - Manufacturer Equipment Cut Sheets

The subject property is within the Heavy Industrial (HI-1), as depicted on the Sussex County Zoning Map. The Applicant is seeking special use exception to allow the use of a portable crusher and screen to crush and screen concrete, asphalt chunks and asphalt millings on the subject parcel. Crushing is categorized as a potentially hazardous use and requires special use exception approval pursuant to §115-111 of the Sussex County Code.

Should you have any questions concerning this application or require additional information, please do not hesitate to contact me direct at (610) 222-3515 or by cell at (484) 576-0210. Thank you in advance for your assistance in this matter.

Sincerely,

H&K GROUP, INC.

[Handwritten signature]

Scott S. Drumbore, P.E.
Director, Engineering & Environmental Services

SSD/
ENCLOSURES

cc: File B-828M/6000-3005

Case # 12730  
Hearing Date 8/15  
202208415

RECEIVED  
JUN 08 2022  
SUSSEX COUNTY  
PLANNING & ZONING

**Board of Adjustment 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 all applicable)**

Variance

Special Use Exception

Administrative Variance

Appeal

Existing Condition

Proposed

Code Reference (office use only)  
115-110 115-111

**Site Address of Variance/Special Use Exception:**

36393 Sussex Highway, Delmar, DE 19940

**Variance/Special Use Exception/Appeal Requested:**

Requesting approval of Special Use Exception to operate a portable crusher and screen, which will be permitted by DENREC Division of Air Quality, to crush and screen concrete, asphalt chunks and asphalt millings. Crushing and processing is categorized as a potentially hazardous use and requires Special Use Exception under Section 115-111 of the Sussex County Code.

Tax Map #: 532-13.00-80.06

Property Zoning: HI-1

**Applicant Information**

Applicant Name: River II, LLC

Applicant Address: 150 Lafferty Lane

City Dover State DE Zip: 19901

Applicant Phone #: (484) 576-0210 Applicant e-mail: sdrumbore@hkgroup.com

**Owner Information**

Owner Name: River II, LLC

Owner Address: 150 Lafferty Lane

City Dover State DE Zip: 19901 Purchase Date: 11/20/09

Owner Phone #: (484) 576-0210 Owner e-mail: sdrumbore@hkgroup.com

**Agent/Attorney Information**

Agent/Attorney Name: Scott S. Drumbore (H&K Group, Inc.)

Agent/Attorney Address: 2052 Lucon Road

City Skippack State PA Zip: 19474

Agent/Attorney Phone #: (484) 576-0210 Agent/Attorney e-mail: sdrumbore@hkgroup.com

**Signature of Owner/Agent/Attorney**

  
SCOTT S. DRUMBORE

Date: 6/2/22





**Criteria for a Variance:** (Please provide a written statement regarding each criteria).

*You shall demonstrate to the Board of Adjustment that the property meets all of the following criteria for a Variance to be granted.*

*In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance or Code. The Board is empowered in no case, however, to grant a variance in the use of land or structures thereon.*

1. Uniqueness of property:

That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the exceptional practical difficulty is due to such conditions and not to circumstances or conditions generally created by the provisions of the Zoning Ordinance or Code in the neighborhood or district in which the property is located.

N/A

---

2. Cannot otherwise be developed:

That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance or Code and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

N/A

---

3. Not created by the applicant:

That such exceptional practical difficulty has not been created by the appellant.

N/A

---

4. Will not alter the essential character of the neighborhood:

That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located and nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

N/A

---

5. Minimum variance:

That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

N/A

---

**Criteria for a Special Use Exception:** (Please provide a written statement regarding each criteria)

*You shall demonstrate to the Board of Adjustment that the property meets **all** of the following criteria for a Special Use Exception to be granted.*

1. Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

Refer to enclosed Special Use Exception - Project Narrative.

---

2. Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum)

Refer to enclosed Special Use Exception - Project Narrative

---

**Basis for Appeal:** (Please provide a written statement regarding reason for appeal)

Refer to enclosed Special Use Exception - Project Narrative

---

## PROJECT NARRATIVE

### 1.0 Introduction

The following application for a Special Use Exception, seeks approval to operate a portable crusher and screen, hereinafter portable crusher, to crush and screen concrete, asphalt chunks and asphalt millings on Tax Map #532-13.00-80.06. Crushing is categorized as a potentially hazardous use and requires Special Use Exception approval under Section 115-111 of the Sussex County Code. A copy of the deed for the subject property has been included in Appendix A. A copy of a Property Survey (Plot Plan) has been included in Appendix B. Appendix C includes an Aerial Site Plan of the subject property. Appendix D includes manufacturer cut sheets of the portable crusher (Trakpactor 320) and portable screen (Warrior 1800) equipment. The property, located at 36393 Sussex Highway, Delmar, is currently within the County's Heavy Industrial (HI-1) Zoning District. The current use of the subject property is for the production of asphalt products/central asphalt mixing/batching. This facility produces hot mix asphalt for distribution into the regional market. The current use was approved via Special Use Exception in 2002 (Board of Adjustment Case No. 7641).

#### **CRITERIA FOR A SPECIAL USE EXCEPTION:**

- (1) Such exception will not substantially affect adversely the uses of adjacent and neighboring property.

*The proposed use, i.e. portable crusher, is compatible with the current use of the property which is a hot mix asphalt production facility. The adjacent parcels to the north and south are located within the Light Industrial (LI-2) Zoning District. The adjacent parcel to the east is located in the Agricultural Residential (AR-1) Zoning District. The adjacent parcel to the west is located in the Heavy Industrial (HI-1) Zoning District.*

*It is anticipated that the portable crusher will operate approximately ten (10) working days per month in order to crush and screen the concrete, chunk asphalt and asphalt millings managed on-site.*

*The portable crusher is not likely to create anymore noise, vibrations, dust, heat, smoke, odor, glares or other objectionable influences than the normal activities which currently occur on-site, i.e. hot mix asphalt plant, loaders, excavators, trucks, etc. Following is a point-by-point response to these potential influences specific to the portable crusher:*

#### Noise:

*The location of the portable crusher will be no closer than 100 feet to the property boundaries and will generally be centrally located, within the eastern end of the site. To the greatest extent possible, the equipment is located to allow management of the stockpiles toward the perimeter of the site to provide visual buffer and sound buffer. The portable crusher, at a distance of approximately 100 feet, will generate noise levels averaging between 60 and 70 dBA with occasional peaks reaching 80 dBA as a result of the mobile equipment feeding the portable crusher.*

#### Vibrations:

*The portable crusher will not generate or cause vibrations detectable within or outside the limits of the property.*

#### Heat:

*The portable crusher will not generate or cause heat detectable within or outside the limits of the property.*

#### Smoke:

*The portable crusher will not generate smoke detectable within or outside the limits of the property. Emissions from the equipment will be in compliance with the Air Quality Permit issued by DENREC Division of Air Quality & Waste Management.*

#### Glares:

*The portable crusher will not generate or cause glare detectable within or outside the limits of the property.*

*Other objectionable influences (Dust):*

*The portable crusher will operate in accordance with and will be in compliance with the Air Quality Permit issued by DENREC Division of Air Quality & Waste Management. Dust, associated with the crushing and screening of the subject materials, will be managed and controlled via factory installed spray bars and nozzles which are controlled by a manifold system. Water delivery to the dust suppression system will be from a tank reservoir (typically 1,000 to 1,500 gallons). The dust suppression system operates on low volume, high pressure spray nozzles which emit a mist at points of dust generation throughout the equipment, i.e. materials transfer points, hoppers, conveyor drop points, etc.*

- (2) Any other requirements which apply to a specific type of special use exception as required by the Sussex County Code. (Ex. Time limitations – 5 year maximum).

*Applicant respectfully requests a 5-year duration related to the term of the Special Use Exception approval.*

**Appendix A – Deed**

Parcel No.: 5-32 13.00 80.06

Prepared by / Return to:  
Potter Anderson & Corroon LLP/MWW  
1313 N. Market Street, 6<sup>th</sup> Floor  
Wilmington, DE 19801

This Deed made this 20<sup>th</sup> day of November in the year of our LORD two thousand nine (2009).

BETWEEN,

PUSEY RENTALS, LLC, a Maryland limited liability company, of 25485 Harcum Wharf Road, Eden, Maryland 21822, Somerset County and State of Maryland, party of the first part, Grantor,

A N D

RIVER II, LLC, a Delaware limited liability company, of 150 Lafferty Lane, Dover, Delaware 19901, Kent County and State of Delaware, party of the second part, Grantee,

**Witnesseth**, That the said party of the first part, for and in consideration of the sum of NINE HUNDRED FIFTY THOUSAND 00/100 DOLLARS (\$950,000.00) lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, its successors and assigns in fee,

**ALL** that piece or parcel of land, hereinafter described, situate, lying and being on the easterly of , but not adjacent to, U.S. Route 13 and located in Little Creek Hundred, Sussex County, Delaware, being all of Lot 2 as shown on a plot entitled, "Minor Subdivision, of the lands of Pusey Rentals, LLC", as recorded in the Office of the Recorder of Deeds, in and for Sussex County and the State of Delaware, in Plot Book 131, Page 66; said piece or parcel of land being more particularly described as follows, to wit:

**BEGINNING** at an iron rod with cap set at a point; said beginning point lying South 79 degrees 50 minutes 52 seconds East 492.30 feet from a concrete monument found at the intersection of the southerly line of Lot 1 as shown on a plot recorded in the Office of the Recorder of Deeds, in and for Sussex County and the State of Delaware, in Plot Book 131, Page 66 with the easterly right-of-way line of U.S. Route 13 as shown on said plot, thence,

1) by and with the easterly line of said Lot 1, North 10 degrees 09 minutes 02 seconds East a distance of 382.63 feet to an iron rod with cap set at a point on the southerly line of the lands of,

FR

now or formerly, Roncon Partnership, as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 1406, Page 126, thence,

2) leaving said Lot 1 and running by and with said lands of Roncon Partnership, South 77 degrees 49 minutes 37 seconds East a distance of 1222.88 feet to an iron pipe found at a point on the northwesterly line of the lands of, now or formerly, Michael P. & Sharon J. Cordrey, as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 1646, Page 82, thence,

3) leaving said lands of Roncon Partnership and running by and with said lands of Cordrey, South 67 degrees 16 minutes 36 seconds West a distance of 625.46 feet to an iron rod with cap set at a point on the northerly line of the lands of, now or formerly, Randall C. Handy, Jr. as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 1554, Page 133, thence,

4) leaving said lands of Cordrey and running by and with said lands of Handy, North 79 degrees 50 minutes 52 seconds West a distance of 696.81 feet to the point and place of beginning; **CONTAINING 8.08 acres of land, more or less.**

**TOGETHER WITH** an "Access Easement for the Benefit of Lot 2" herein after described by metes and bounds:

**BEGINNING** at an iron rod with cap set at a point; said beginning point being at the end of the first course of Lot 2 described above, thence running,

1) by and with said first course of Lot 2, reversely, South 10 degrees 09 minutes 02 seconds West a distance of 65.12 feet to a point, thence,

2) leaving said Lot 2 and running through Lot 1 as shown on a plot recorded in the Office of the Recorder of Deeds, in and for Sussex County and the State of Delaware, in Plot Book 131, Page 66, North 78 degrees 34 minutes 00 seconds West a distance of 492.41 feet to a point on the easterly right-of-way line of U.S. Route 13, thence running,

3) by and with said right-of-way line of U.S. Route 13, North 10 degrees 09 minutes 08 seconds East a distance of 71.48 feet to an iron pipe found at a point on the southerly line of the lands of, now or formerly, Roncon Partnership, as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 1406, Page 126, thence,

4) leaving said easterly right-of-way line of U.S. Route 13 and running by and with said lands of Roncon Partnership, South 77 degrees 49 minutes 37 seconds East a distance of 492.59 feet to the point and place of beginning; **CONTAINING 33,622 square feet of land, more or less.**

**SUBJECT** to all restrictions, reservations, rights of way and easements of record including the following:

1. Pursuant to 25 Del.C. Section 135, the grantor and grantee herein do hereby acknowledge that the parcel or parcels conveyed herein, or a portion of same, is subject to a tax ditch right-of-way and/or assessment, pursuant to an Order

of the Superior Court of the State of Delaware in and for Sussex County dated January 4, 2007 and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Book 1, Page 92.

2. Corrective Deed recorded in the Office aforesaid in Deed Book 899, Page 68 notes the acreage to be 112.47 acres.
3. Right of Way to Delaware Power and Light Company recorded December 8, 1954 in the Office aforesaid in Deed Book 438, Page 62.
4. Right of Way to Delaware Power and Light Company recorded June 23, 1955 in the Office aforesaid in Deed Book 438, Page 223.
5. Right of Way to Delmarva Power & Light Company recorded July 28, 1971 in the Office aforesaid in Deed Book 524, Page 466.
6. Easement to the State Highway Department recorded November 19, 1965 in the Office aforesaid in Deed Book 609, Page 30.
7. Right of Way to Delaware Power and Light Company recorded April 5, 1978 in the Office aforesaid in Deed Book 886, Page 353.
8. Easement to Delmarva Power and Light Company recorded July 8, 1990 in the Office aforesaid in Deed Book 1724, Page 326.
9. Memorandum of PCS Site Agreement recorded November 3, 2000 in the Office aforesaid in Deed Book 2536, Page 6.

BEING part of the land and premise which Stephen W. Pusey, Gary M. Pusey and Brenda J. Trader did by Deed dated March 14, 2000 and recorded March 27, 2000 in the Sussex County Recorder of Deeds in Deed Book 2471, Page 189 did grant and convey unto Pusey Rentals, LLC, in fee.

In Witness Whereof, the undersigned Grantor has caused this Deed to be duly executed as a sealed instrument as of the day and year first above written.

Sealed and Delivered  
in the Presence of

Pusey Rentals, LLC

Witness: *Alm J. Miley*  
Print Name: Thomas J. Malmey

By: *Stephen W. Pusey* (Seal)  
Name: Stephen W. Pusey  
Title: Authorized Member

Deed



STATE OF Maryland )  
 ) SS.  
Wicomico COUNTY )

Be It Remembered, That on this 20<sup>th</sup> day of November in the year of our LORD two thousand nine, personally came before me, the Subscriber, a Notary Officer for the County and State aforesaid, Stephen W. Pusey, the Authorized Member of Pusey Rentals, LLC, party to this Indenture, known to me personally to be such, and he acknowledges this Indenture to be his Deed.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

Angelica L. Getz  
Notary Officer

Angelica L. Getz  
Print Name of Notary

Commission Expires: 9/8/2012

ANGELICA L. GETZ  
Notary Public-Maryland  
Wicomico County  
My Commission Expires  
September 08, 2012

922828

**RECEIVED**

DEC 02 2009

**ASSESSMENT DIVISION  
OF SUSSEX COUNTY**

~~44550~~

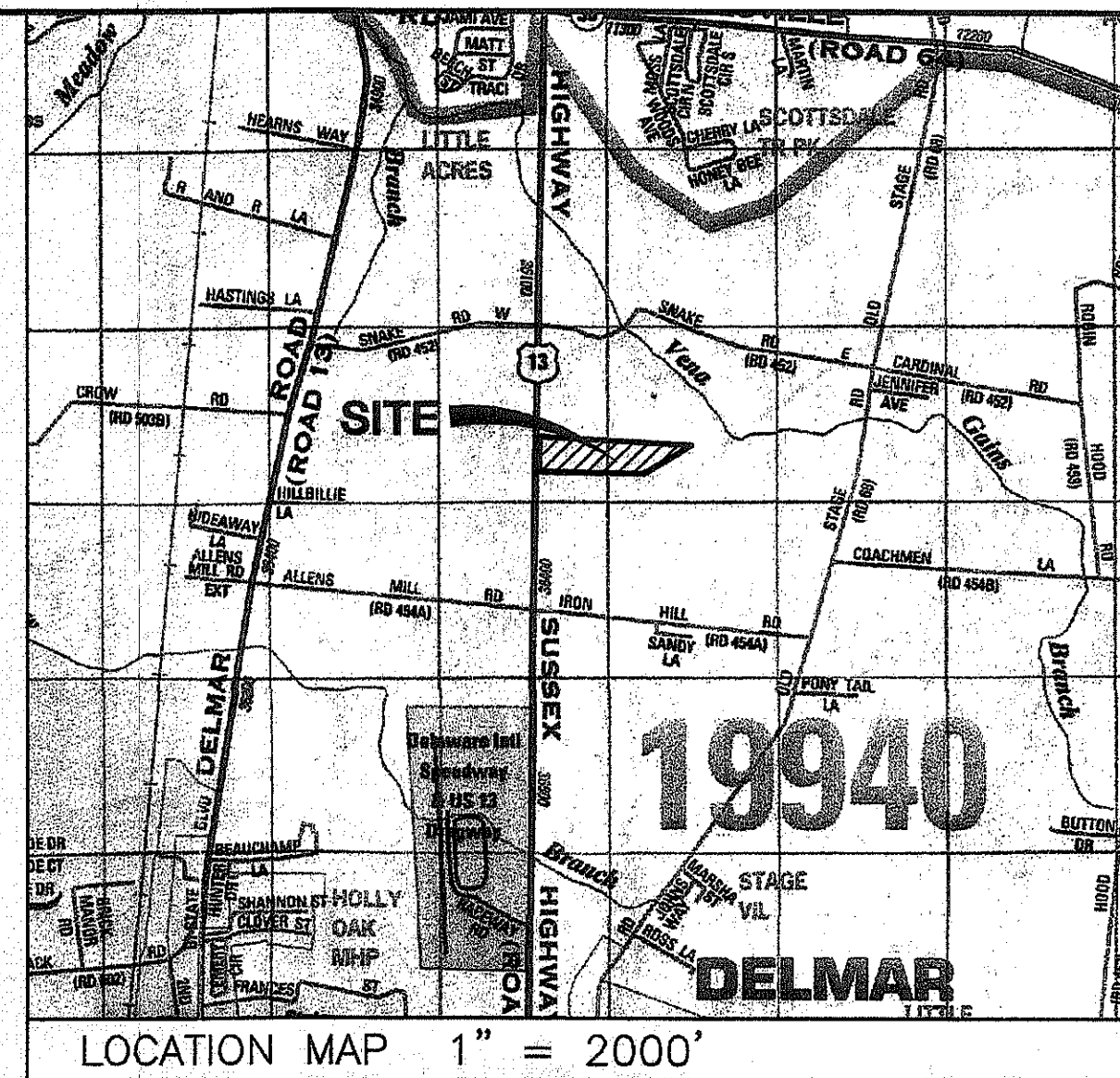
Consideration: 950,000.00

County	14,250.00
State	14,250.00
Town	Total 28,500.00

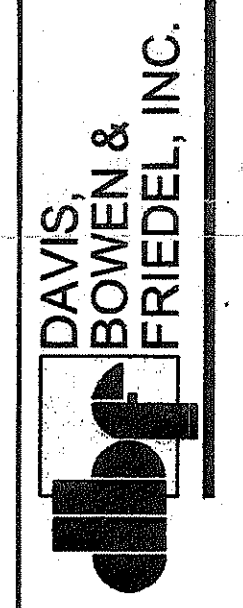
Received: Faith D Dec 02, 2009

Recorder of Deeds  
John F. Brady  
Dec 02, 2009 09:46A  
Sussex County  
Doc. Surcharge Paid

**Appendix B – Plot Plan**

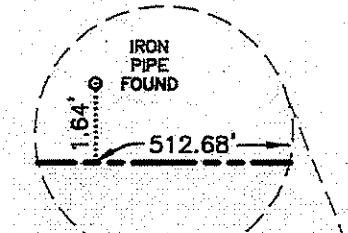


ARCHITECTS - ENGINEERS - SURVEYORS  
 SALISBURY, MARYLAND (410) 543-9901  
 MD/PA/DE/VA/NC/SC/VA/NC/SC/VA/NC



MINOR SUBDIVISION  
 OF THE LANDS OF  
**PUSEY RENTALS, LLC**  
 LITTLE CREEK HUNDRED  
 SUSSEX COUNTY, DELAWARE

NOW OR FORMERLY  
 RUNCON PARTNERSHIP  
 1406/126  
 TAX MAP 5-32-13-80.00



DEED 2471/189

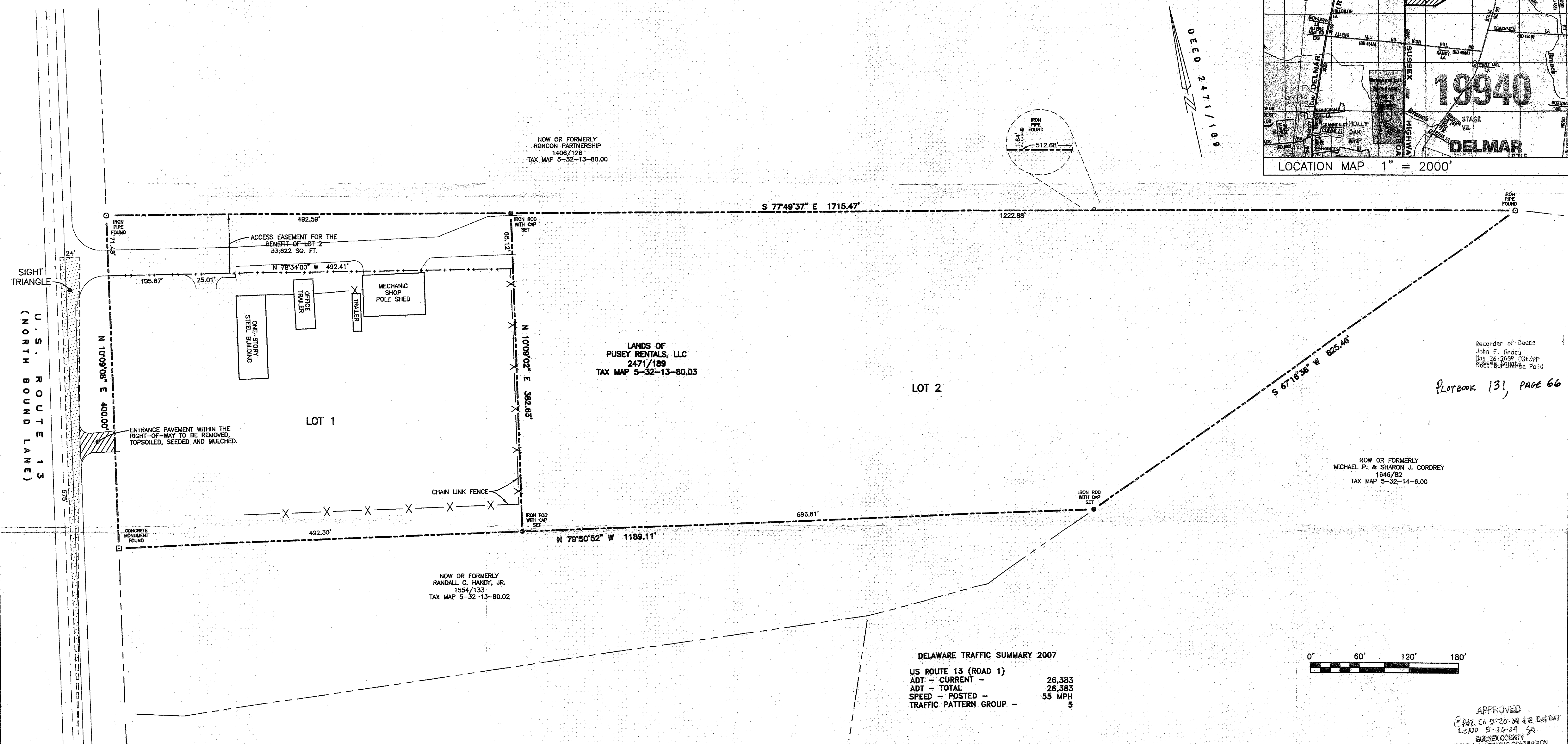
19940  
 DELMAR

LOCATION MAP 1" = 2000'

Recorder of Deeds  
 John F. Brady  
 Gas 26-2009 03:48:48  
 DEED 2471/189 Paid

Plotbook 131, PAGE 66

NOW OR FORMERLY  
 MICHAEL P. & SHARON A. CORDREY  
 1846/82  
 TAX MAP 5-32-14-6.00



DELAWARE TRAFFIC SUMMARY 2007

US ROUTE 13 (ROAD 1)	
ADT - CURRENT	26,383
ADT - TOTAL	26,383
SPEED - POSTED	55 MPH
TRAFFIC PATTERN GROUP	5



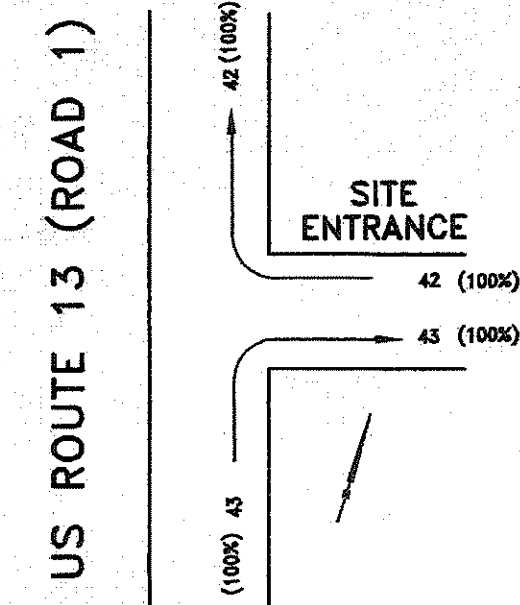
APPROVED  
 04/20/09 5:20:09 48 DelDOT  
 LONO 5-26-09 SA  
 SUSSEX COUNTY  
 PLANNING & ZONING COMMISSION

**DATA COLUMN**

MAP & PARCEL NUMBER: 5-32-13-00-80.03  
 DEED REFERENCE: 2471-189  
 OWNER/DEVELOPER: PUSEY RENTALS, LLC  
 25485 HARCUM WHARF RD  
 EDEN, MD 21822  
 PREPARED BY: DAVIS, BOWEN AND FRIEDEL, INC.  
 ONE PLAZA EAST, SUITE 200  
 SALISBURY, MARYLAND 21801  
 410-543-9081  
 TOTAL SITE AREA: 12.51 ACRES  
 LOT 1: 4.42 ACRES  
 LOT 2: 8.08 ACRES  
 PRESENT USE: ASPHALT PLANT AND OFFICES  
 PROPOSED USE: ASPHALT PLANT AND OFFICES  
 SEWER: PRIVATE  
 WATER: PRIVATE  
 EXISTING ZONING: HI-1  
 FLOODPLAIN: LOTS 1 & 2 LIE WITHIN ZONE X (AREAS OUTSIDE THE 500-YEAR FLOODPLAIN) AS DETERMINED BY FEMA FIRM PANEL 10005C0575J, DATED JANUARY 6, 2005.

**NOTES**

- BUILDING SETBACK REQUIREMENTS AS FOLLOWS:  
 20' FRONT  
 20' SIDE  
 40' REAR
- THIS PLAN DOES NOT VERIFY THE EXISTENCE OR THE ABSENCE OF EASEMENTS AND OR RIGHT-OF-WAYS.
- NO TITLE REPORT FURNISHED.



DESIGN

TYPE OF DEV.	ITE CODE	ACRES	ADT
GENERAL	120	12.51	85
HEAVY INDUSTRIAL			

NOTES:  
 TRIP GENERATION BASED ON ITE TRIP GENERATION REPORT 8TH EDITION

**TRAFFIC DIAGRAM**  
 NO SCALE

**OWNER'S STATEMENT**

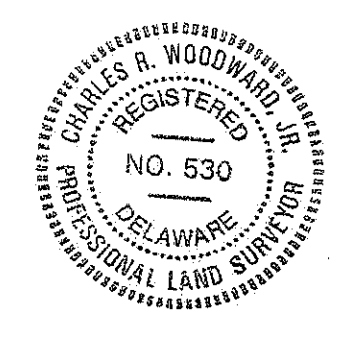
WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE THE LEGAL OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

REPRESENTATIVE: [Signature]  
 PUSEY RENTALS, LLC  
 DATE: 5/21/09

**SURVEYOR'S STATEMENT**

I, CHARLES R. WOODWARD, JR. HEREBY STATE THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOW HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DAVIS, BOWEN & FRIEDEL, INC.  
 by CHARLES R. WOODWARD, JR., AGENT  
 [Signature]  
 CHARLES R. WOODWARD, JR.  
 PROFESSIONAL LAND SURVEYOR, DE NO. 530  
 DATE: 5-21-09

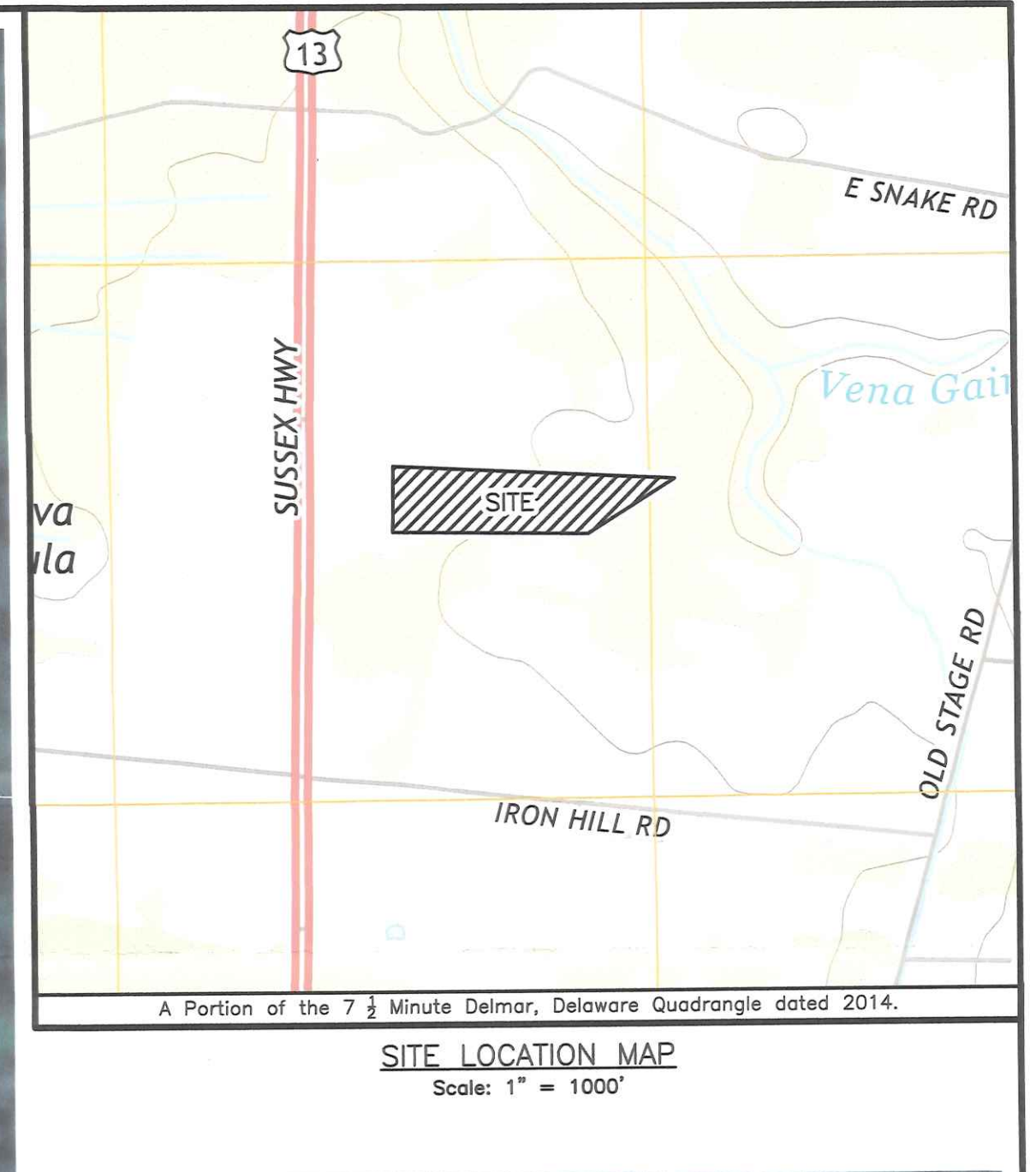


THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO DAVIS, BOWEN & FRIEDEL, INC., AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION.

Revisions:  
 04/06/09 TRAFFIC DIAGRAM  
 04/27/09 DELDOT COMMENTS

Date: 10/27/08  
 Scale: 1"=60'  
 Dwn.By: JKM/CRW  
 Proj.No.: 039A012  
 Dwg.No.:

**Appendix C – Aerial Site Plan**



**SOURCE NOTES:**

- Tract boundary and Access Easement derived from plan entitled: "Minor Subdivision Plan," prepared for Pusey Rentals, L.L.C., by Davis, Bowen & Friedel, Inc., Salisbury Maryland and Milford, Delaware, dated 10/27/2008.
- Adjacent property lines, property information, and zoning information obtained online from Sussex County (<https://maps.sussexcountyde.gov/OnlineMap/Map.html>).

**LEGEND**

- Property Line
- Adjacent Lot Lines
- Zoning Boundary Line

Scale: 1" = 60'

**AERIAL SITE PLAN**

RIVER II, L.L.C.

LITTLE CREEK HUNDRED SUSSEX COUNTY

DRAWN C.A.Z. SCALE 1" = 60'

DESIGN --- THE **HK** GROUP

CHECKED S.S.D. **ENGINEERING & ENVIRONMENTAL Services Division** DRAWING NO. ©

DATE 6/2/2022 SHEET 1 of 1

2002 Locus Road • P.O. Box 199 • Shippen, PA 19474 • (610) 584-8500

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**Appendix D – Manufacturer Equipment Cut Sheets**

# TRAKPACTOR 320

The Powerscreen® Trakpactor 320 is a mid-sized horizontal impact crusher with a fully independent hydraulic driven pre-screen. It has been designed to offer operators and contractors both excellent reduction and high consistency of product shape for performance in quarry and recycling applications while also improving fines removal and reduce chamber wear costs for the customer. With track mobility the plant is capable of working in the most demanding environments and features a rapid set-up time, fuel efficient direct drive system and excellent throughput capacity.

**Features & Benefits**

- Suitable for a variety of feed materials including recycling, demolition & quarry applications
- Crusher chamber: Patented hydraulic overload protection and adjustment system.
- Bolt in cartridge grizzly – 42mm nominal spacing
- Load management system to control feeder speed
- 4 Bar rotor & twin apron design
- Crusher speed variation through user friendly PLC control system
- Modular conveyor with raise/lower facility to aid clearance of rebar
- Economical to operate with a highly fuel efficient direct drive system
- Double deck grizzly feeder with under screen
- Fitted with Powerscreen Pulse Telematics system

**Options**

- Full & half size chrome, martensitic, austenitic & ceramic blow bars
- Grizzly cartridges
- Independent hydraulic pre-screen with hydraulic folding and locking hopper.
- Underpan feeder
- Pre-screen cassettes – punch plate and grizzly
- Punch plate options
- Blanking plates/mats for grizzly
- Wire mesh for feeder underscreen
- Single pole/twin pole magnet
- Bell scale
- Refuelling pump
- Hydraulic water pump
- Radio remote control
- Dust hood on product conveyor
- Plant lighting
- Hopper extensions
- Bypass conveyor & extended bypass conveyor
- Extended product conveyor

**Applications**

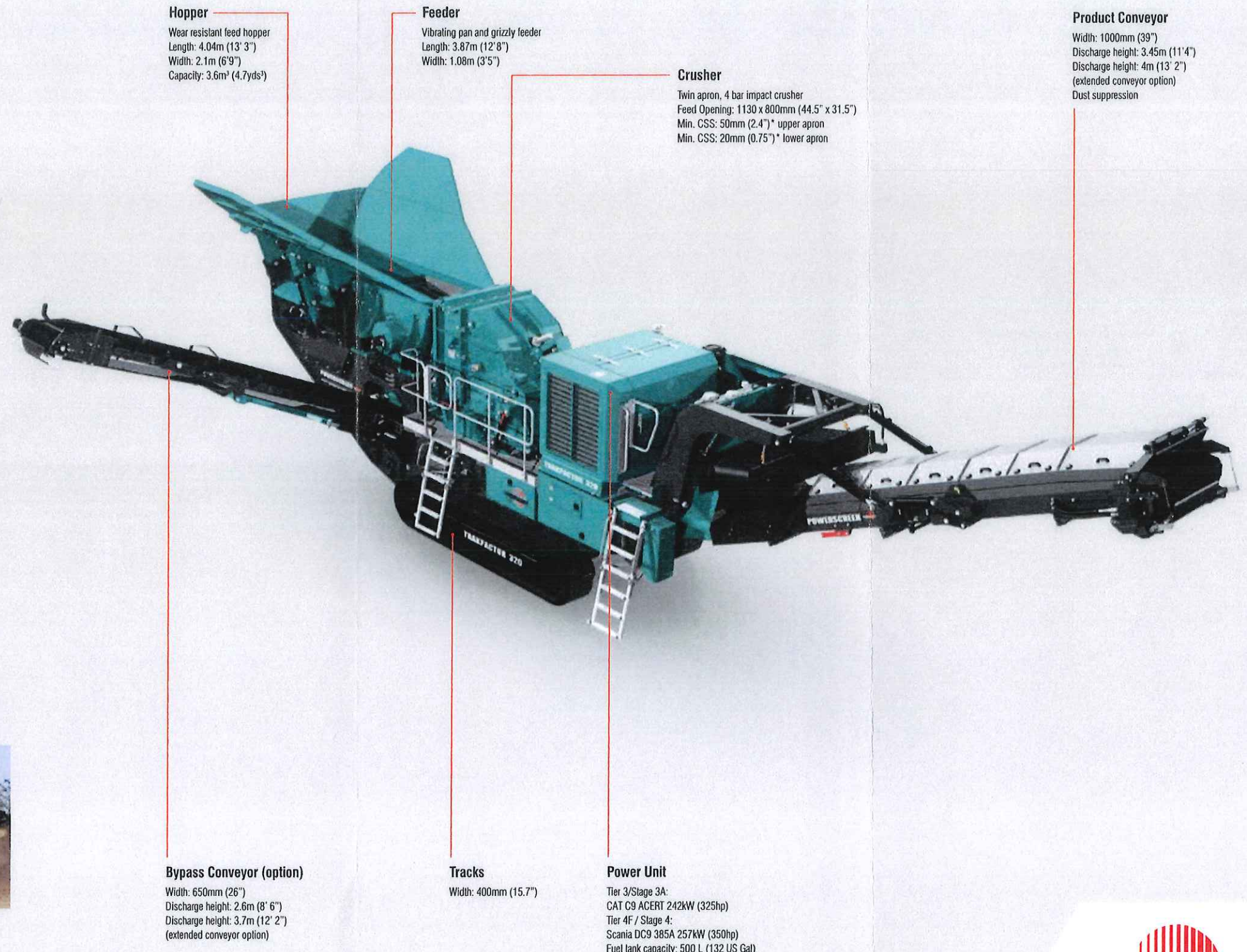
- Blasted rock
- River rock
- C & D waste
- Foundry waste
- Processed ores
- Processed minerals

**TRAKPACTOR 320**

Weight (Est)	35,280kg (77,779lbs)
Transport width	2.55m (8'4")
Transport length	14.78m (48'6")
Transport height	3.46m (11'4")
Working width	5.61m (18'5") with bypass conveyor
Working length	14.36m (47'1")
Working height	3.9m (12'10")



\*Depends on application  
Engines are available that are certified to US EPA and EU off road diesel emission standards. Talk to your dealer about possible certification options (i.e. Tier 3/Stage 3A, Tier 4/Stage 3B, Tier 4F/Stage 4).



# WARRIOR 1800

Designed for medium to large operators, where high capacity and throughput are paramount, the Powerscreen® Warrior 1800 is a tough, heavy duty machine built for screening, 2 or 3 way splitting and stockpiling in quarrying, recycling, construction and demolition aggregates and top soil applications.

With low ground pressure crawler tracks the Warrior 1800 is highly mobile. The versatile screen accepts a wide range of media options including bofor bars, finger screens, woven mesh and punch plates.

**Features & Benefits**

- Heavy duty, incline belt feeder with hydraulic hopper sides
- Heavy duty, adjustable angle, grease lubricated 2 bearing, 2 deck screenbox
- Jack up screen facility to aid mesh changes
- Hydraulic "slide out facility" on oversize tail conveyor to ease mesh changes
- Screen walkway and access steps
- Hydraulic folding conveyors with excellent stockpiling capacity
- Engine protection shutdown system

**Options**

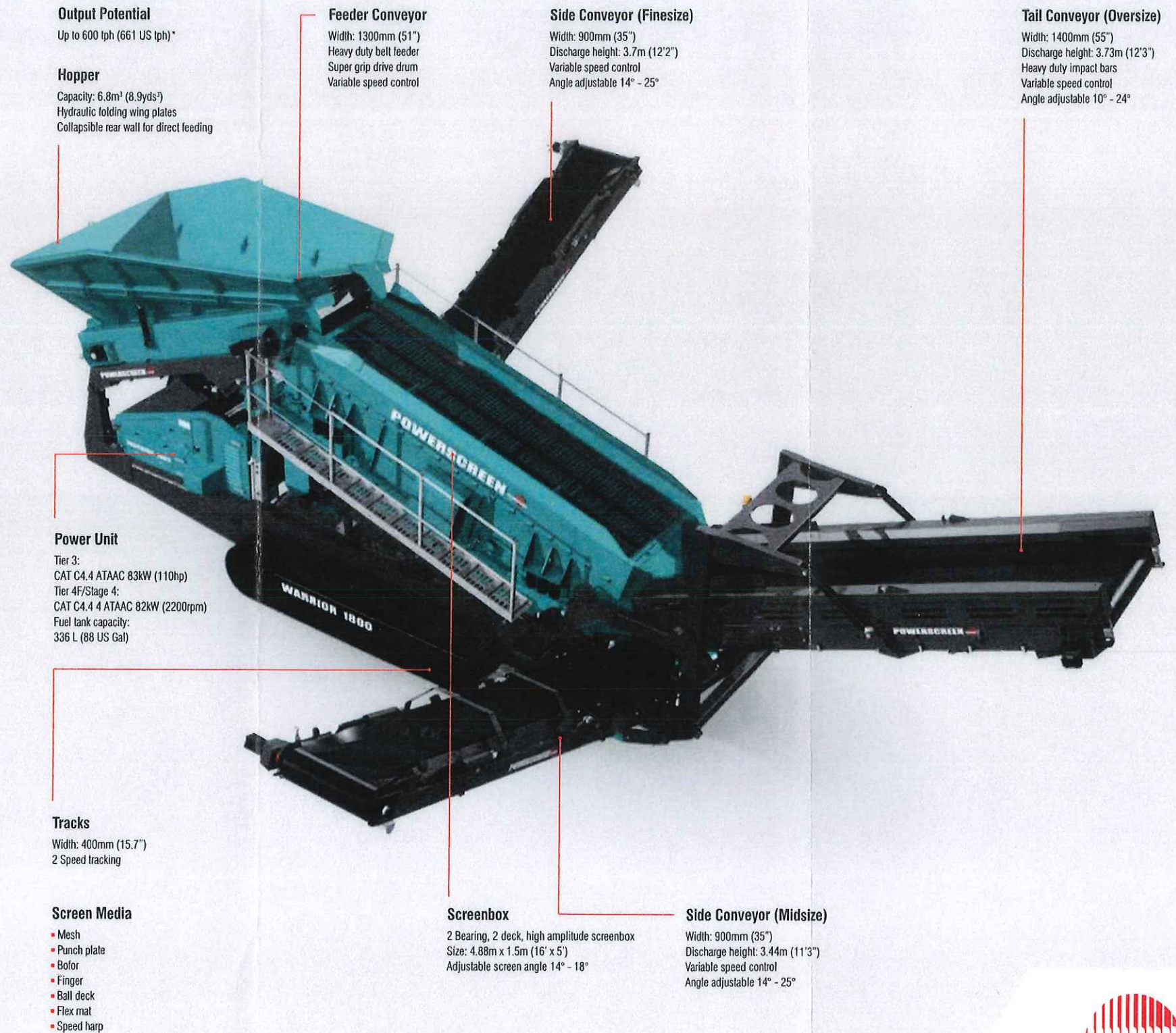
- Radio controlled tracking
- Dual Power (additional electric hydraulic drive)
- Quick release screen wedge tensioning
- Auto lubrication system
- Dust suppression
- Wide range of screen media
- 2 or 3 way split configuration
- High capacity incline apron feeder
- Telescopic side conveyor option



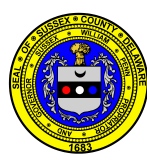
**WARRIOR 1800 (INCLINE BELT FEEDER) 3 WAY SPLIT**

Weight (Est)	29,000kg (63,934lbs)
Transport width	2.96m (9'8")
Transport length	15.38m (50'6")
Transport height	3.39m (11' 2")
Working width	12.6m (41' 4")
Working length	14.3m (47' 2")
Working height	4.57m (14' 11")

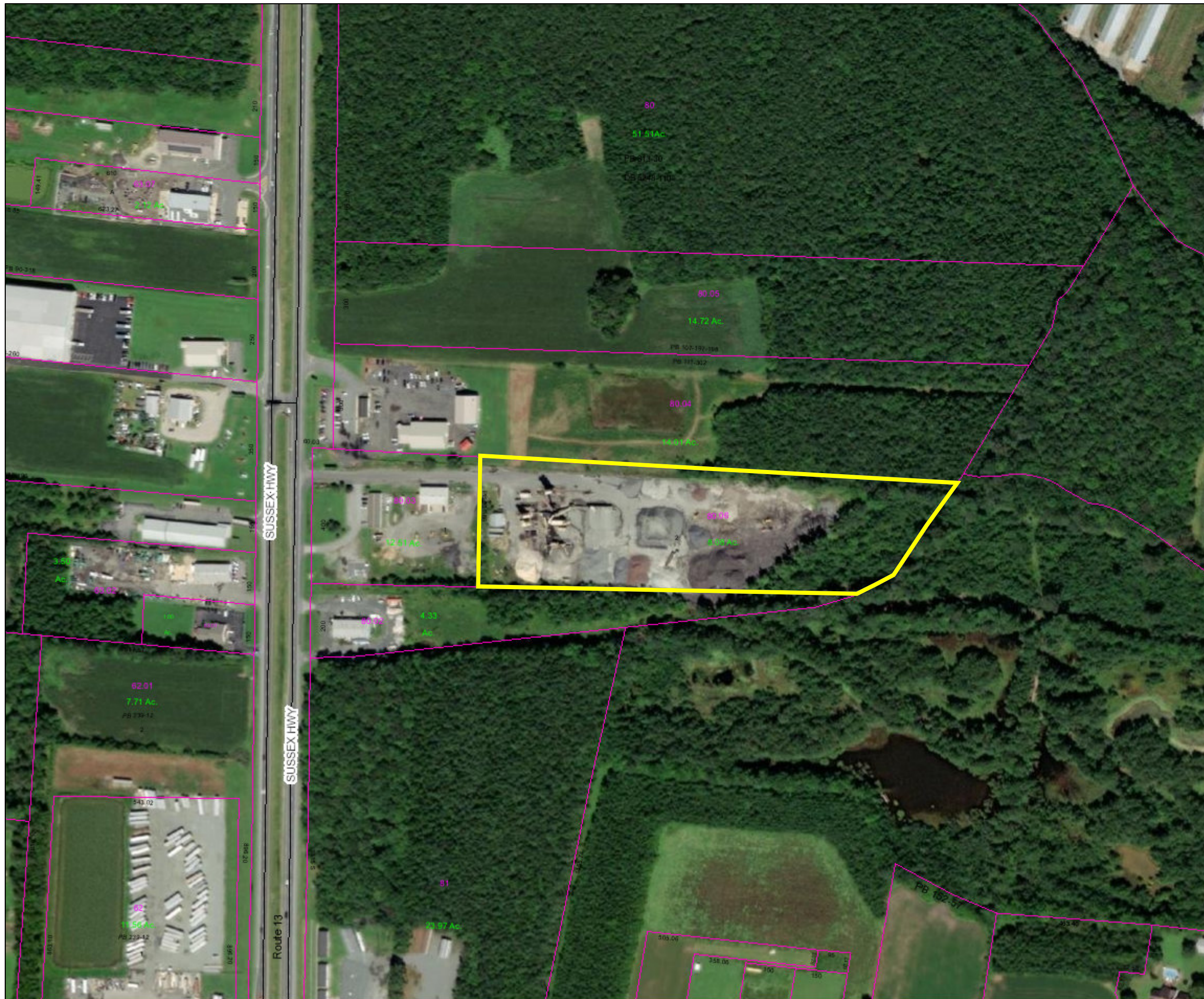
\*Output potential depends on application  
Engines are available that are certified to US EPA and EU off road diesel emission standards. Talk to your dealer about possible certification options (i.e. Tier 3/Stage 3A, Tier 4/Stage 3B, Tier 4/Stage 4).





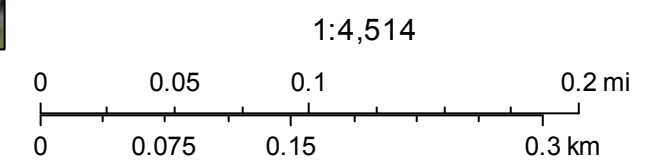


# Sussex County



<b>PIN:</b>	532-13.00-80.06
<b>Owner Name</b>	RIVER II LLC
<b>Book</b>	3738
<b>Mailing Address</b>	150 LAFFERTY LN
<b>City</b>	DOVER
<b>State</b>	DE
<b>Description</b>	E/RT 13
<b>Description 2</b>	E/PRIVATE ACCESS EAS
<b>Description 3</b>	LOT 2
<b>Land Code</b>	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries
- Municipal Boundaries



JAMIE WHITEHOUSE, AICP  
PLANNING & ZONING DIRECTOR  
(302) 855-7878  
pandz@sussexcountyde.gov



**Sussex County**  
DELAWARE  
sussexcountyde.gov

Memorandum

To: Technical Advisory Committee Members, and Others

From: Jamie Whitehouse, AICP, Director of Planning and Zoning

CC: Ms. Amy Hollis, Recording Secretary, Sussex County Board of Adjustment

Date: June 27, 2022

RE: Special Use Exception for 36393 Sussex Highway, Delmar, Delaware  
Tax Parcel ID: 532-13.00-80.06 – AMENDED (correction to Tax Parcel ID)

---

The Sussex County Board of Adjustment has received an application from River II, LLC for a Special Use Exception for a concrete crusher to support the manufacturing and recycling associated with a concrete batch plant. The site is located in a HI-1 Heavy Industrial Zoning District.

**River II, LLC** seeks a special use exception to operate a potentially hazardous use (Construction and Demolition Debris Recycling facility by use of a portable crusher) (Sections 115-110, and 115-111 of the Sussex County Zoning Code). The property is located on the northwest side of Sussex Highway approximately .35 miles from Iron Hill Road. 911 Address: 36393 Sussex Highway, Delmar. Zoning District: HI-1. Tax Parcel: 532-13.00-80.06

This matter is tentatively scheduled for August 15, 2022, at 6:00 pm. Prior to the notice of this meeting, the Planning and Zoning Department is writing to Agencies with a potential interest in the application. If you have any comments or observations regarding this proposal, please could I ask that they are submitted no later than **August 6, 2022**.

Please feel free to contact me with any questions during business hours 8:30 am – 4:30 pm Monday through Friday at 302-855-7878 or via email at [PANDZ@sussexcountyde.gov](mailto:PANDZ@sussexcountyde.gov).

Sincerely,

Jamie Whitehouse, AICP  
Director, Planning and Zoning Department  
Enc. Copy of the application form and support documents.



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DELAWARE 19947



**DELAWARE HEALTH AND SOCIAL SERVICES**  
Division of Public Health

Office of Engineering  
Phone: (302) 741-8640  
Fax: (302) 741-8641

RECEIVED

JUN 29 2022

SUSSEX COUNTY  
PLANNING & ZONING

June 29, 2022

Jamie Whitehouse  
Sussex County Planning & Zoning Commission  
PO Box 417  
Georgetown, DE 19947

**Re:** Sussex County Technical Advisory Committee

Dear Mr. Whitehouse:

The Division of Public Health Office of Engineering is in receipt of the following Special Use Exception applications:

1. **Applications:** *H & K Group, Inc.*  
*River II, LLC*

These applications will not impact existing or proposed public water systems and do not require review from the Office of Engineering.

Please do not hesitate to contact me at 302-741-8646 with questions or comments.

Sincerely,

William J. Milliken, Jr.  
Engineer III  
Office of Engineering

## Amy Hollis

---

**From:** Fox, Duane T. (FireMarshal) <Duane.Fox@delaware.gov>  
**Sent:** Wednesday, June 29, 2022 9:48 AM  
**To:** Amy Hollis  
**Cc:** Planning and Zoning  
**Subject:** RE: Special Use Exception Applications for Potentially Hazardous Use

**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.

Amy,

The DE State Fire Marshal's Office has no objection to the special use request for H&K Group Inc and River II LLC. Both will need to make a site plan submittal to the DE State Fire Marshal's Office – Georgetown location.

DUANE T. FOX, JR., CFPS, CFI, CFPE  
ASST CHIEF, TECHNICAL SERVICES  
DE STATE FIRE MARSHAL'S OFFICE  
22705 PARK AVE, GEORGETOWN  
302-856-5298

RECEIVED

JUN 29 2022

SUSSEX COUNTY  
PLANNING & ZONING

---

**From:** Amy Hollis <amy.hollis@sussexcountyde.gov>  
**Sent:** Tuesday, June 28, 2022 2:38 PM  
**To:** C. Daniel Parsons <dparsons@sussexcountyde.gov>; tdickerson@decoop.com; Fox, Duane T. (FireMarshal) <Duane.Fox@delaware.gov>; dholden@chpk.com; John J. Ashman <jashman@sussexcountyde.gov>; Cinelli, Jennifer (DelDOT) <jennifer.cinelli@delaware.gov>; McCabe, R. Stephen (DelDOT) <Richard.McCabe@delaware.gov>; Brian Tolley <brian.tolley@sussexcountyde.gov>; Melendez, Milton (DDA) <milton.melendez@delaware.gov>; Jordan T. Dickerson <jordan.dickerson@sussexcountyde.gov>; meghan.crystall@delaware.gov; jessica.watson@delaware.gov; Susan Isaacs <sisaaacs@sussexcountyde.gov>; Subdivision (MailBox Resources) <Subdivision@delaware.gov>; Vince Robertson <vrobertson@pgslegal.com>; Jamie Sharp <jsharp@mooreandrutt.com>; Cephas, Marvina (DNREC) <Marvina.Cephas@delaware.gov>; Tholstrup, Michael S. (DNREC) <Michael.Tholstrup@delaware.gov>; Thelton.savage@usda.gov; Milliken, William (DHSS) <William.Milliken@delaware.gov>; Braunskill, Kesha (DDA) <Kesha.Braunskill@delaware.gov>; Weinkam, Robin A. (DNREC) <Robin.Weinkam@delaware.gov>; lisa.savage@delmarva.com  
**Cc:** Chase Phillips <chase.phillips@sussexcountyde.gov>; Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>; Jennifer Norwood <jnorwood@sussexcountyde.gov>  
**Subject:** Special Use Exception Applications for Potentially Hazardous Use

Good Afternoon,

Attached are two (2) memorandums with applications attached for Special Use Exceptions within Sussex County.

For those who typically receive paper copies, I apologize as we are having issues with our printer for the site plans and were unable to make the necessary copies, and we sincerely appreciate your flexibility.

*Thank you,*

*Amy Hollis*

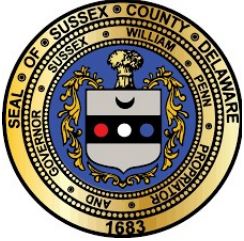
## Amy Hollis

---

**From:** Planning and Zoning  
**Sent:** Friday, July 22, 2022 12:36 PM  
**To:** Amy Hollis  
**Subject:** FW: FWS review of Special Use Exception projects

Amy,  
Please file both electronically and paper for the file. This is of high importance. Thank you.

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



---

**From:** Cullen, Kathleen M <kathleen\_cullen@fws.gov>  
**Sent:** Friday, July 22, 2022 10:32 AM  
**To:** Planning and Zoning <pandz@sussexcountyde.gov>  
**Subject:** FWS review of Special Use Exception projects

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Hi Jamie-

This is regarding the Special Use Exception applications for H&K Group Inc and River II, LLC. There are no records of federally listed species at either of these sites. If further documentation is needed, please fill out the Online Certification

Letter: <https://www.fws.gov/sites/default/files/documents/Online%20Certification%20Letter.pdf>

Please let me know if you have any questions.

Thank you,  
Kathleen

Kathleen Cullen  
U.S. Fish & Wildlife Service - Chesapeake Bay Field Office  
177 Admiral Cochrane Dr., Annapolis MD, 21401  
410-573-4579 - [kathleen\\_cullen@fws.gov](mailto:kathleen_cullen@fws.gov)



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL

DIVISION OF WATERSHED STEWARDSHIP  
21309 BERLIN RD  
UNIT #6  
GEORGETOWN, DE 19947

PHONE: (302) 855-1930  
FAX: (302) 670-7059

**DRAINAGE PROGRAM**

July 28, 2022

Jamie Whitehouse  
Sussex County  
Planning and Zoning Office  
2 The Circle  
Georgetown, DE 19947

RE: Parcel # 532-13.00-80.06; River II

The Delaware Department of Natural Resources and Environmental Control (DNREC), Drainage Program has reviewed the preliminary plans submitted by H & K INC for the above noted property.

The Drainage Program has performed a preliminary review and offers the following guidance:

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permit or exemption coverage may be necessary from the County Conservation District (Standard Plan), DNREC Sediment and Stormwater (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.
- Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.
- Any proposed riprap shall be installed so that the top of the riprap is at or below existing grade of the channel to not obstruct flow.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.

- This tax parcel is within the Ward Cordrey Tax Ditch Watershed. This property has no previous documented drainage concerns.

If you have any questions or concerns, please contact the Drainage Program at (302) 855-1930.

Sincerely,

*Jordan Watson*

Jordan Watson

EPS Tech

cc: Brittany L. Haywood, Tax Ditch Program Manager I