

## COUNTY COUNCIL

DOUGLAS B. HUDSON, PRESIDENT  
JOHN L. RIELEY, VICE PRESIDENT  
JANE GRUENEBAUM  
MATT LLOYD  
STEVE C. McCARRON



# Sussex County

DELAWARE  
sussexcountye.gov  
(302) 855-7743

## SUSSEX COUNTY COUNCIL

### A G E N D A

July 15, 2025

10:00 AM

#### Call to Order

#### Approval of Agenda

#### Approval of Minutes - June 24, 2025

[Draft Minutes 062425](#)

#### Reading of Correspondence

#### Public Comments

#### Consent Agenda

1. **Use of Existing Wastewater Infrastructure Agreement – IUA-1207  
Estuary Phase 6 (Showell Farm), Miller Creek Area**  
[Estuary Phase 6](#)
2. **Use of Existing Wastewater Infrastructure Agreement – IUA-1144  
Bridgeville Town Center (Commercial), Western Sussex Area**  
[Bridgeville Town Center - Commercial](#)
3. **Use of Existing Wastewater Infrastructure Agreement – IUA-1144  
Bridgeville Town Center (Residential), Western Sussex Area**  
[Bridgeville Town Center - Residential](#)
4. **Use of Existing Wastewater Infrastructure Agreement – IUA-1273  
Route 24 Beebe Medical Center, West Rehoboth Area**  
[Route 24 Beebe Medical Center](#)



### **Todd Lawson, County Administrator**

1. **Public Interview for Planning & Zoning Commission Nominee Mr. Jeffrey Allen**
2. **Public Interview for Board of Adjustment Nominee Mr. Nathan Kingree**
3. **Small Restaurant Regulatory Task Force Appointment**
4. **Review of 2025 Legislative Session**
5. **Land Use Reform Working Group Update**
6. **Administrator's Report**

### **Hans Medlarz, Project Manager**

1. **Update and Discussion on Sediment and Erosion Control Recommendations**  
[Sediment and Erosion Control](#)
2. **Coastal Business Park, Water Storage Modifications**
  - A. **Review of JMT's Memorandum**
  - B. **Acceptance of JMT's Proposal**  
[JMT Water Storage Tank CP](#)
3. **South Coastal RWF Treatment Process Upgrade No. 3, C19-11A - Inland Bays Extension**
  - A. **M.F. Ronca Change Order No. IB-000 – Retainage Transfer**
  - B. **Approval of Filtration and Disinfection Equipment Purchase Orders**  
[South Coastal IB CO 007 CP](#)

### **Mark Parker, Assistant County Engineer**

1. **Heronwood Road Improvements**
  - A. **Introduction of Resolution to Hold Election**  
[Heronwood Chapt 96 Resolution\\_CP](#)
2. **Stormwater BMP O&M Services On-Call Contract**
  - A. **Final Balancing Change Order and Project Close-out**  
[SWM On-call maintenance contract - balancing CO and close-out\\_CP](#)



## Old Business

1. [Conditional Use No. 2557 filed on behalf of Stockley Materials, LLC](#)

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE PREPARATION, PROCESSING AND STORAGE OF MATERIAL IN RELATION TO AN EXISTING BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 82.32 ACRES, MORE OR LESS” (property is lying on the east side of Cedar Lane [S.C.R. 318] and the west side of Peterkins Road [S.C.R. 317], approximately 500 feet south of Governor Stockley Road [S.C.R. 432]) (911 Address: N/A (Tax Map Parcel: 133-3.00-6.00)**

[Old Business CU 2557](#)

2. [Change of Zone No. 2017 filed on behalf of Gulfstream Glen Cove](#)

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS” (properties are lying on the north side of Burbage Road [S.C.R. 353] approximately 475 ft. west of Windmill Drive [S.C.R. 352]) (911 Addresses: 30835, 30839, 30845, 30853, 30873, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View) (Tax Parcel No.: 134-12.00-374.01, 374.02, 375.00, & 3445.00 - 3460.00)**

[Old Business CZ 2017](#)

3. [Conditional Use No. 2462 filed on behalf of Gulfstream Glen Cove](#)

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (50 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS” (properties are lying on the north side of Burbage Road [S.C.R. 353] approximately 475 ft. west of Windmill Drive [S.C.R. 352]) (911 Addresses: 30835, 30839, 30845, 30853, 30873, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View) (Tax Parcel No.: 134-12.00-374.01, 374.02, 375.00, & 3445.00 - 3460.00)**

[Old Business CU 2462](#)

## Grant Request

1. **Town of Millsboro for the acquisition of a K-9 unit for the Police Department**

[Town of Millsboro](#)

## **Introduction of Proposed Zoning Ordinances**

[Ord Intros CZ2024 CU2568](#)

## **Council Members' Comments**

### **Executive Session - Personnel and Job Applicants' Qualifications pursuant to 29 Del.C. §10004(b)**

## **Possible action on Executive Session Items**

### **1:30 p.m. Public Hearings**

1. [Conditional Use No. 2581 filed on behalf of Zion Church Ventures, LLC](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE BUILDINGS AND A CAR WASH TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 24.87 ACRES, MORE OR LESS” (property is lying on the southwest side of Zion Church Road [Route 20], approximately 605 feet northwest of Deer Run Road [S.C.R. 388] and the north side of Deer Run Road [S.C.R. 388], approximately 159 feet southwest of Zion Church Road [Route 20]) (911 Address: 36054 Zion Church Road, Frankford) (Tax Map Parcel: 533-11.00-23.00)

[Public Hearing CU 2581](#)

2. [Conditional Use No. 2496 filed on behalf of Wade & Jacqueline Hudson](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAWN MOWER, YARD, GARDEN EQUIPMENT ENGINE REPAIR SERVICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.20 ACRES, MORE OR LESS” (property is lying on the west side of Pettyjohn Road [S.C.R. 255], approximately 0.66 mile north of Prettyman Road [S.C.R. 254]) (911 Address: 18112 Pettyjohn Road, Milton) (Tax Map Parcel: 235-25.00-45.02)

3. [Conditional Use No. 2525 filed on behalf of Michael Makowski](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2290 (ORDINANCE NO. 2849) TO AMEND CONDITION “A” RELATING TO BUILDING SIZE AND USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 7.12 ACRES, MORE OR LESS” (property is lying on the west side of the intersection of Lewes Georgetown Highway [Rt. 9] and Prettyman Road [S.C.R. 254]) (911 Address: N/A) (Tax Map Parcel: 235-30.00-6.21)

4. [Conditional Use No. 2565 filed on behalf of F & N Vazquez Concrete, LLC](#)

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL AND A GR GENERAL RESIDENTIAL DISTRICT FOR A CONCRETE AND MASONRY BUSINESS WITH CONSTRUCTION INDUSTRY RETAIL SALES, GENERAL OFFICE SPACE AND STORAGE FOR THE RECYCLING OF AGGREGATE PRODUCTS, INCLUDING CRUSHING OPERATIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 32.95 ACRES, MORE OR LESS” (property is lying on the west side of Greentop Road [S.C.R. 225], approximately 0.75 mile north of Fleatown Road [S.C.R. 224]) (911 Address: N/A) (Tax Map Parcel: 230-13.00-36.00)**

[Public Hearing CU 2565](#)

**Adjourn**

**-MEETING DETAILS-**

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on July 8, 2025 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition 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 provides 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 under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/county-council>.

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 24, 2025**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 24, 2025, at 1:30 p.m., in Council Chambers, with the following present:**

<b>Douglas B. Hudson</b>	<b>President</b>
<b>Jane Gruenebaum</b>	<b>Councilwoman</b>
<b>Matt Lloyd</b>	<b>Councilman</b>
<b>Steve C. McCarron</b>	<b>Councilman</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

**The Invocation and Pledge of Allegiance were led by Mr. Hudson.**

**Call to  
Order**

**Mr. Hudson called the meeting to order.**

**M 284 25  
Approve  
Agenda**

**A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum, to approve the Agenda as presented.**

**Motion Adopted: 4 Yeas, 1 Absent**

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Absent;  
Mr. Hudson, Yea**

**Minutes**

**The minutes from June 17, 2025 were approved by consensus.**

**Correspon-  
dence**

**There was no correspondence.**

**Public comments were heard.**

**Public  
Comment**

**Ms. Jill Hicks spoke about preserving natural infrastructure.**

**Ms. Janet LeDigabel spoke about abandoned trailers in the County.**

**M 285 25  
Approve  
Consent  
Agenda**

**A Motion was made by Ms. Gruenebaum, seconded by Mr. McCarron to approve the following items under the Consent Agenda:**

**Use of Existing Wastewater Infrastructure Agreement  
Route 24 Waves Car Wash, West Rehoboth Area**

**Use of Existing Wastewater Infrastructure Agreement – IUA 711-11  
Walden III, Herring Creek Area**

**Motion Adopted: 4 Yeas, 1 Absent**

**Vote by Roll Call:** Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Absent;  
Mr. Hudson, Yea

**Adminis-  
trator's  
Report**

Mrs. Jennings read the following information in the Administrator's Report:

**1. Holiday and Council Meeting Schedule**

A reminder that County offices will be closed on Friday, July 4<sup>th</sup>, to observe the Independence holiday. In addition, Council will not meet on Tuesday, July 1<sup>st</sup> or Tuesday, July 8<sup>th</sup>. The next regularly scheduled Council meeting will be on Tuesday, July 15<sup>th</sup>.

[Attachments to the Administrator's Report are not attached to the minutes.]

**Compreh-  
ensive Plan  
Annual  
Report**

Jamie Whitehouse, Planning & Zoning Director, presented the annual update to the Office of State Planning and Coordination on the Comprehensive Plan. The Comprehensive Plan was completed by the County in 2018 and at the end of June each year, staff prepares a report to the Governor's Advisory Council on Planning.

Mr. Whitehouse highlighted some of the new initiatives that were implemented in the last year that were included in the report for the time frame of 2024-2025.

(The full report was included in the Council packet for this meeting.)

**M 286 25  
Approve  
Compreh-  
ensive Plan  
Report**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, that the Sussex County Council accepts the recommended report to the Governor's Advisory Council on Planning for the period 2024-2025.

**Motion Adopted:** 4 Yeas, 1 Absent

**Vote by Roll Call:** Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Absent;  
Mr. Hudson, Yea

**Sugar Maple  
Farms**

Mark Parker, Assistant County Engineer, presented election results and project authorization for Sugar Maple Farms Road improvements for Council's consideration.

**M 287 25  
Approve  
R 014 25/  
Sugar Maple**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron, to Adopt Resolution No. R 014 25 entitled "A RESOLUTION AUTHORIZING THE SUSSEX COUNTY ENGINEER TO PERFORM IMPROVEMENTS, AND THE SUSSEX COUNTY ENGINEER AND FINANCE DIRECTOR TO DETERMINE A UNIFORM ASSESSMENT RATE FOR BILLING, UPON

**Farms**                    **SUBSTATNTIAL COMPLETION OF THE IMPROVEMENTS, FOR THE SUGAR MAPLE FARMS CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENTS PROJECT”.**

**Motion Adopted:        4 Yeas, 1 Absent**

**Vote by Roll Call:       Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
                                 Mr. Lloyd, Yea; Mr. Rieley, Absent;  
                                 Mr. Hudson, Yea**

**On-Call Contract/CO No. 2**            **Mark Parker, Assistant County Engineer, presented change order no. 2 for Stormwater BMP O&M services on-call contract for Council’s consideration.**

**M 288 25**                    **A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd, that be it**  
**Approve On-Call Contract Stormwater CO No. 2**            **moved based on the recommendation of the Sussex County Engineering Department that change order no. 2 for contract G24-03 on-call stormwater BMP maintenance and operations be approved in the amount of \$20,000, thereby increasing the total contract to \$338,000.00**

**Motion Adopted:        4 Yeas, 1 Absent**

**Vote by Roll Call:       Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
                                 Mr. Lloyd, Yea; Mr. Rieley, Absent;  
                                 Mr. Hudson, Yea**

**James Farm CO No. 6**            **Patrick Brown, Project Engineer, presented change order no. 6 for James Farm Ecological Preserve for Council’s consideration.**

**M 289 25**                    **A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd, that be it**  
**Approve CO No. 6/James Farm**            **moved based on the recommendation of the Sussex County Engineering Department that change order no. 6 for contract C23-21 James Farm Ecological Preserve be approved increasing the contract by \$3,049.66 and granting substantial completion as of March 15, 2025 and any held retainage released with the contract documents.**

**Motion Adopted:        4 Yeas, 1 Absent**

**Vote by Roll Call:       Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
                                 Mr. Lloyd, Yea; Mr. Rieley, Absent;  
                                 Mr. Hudson, Yea**

**Farm Leases**                    **Hans Medlarz, Project Manager, presented farm leases for Double H Farms and M&M Farm for Council’s consideration.**

**M 290 25**                    **A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, that be it**  
**Approve Farm**                    **moved based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approve the reauthorization of**

**Leases/  
Double H &  
M&M**                    **the Double H Farm Lease and the M&M Farm Lease as presented with a term of 10 years with an annual fee increase based on the Philadelphia area CPI index.**

**Motion Adopted:        4 Yeas, 1 Absent**

**Vote by Roll Call:       Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
                                 Mr. Lloyd, Yea; Mr. Rieley, Absent;  
                                 Mr. Hudson, Yea**

**Proposed  
Ordinance  
Introduct-  
ions**                    **Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO ALLOW FOR A STORAGE BUSINESS (6 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.07 ACRES, MORE OR LESS” filed on behalf of Sean Vermillion.**

**Ms. Gruenebaum introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 1.529 ACRES, MORE OR LESS” filed on behalf of Oscar & Thelma Warrington Trustee.**

**The Proposed Ordinances will be advertised for a Public Hearing.**

**Council  
Member  
Comments**

**There were no Council Member comments.**

**Public  
Hearing/  
Hocker  
Property  
Annexation  
into  
SCUSSD**

**A Public Hearing was held for the Hocker Property Annexation of the Sussex County Unified Sanitary Sewer District (Millville Area).**

**John Ashman, Director of Utility Planning & Design reported that County Council granted permission to prepare and post notices on May 13, 2025. The Engineering Department received a request from Davis, Bowen and Friedel, Inc. on behalf of their client Hocker Millville, LLC owners of parcels 134-12.00-370.00 & 370.02 adjacent to the existing Millville Area of the SCUSSD. Parcels are located along Route 17 (Roxana Road) and are located in State Planning Level 2. The project received preliminary site plan approval from the Town of Millville on June 13, 2024. The project will be responsible for system connection charges in place at the time of connection. To date, there has been no correspondence received in support or opposition to the application.**

**There were no public comments.**

**The Public Hearing and public record were closed.**



**M 291 25**  
**Adopt**  
**Resolution**  
**No. R 015**  
**25/**  
**Hocker**  
**Property**  
**Annexation**  
**into**  
**SCUSSD**

**A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to Adopt Resolution No. R 015 25 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLVILLE AREA, TO INCLUDE THE HOCKER PROPERTY PROJECT LOCATED IN THE BALITMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.**

**Motion Adopted: 4 Yeas, 1 Absent**

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Absent;  
Mr. Hudson, Yea**

**Rules** **Mr. Moore read the rules of procedures for zoning hearings.**

**Public**  
**Hearing/**  
**CU2571**

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL FOR A FIELD OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.80 ACRES, MORE OR LESS” (property is lying on the north side of Round Pole Bridge Road [S.C.R. 257], approximately 3,910-feet north of Cave Neck Road [S.C.R. 88]) (911 Address: 27167 Round Pole Bridge Road, Milton) (Tax Map Parcel: 235-15.00-29.00) filed on behalf of The Nature Conservancy.**

**Jamie Whitehouse, Planning & Zoning Director, presented the application.**

**The Planning & Zoning Commission held a Public Hearing on the application on May 21, 2025. At the meeting of June 4, 2025, the Planning & Zoning Commission recommended approval of the application for the 4 reasons and 8 recommended conditions of approval as outlined.**

**The Council found that Mr. Jon Horner, spoke on behalf of the Applicant; that The Nature Conservancy is a global environmental nonprofit with a mission to conserve land and water; that the Planning & Zoning Commission recommended approval for the application; that the application is for the existing house on the property to be turned into a field office for The Nature Conservancy for them to have a better presence in the area; that Schell Brothers and Ocean Atlantic have partnered with The Nature Conservancy to undertake the rehab and renovation of the office; that there has been some concerns about trespassing on neighboring property; that this small piece of land is in the larger piece which includes walking trails that is open to the public; that the gate remains open; that it was requested for the gate to be closed; that there is not enough staff to get the gate opened and closed each day to allow public access; that there were**

**Public  
Hearing/  
CU2571  
(continued)**

concerns about fencing; that the expense would be a lot to a non-profit organization such as this; that staff will be on site more regularly if this is approved.

Ms. Natasha Wezel, the stewardship manager for The Nature Conservancy, spoke on behalf of the Applicant; that they manage and restore lands in Delaware; that there is currently an equipment barn on this property that acts as a home base for a lot of the operations throughout Delaware; and that there are currently two (2) full-time employees who would be working from the office and allow for more of a presence on the property; that there are signs already around the property about “leashing all dogs” and with the presence of the employees this would limit this concern that was brought up by public comments.

There were no public comments.

The Public Hearing and public record were closed.

**M 292 25  
Adopt  
Ordinance  
No. 4004/  
CU2571**

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to Adopt Ordinance No. 4004 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL FOR A FIELD OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 3.80 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

1. This land was previously donated to the Nature Conservancy, and it has been maintained as open space ever since.
2. There is an abandoned home that currently exists on the property. This application seeks to allow the renovation of that home into a field office for the managers of Nature Conservancy properties throughout Sussex County.
3. The office will not generate any significant additional traffic on area roadways, and its location on this property will enable better supervision of the public’s use and access to this property. This location is appropriate for this use as a field office.
4. There is no evidence in the record that the use would have any adverse effect on area roadways or neighboring properties. And the stewardship of open-space properties in Sussex County by the Nature Conservancy is a benefit to Sussex County and its residents and visitors.
5. This recommendation is subject to the following conditions:
  - a. The use shall be limited to use as a field office by the Nature Conservancy. This use shall be in addition to the existing public access to the property for use and enjoyment as open space.
  - b. One unlighted sign shall be permitted. It shall not exceed 32 square feet per side.
  - c. The applicant shall comply with any DelDOT entrance and

**M 292 25  
Adopt  
Ordinance  
No. 4004/  
CU2571  
(continued)**

**roadway improvement requirements.**

- d. Parking areas for all vehicles and equipment associated with this use shall be shown on the Final Site plan and clearly marked on the site itself.**
- e. Any dumpsters shall be screened from the view of neighboring properties and roadways.**
- f. All security lighting shall be directed downward so that it does not shine on neighboring properties or roadways.**
- g. Failure to comply with these conditions may result in the revocation of the Conditional Use approval.**
- h. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 4 Yeas, 1 Absent**

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Absent;  
Mr. Hudson, Yea**

**M 293 25  
Adjourn**

**A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to adjourn at 2:09 p.m.**

**Motion Adopted: 4 Yeas, 1 Absent**

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Absent;  
Mr. Hudson, Yea**

**Respectfully submitted,**

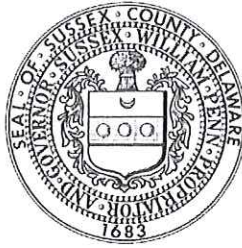
**Tracy N. Torbert  
Clerk of the Council**

***{An audio recording of this meeting is available on the County's website.}***

## ENGINEERING DEPARTMENT

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T  
(302) 854-5391 F  
jashman@sussexcountype.gov




# Sussex County

DELAWARE  
sussexcountype.gov

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

### Memorandum

TO: Sussex County Council  
The Honorable Douglas B. Hudson, President  
The Honorable John L. Rieley, Vice President  
The Honorable Jane Gruenebaum  
The Honorable Matthew R. Lloyd  
The Honorable Steven C. McCarron

FROM: John J. Ashman   
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement*  
*Estuary Phase 6 (Showell Farm) IUA 1207*  
*File: OM 9.01*

DATE: July 15, 2025

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **CB Land 1, LLC** for **Estuary Phase 6** project in the **Miller Creek Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Estuary Phase 6** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **CB Land 1, LLC** will contribute **\$21,671.00** for the financial catch-up contribution of the existing infrastructure to serve **45.00** Equivalent Dwelling Units. Payment is required prior to connection to the county infrastructure.



## **EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT**

### **Estuary Phase 6 (Showell Farm) IUA-1207**

THIS AGREEMENT ("Agreement"), made this \_\_\_\_\_ day of \_\_\_\_\_ 2025, by and between:

**SUSSEX COUNTY**, a political subdivision of the State of Delaware, hereinafter called the "County," and;

**CB LAND 1, LLC**, a Limited Liability Corporation and developer of a project known as **Estuary Phase 6 (Showell Farm)**, hereinafter called the "Developer."

### **WITNESSETH:**

**WHEREAS**, Developer is developing a tract of land identified as Tax Map parcels 134-19.00-112.00, 112.01 & 112.04 be known as **Estuary Phase 6 (Showell Farm)** ("Project") and;

**WHEREAS**, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Miller Creek Area) and;

**WHEREAS**, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

**NOW THEREFORE**, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County's existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to 45 additional equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of \$21,671.00 for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to a connection permit being issued.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement

may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure

in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **6726 Curran Street, 2nd Floor, McLean, VA 22102.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands  
and seals the day and year aforesaid.

**FOR THE COUNTY:**

{Seal}

By: \_\_\_\_\_  
(President - Sussex County Council)  
\_\_\_\_\_ (DATE)

ATTEST:

\_\_\_\_\_  
Tracy N. Torbert  
Clerk of the County Council

**FOR CB LAND 1, LLC**

By:     *RA Byington*     (Seal)  
Ross Byington  
    3/24/25     (DATE)

WITNESS:     *Jan C...*



## ENGINEERING DEPARTMENT

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T  
(302) 854-5391 F  
jashman@sussexcountype.gov




# Sussex County

DELAWARE  
sussexcountype.gov

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

### Memorandum

TO: Sussex County Council  
The Honorable Douglas B. Hudson, President  
The Honorable John L. Rieley, Vice President  
The Honorable Jane Gruenebaum  
The Honorable Matthew R. Lloyd  
The Honorable Steven C. McCarron

FROM: John J. Ashman   
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement  
Bridgeville Town Center (Commercial) IUA 1144  
File: OM 9.01*

DATE: July 15, 2025

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Bridgeville Development Co., LLC** for **Bridgeville Town Center (Commercial)** project in the **Western Sussex Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Bridgeville Town Center (Commercial)** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **Bridgeville Development Co., LLC** will contribute **\$86,967.00** for the financial catch-up contribution of the existing infrastructure to serve **76.00** Equivalent Dwelling Units. Payment is required prior to issuance of connection permits for the commercial buildings.



## **EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT**

### **Bridgeville Town Center – IUA 1144 (Commercial)**

THIS AGREEMENT (“Agreement”), made this \_\_\_\_\_ day of \_\_\_\_\_ 2025, by and between:

**SUSSEX COUNTY**, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

**BRIDGEVILLE DEVELOPMENT CO., LLC** a Limited Liability Company and developer of a project known as **Bridgeville Town Center**, hereinafter called the “Developer.”

#### **WITNESSETH:**

**WHEREAS**, Developer is developing several tracts of land identified as Tax Map parcels 131-15.00-24.00, 24.01 & 24.02 to be known as **Bridgeville Town Center** (“Project”) and;

**WHEREAS**, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Western Sussex Area) and;

**WHEREAS**, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

**NOW THEREFORE**, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **76.00** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$86,967.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to issuance of connection permits for the commercial buildings.**

- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance

of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **300 Delaware Ave. Wilmington Delaware 19801.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands  
and seals the day and year aforesaid.

**FOR THE COUNTY:**

{Seal}

By: \_\_\_\_\_  
(President - Sussex County Council)

\_\_\_\_\_ (DATE)

ATTEST:

\_\_\_\_\_  
Tracy Torbert  
Clerk of the County Council

**FOR BRIDGEVILLE DEVELOPMENT CO., LLC**

By: Joseph Calabro (Seal)

6/25/2025 (DATE)

WITNESS: \_\_\_\_\_

\_\_\_\_\_

## ENGINEERING DEPARTMENT

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T  
(302) 854-5391 F  
jashman@sussexcountye.gov




# Sussex County

DELAWARE  
sussexcountye.gov

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

### Memorandum

TO: Sussex County Council  
The Honorable Douglas B. Hudson, President  
The Honorable John L. Rieley, Vice President  
The Honorable Jane Gruenebaum  
The Honorable Matthew R. Lloyd  
The Honorable Steven C. McCarron

FROM: John J. Ashman   
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement*  
*Bridgeville Town Center (Residential) IUA 1144*  
*File: OM 9.01*

DATE: July 15, 2025

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Bridgeville Development Co., LLC** for **Bridgeville Town Center (Residential)** project in the **Western Sussex Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Bridgeville Town Center (Residential)** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **Bridgeville Development Co., LLC** will contribute **\$702,794.00** for the financial catch-up contribution of the existing infrastructure to serve **352.00** Equivalent Dwelling Units. Payment is required in 2 payments, the first prior to substantial completion of the onsite collection system, the second prior to connection permits for Phase 4 & 4 buildings.



## **EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT**

### **Bridgeville Town Center – IUA 1144 (Residential)**

THIS AGREEMENT (“Agreement”), made this \_\_\_\_\_ day of \_\_\_\_\_ 2025, by and between:

**SUSSEX COUNTY**, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

**BRIDGEVILLE DEVELOPMENT CO., LLC** a Limited Liability Company and developer of a project known as **Bridgeville Town Center**, hereinafter called the “Developer.”

### **WITNESSETH:**

**WHEREAS**, Developer is developing several tracts of land identified as Tax Map parcels 131-15.00-24.00, 24.01 & 24.02 to be known as **Bridgeville Town Center** (“Project”) and;

**WHEREAS**, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Western Sussex Area) and;

**WHEREAS**, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

**NOW THEREFORE**, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **352.00** additional equivalent dwelling units to the County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$402,794.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the Phase 1 & 2 contribution (\$225,427.00) must be submitted prior to substantial completion of the on-site collection system for Phase 1. Phase 3 & 4 contribution (\$177,367.00) must be submitted prior to issuance of connection permits for any Phase 3 or 4 buildings.**



- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from negotiating a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in the County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement as a whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases, or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance



of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented, or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **300 Delaware Ave. Wilmington Delaware 19801.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands.  
and seals the day and year aforesaid.

**FOR THE COUNTY:**

{Seal}

By: \_\_\_\_\_  
(President - Sussex County Council)  
\_\_\_\_\_(DATE)

ATTEST:

\_\_\_\_\_  
Tracy Torbert  
Clerk of the County Council

**FOR BRIDGEVILLE DEVELOPMENT CO., LLC**

By: Joseph Calabro (Seal)  
Joseph Calabro  
6/25/2025 (DATE)

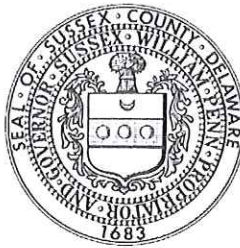
WITNESS: \_\_\_\_\_

\_\_\_\_\_

## ENGINEERING DEPARTMENT

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T  
(302) 854-5391 F  
jashman@sussexcountype.gov




# Sussex County

DELAWARE  
sussexcountype.gov

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

### Memorandum

TO: Sussex County Council  
The Honorable Douglas B. Hudson, President  
The Honorable John L. Rieley, Vice President  
The Honorable Jane Gruenebaum  
The Honorable Matthew R. Lloyd  
The Honorable Steven C. McCarron

FROM: John J. Ashman   
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement*  
*Route 24 Beebe Medical Center IUA 1273*  
*File: OM 9.01*

DATE: July 15, 2025

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Lighthouse Construction Inc.** for **Route 24 Beebe Medical Center** project in the **West Rehoboth Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Route 24 Beebe Medical Center** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **Lighthouse Construction Inc.** will contribute **\$143,436.00** for the financial catch-up contribution of the existing infrastructure to serve **126.36** Equivalent Dwelling Units. Payment is required prior to beneficial acceptance of the projects on-site collection system.



## EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

### Route 24 Beebe Medical Center – IUA 1273

THIS AGREEMENT ("Agreement"), made this 27<sup>TH</sup> day of JUNE 2025, by and between:

SUSSEX COUNTY, a political subdivision of the State of Delaware, hereinafter called the "County," and;

LIGHTHOUSE CONSTRUCTION, INC, developer of a project known as **Route 24 Beebe Medical Center**, hereinafter called the "Developer."

### WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 334-12.00-57.11 to be known as **Route 24 Beebe Medical Center** ("Project") and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area) and;

WHEREAS, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County's existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to 126.36 additional equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of \$143,436.00 for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution is required prior to receiving beneficial acceptance of the projects on-site collection system.**

- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives each sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance

under this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.

Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **859 Golf Links Lane, Magnolia Delaware 19962**



IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands  
and seals the day and year aforesaid.

**FOR THE COUNTY:**

{Seal}

By: \_\_\_\_\_  
(President - Sussex County Council)

\_\_\_\_\_ (DATE)

ATTEST:

\_\_\_\_\_  
Tracy Torbert  
Clerk of the County Council

**FOR LIGHTHOUSE CONSTRUCTION, INC.**

By:  (Seal)  
Michael Glick

4/27/25 (DATE)

WITNESS: Reginald W. Dorton

# **SUSSEX COUNTY COUNCIL**

## **UPDATE AND DISCUSSION ON SEDIMENT AND EROSION CONTROL RECOMMENDATIONS**

**JULY 15, 2025**



# REGULATORY PERSPECTIVE

- County Code § 90-2 Authority; references Chapter 40, Title 7, Delaware Code
- § 4007. *Local sediment and stormwater programs*
- (a) *Pursuant to regulations promulgated by the Department, each conservation district, county, municipality or state agency may adopt, and submit to the Department for approval, 1 or more components of a sediment and stormwater program for the area within its jurisdiction.*
- (d) *A district, county, municipality or state agency may develop the program in cooperation with any other governmental subdivisions*
- Develop a Memorandum of Understanding with Sussex Conservation District regarding reviews and inspection coordination per § 4007 (d)



# APRIL 2025 STORM EVENTS





# **POSSIBLE COUNTY CODE REVISION § 115-193 RESOURCE PROTECTION**

- Remove 50% Zone B resource buffer averaging limitation to concentrate Zone B buffer in runoff concentration area(s)
- Require a Zone B layout guidance process similar to the already codified “Sewer Concept Evaluation”.

# **POSSIBLE COUNTY CODE REVISION**

## **§ 90 ENHANCED SEDIMENT CAPTURE**

- o Upsized Temporary Sediment Basins based on the Conveyance Event as defined in Chapter 5101, Title 7 Del Code versus the current 3,600 cubic feet/acre requirement
- o Series of smaller sequential Temporary Sediment Basis, under yet to be determined sizing, shown as part of the Detailed Grading Plan and to be maintained through the home building phase
- o Prohibit use of infiltration type stormwater management practices as sediment traps and require bypassing of infiltration practice during site and home building construction
- o Use of 48-hour extended detention, dry ponds or wet ponds w/o liners constructed and stabilized prior to ground disturbance in LOD



# POSSIBLE COUNTY CODE REVISION

## § 99-7 PRELIMINARY CONFERENCE

- Chapter § 99-7 Preliminary conference .... *The subdivider shall also consult with the County Engineer and, where applicable, the State Department of Natural Resources and Environmental Control on matters relating to proposed facilities for sanitary sewage disposal, **storm drainage** and water supply intended to serve the proposed subdivision.*
- Expand requirements for Preliminary Conference consultation items to include Zone B Resource Buffer layout and Enhanced Sediment Capture selection.



# APRIL 2025 STORM EVENTS





# **POSSIBLE COUNTY CODE REVISION § 90 PERIMETER SEDIMENT CONTROL ENHANCEMENTS**

Require adherence to the EPA's Silt Fence guidance further enhanced by the following:

Mandatory use of static slicing machine reducing ground disturbance

- Size for 100 LF per 10,000 SF of disturbed area, if necessary, in multiple J-hook style lines along runs with continuous slope
- LOD Perimeter Control in areas without discharge potential via construction fencing
- Living Walls i.e. terraced coir logs in lieu of silt fencing in areas of concentrated flow per County standard detail

Reviewed by the Engineering Department as part of the detailed grading plan

# **POSSIBLE COUNTY CODE REVISION**

## **§ 90 MAXIMUM LIMIT OF DISTURBANCE (LOD)**

Develop matrix limiting maximum area of disturbance (LOD) based on the following criteria:

- o Time of year - November 1st to March 1st w/o ability to break new ground
- o Proximity to “sensitive” (to be defined) downstream resources receiving stormwater from either inside of LOD or offsite areas through LOD
- o Size of upstream drainage area either offsite or onsite discharging stormwater into LOD
- o Topography i.e. bare earth slopes in LOD based on bulk or detailed grading plans



# APRIL 2025 STORM EVENTS





# **POSSIBLE § 90 COUNTY CODE REVISION TO LIMIT STORMWATER DISCHARGES AT PROPERTY LINES**

- o Maintain Pre-development volume and flow condition (sheet, shallow concentrated or concentrated) at upstream and downstream property lines
- o Concentrated downstream discharges have to directly connect into a receiving channel, pipe, or storm sewer system
- o Prohibition of post development discharges into proposed building lots and perimeter buffers only passive open space

# SUSSEX COUNTY ENFORCEMENT OPTIONS

- Staggered fines based on confirmed turbidity levels > 150 NTUs at discharge point(s)
- Withholding of new building permits in the “out of compliance phase” incorporated in the Engineering Department’s phased construction agreement process
- Halt all building inspections in the “out of compliance phase” as part of the Planning & Zoning Department’s building inspection process
- Request DNREC to temporarily suspend the Construction General Permit associated with the “out of compliance phase”



**SUSSEX COUNTY COUNCIL**

**SEDIMENT & STORMWATER  
REGULATIONS**

**NEXT STEPS**

## ENGINEERING DEPARTMENT

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

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mike.harmer@sussexcountype.gov



**Sussex County**

DELAWARE  
sussexcountype.gov

## Memorandum

TO: Sussex County Council  
The Honorable Douglas B. Hudson, President  
The Honorable John L. Rieley, Vice President  
The Honorable Jane Gruenebaum  
The Honorable Matthew R. Lloyd  
The Honorable Steve C. McCarron

FROM: Hans Medlarz, Project Manager

RE: **Coastal Business Park, Water Storage Modifications**  
*A. Review of JMT's Memorandum*  
*B. Acceptance of JMT's Proposal*

DATE: July 15, 2025

The Engineering Department advertised a request for Miscellaneous Engineering Services proposals in March 2024. On May 14, 2024, Council approved a motion selecting four (4) consulting firms to provide professional services for a 5-year period: Davis, Bowen & Friedel (DBF); George Miles and Buhr (GMB); Johnson, Mirmiran & Thompson, Inc. (JMT); and Arcadis U.S., Inc.

In 2024 USG Water Solutions, an infrastructure asset management company, conducted an inspection of two (2) water tanks located at the Business Park as well as the Dewey Beach elevated water storage tank to provide recommendations for immediate and future repairs and maintenance. Based on these recommendations, JMT developed a scope of work to review various options, and a purchase order was established in November 2024, in the amount of \$92,540.00 of which about 12% was expended to prepare the attached memorandum.

After reviewing the (i) tank capacity, (ii) required upgrades and (iii) future maintenance of the two (2) existing tanks at the Coastal Business Park dating from the 1970s and 1980s respectively, JMT outlined the following three (3) options:

- 1) Increase Capacity of the Aquastore Tank from 326,000 to 417,000 gallons by adding a four-foot wall section while demolishing the two (2) old steel tanks
- 2) Demolish the 1980s steel tank and rehabilitate the other steel tank including piping modifications
- 3) Demolish both steel tanks and construct a new Aquastore tank



**Table 1: Cost Summary of Consolidation Options**

	Construction Cost	Demolition Cost	Rehabilitation Cost	Total Cost	Storage Volume (G)
Option 1	\$255,000	\$170,000	\$0	\$425,000	417,000
Option 2	\$0	\$85,000	\$550,000	\$635,000	476,000
Option 3	\$600,000	\$170,000	\$0	\$770,000	506,000

Both JMT and the Engineering Department agreed to pursue Option 1, which increases the capacity of the existing tank while demolishing the old steel tanks allowing the County to have sufficient storage capacity, while eliminating unnecessary future maintenance.

JMT provided a focused scope of work based on Option 1 replacing the originally issued task order. The Engineering Department requests Council's acceptance of JMT's memorandum and authorization of JMT's proposal in the not-to-exceed amount of \$56,960.00.



## MEMORANDUM

TO: Parker Burdell and Hans Medlarz, PE

DATE: June 10, 2025

FROM: James Lynch, PE & Licensed Fire Protection Engineer & Christopher Brendza, PE

RE: Delaware Coastal Airport Water Storage Requirements

---

### A. OBJECTIVE & BACKGROUND

The Delaware Coastal Airport located in Sussex County, Delaware currently has three (3) potable water storage tanks, two of which are capable of storing 150,000 gallons and one which stores 326,000 gallons. Due to the piping configuration the 326,000 gallon tank cannot be drawn down below 18-inches of the bottom slab, yielding only 292,000 gallons of usable storage. Therefore, between all three tanks the approximate total usable storage is 592,000 gallons. Sussex County has engaged JMT to determine the water storage requirements for the airport and associated business park based on the current facilities being protected and the existing domestic water usage to verify whether all three storage tanks are necessary to meet fire flow requirements or if one or more tanks can be demolished.

### B. EXISTING CONDITIONS

The water storage requirements at the Airpark are based on the most restrictive conditions. Based on discussions with the airport staff, the largest hangar at the airport is Aloft Hangar Building 2. This 60,800 square foot hangar is used for storing, servicing, and modifying commercial airplanes. The hangar space is 48,100 square feet and the additional 12,700 square feet is used for storage, shops, offices, and restrooms.

The airport complex has three fire pumps which are designed at 2,500 gallons per minute (gpm) at 165 pounds per square inch (psi). The pumps are capable of operating at 150% of their rating with a full flow of 3,750 gpm at 130 psi based on testing data from March 2022. It is assumed that the combined pumping capacity is greater than the combined required capacity of 7,500 gpm. Typically, the second and third pump is capable of providing 75% of full flow, or approximately 9,000 gpm total. This should be confirmed by Sussex County personnel through testing as it is possible the maximum combined flow when three pumps are running is higher or lower than estimated.

The storage tanks are used for both fire water storage and domestic water storage. The domestic water usage data for 2024 was provided by Sussex County and the daily usage averages approximately 21,000 gallons per day. The storage tanks are refilled via a well pump which is capable of producing over 1,000 gpm once triggered by the float switches within the tanks. The well pump capacity is large enough that the limiting factor is the float switch setpoint and tank draw down depth, not the domestic water usage.

The hangars are protected by a foam-water deluge system that operates sequentially as the fire spreads and uses Aqueous Film-Forming Foam (AFFF) with the largest hangar using a 3% solution. It is assumed that the system uses non-air-aspirating discharge devices. There are no current plans to replace the AFFF system which has environmental concerns.

### **C. CODE REQUIREMENTS**

The main standard governing the protection of aircraft hangars is the National Fire Protection Association (NFPA) 409, the *Standard on Aircraft Hangars*. Due to the size of Hangar 2, it falls under the Group I hangars with protection requirements outlined in Chapter 6. Portions of the applicable protection requirements are outlined below:

- Section 6.2.2.2 – In aircraft storage and servicing areas, the maximum projected floor area under an individual deluge system shall not exceed 15,000 ft<sup>2</sup>.
  - Due to the hangar floor area being 48,100 ft<sup>2</sup> the system requires four (4) separate risers based on the current code.
- Section 6.2.2.13 – The discharge density from non-air-aspirating discharge devices using AFFF solution shall be a minimum of 0.16 gpm/ft<sup>2</sup> of floor area.
  - Due to the hangar floor area being 48,100 ft<sup>2</sup> the system requires 7,696 gpm of flow.
- Section 6.2.10.2.2 – The water supply shall be capable of maintaining water discharge at the design rate and pressure for a minimum of 60 minutes, covering the entire area protection by systems expected to operate simultaneously.

The minimum flow rate required for the largest hangar, Hangar 2, is 7,696 gpm, and the minimum duration is 60 minutes, resulting in a minimum required fire water storage of 461,760 gallons.

If accepted by the Authority Having Jurisdiction (AHJ), which we have assumed is the State Fire Marshal, it may be possible to reduce the fire water storage by the quantity anticipated to be refilled by the well pump after the float switch is tripped. The float switch setpoints must be determined and the time to trip subtracted from the 60-minute operational duration. The storage quantity could be reduced by 1,000 gpm for each minute the well pump operates if approved by the State Fire Marshal.

### **D. STORAGE TANK CONSOLIDATION**

The three storage tanks have a total usable storage volume of approximately 592,000 gallons which is well in excess of the required 461,760 gallons. Two of the existing tanks are constructed of steel and require extensive rehabilitation and reapplication of protective coatings to extend their useful service life. At the request of the County, JMT evaluated several options for the





modification and demolition of the existing tanks and construction of a new storage tank. Calculations for net positive suction head requirements (NPSH) were completed and determined that the modified tank system has the required NPSH for the fire pumps to operate. This analysis is based upon several assumptions that will be further verified during the design phase. Below is a summary of the options that have been developed to achieve the County's goals of reducing the overall quantity of storage tanks, while maintaining the required fire flow storage volumes.

- 1) **Increase Capacity of Existing Aquastore® Tank:** The existing Aquastore® Tank has a current capacity of 326,000 gallons. The tank is designed so that an additional four feet of tank side wall height can be added resulting in an additional 91,000 gallons of storage or a total of 417,000 gallons of storage. The cost to complete the modifications to the tank is approximately \$255,000. This does not include cost for modifying the tank to draw down water to bottom slab elevation as the County has already planned for these improvements. The County could then demolish both steel tanks and operate one tank utilizing the refill rate to meet the required fire flow storage capacity.
- 2) **Demolish One Steel Tank & Rehabilitate One Steel Tank:** The complete removal of one steel tank and the rehabilitation of another steel tank would provide the County with the required fire flow storage volumes. This option also provides the County with some redundancy in their system for future tank maintenance.
- 3) **Demolish Steel Tanks & Construct New Aquastore® Tank:** The costs to rehabilitate and reapply protective coatings to the two existing steel tanks is approximately \$1,100,000 (a complete cost breakdown is provided in JMT's Water System Tank Recoating & Rehabilitation Memorandum dated February 26, 2025). The estimated cost to construct a new Aquastore® tank capable of storing approximately 180,000 gallons of water is \$600,000. Therefore it is more economical to demolish both the steel tanks and construct a new smaller Aquastore® than rehabilitate both existing steel tanks.

**Table 1: Cost Summary of Consolidation Options**

	Construction Cost	Demolition Cost	Rehabilitation Cost	Total Cost	Storage Volume (G)
<b>Option 1</b>	\$255,000	\$170,000	\$0	<b>\$425,000</b>	<b>417,000</b>
<b>Option 2</b>	\$0	\$85,000	\$550,000	<b>\$635,000</b>	<b>476,000</b>
<b>Option 3</b>	\$600,000	\$170,000	\$0	<b>\$770,000</b>	<b>506,000</b>

All the options listed above will require construction sequencing and phasing so that adequate storage volume is maintained for fire flow protection requirements. Additional measures will be needed such as notifications to affected users and activation of the interconnection with adjacent water utilities to meet fire flow requirements. Additionally, ancillary items such as the re-installation of the aerator, access to the site, soil borings, foundation design, and permitting will be required depending upon the chosen option.



## E. CONCLUSIONS

JMT's analysis of the fire flow requirements for the Delaware Coastal Airport is based upon available information provided to us through emails, phone calls, and meetings with Sussex County personnel. We have stated our assumptions directly into the memorandum for any unknowns used in our analysis. Below is a summary of the major findings from our analysis.

- 1) Existing fire pump sizing complies with current codes.
  - a) A fire flow test utilizing all three pumps at once is recommended to be completed to confirm that the required flow per NFPA 409 of 7,696 gpm for 60 minutes is achieved.
- 2) Fire water required for the foam system protecting Hangar 2 is 461,760 gallons and is the controlling water storage volume requirement for the entire Airpark service area.
- 3) Storage requirements can be reduced due to well pump refilling storage tanks during discharge if approved by State Fire Marshall.
  - a) Maximum reduction of 60,000 gallons is possible if well pump engages immediately upon fire pump energizing with zero delay.
  - b) This storage quantity is the amount required to be on site at all times for Hangar 2 protection. The float switches that operate the well pump must be set to engage the well pump prior to drawing down below 401,760 gallons.

Based upon the information provided to JMT, we recommend the County consider proceeding with Option 1. This option meets the required goals of the County which is to reduce the number of storage tanks while still maintaining adequate fire flow storage requirements. If the County desires to have two tanks for redundancy, then JMT would recommend proceeding with Option 3. While Option 3 has a higher overall cost than Option 2, operation and maintenance costs for the Aquastore® tank will be less than the steel tank and provides an overall increase in storage volume for the system. By constructing a second tank the County has partial redundancy in the case one of the tanks is required to be taken offline for repairs and the interconnection can be used to supplement fire flow requirements.

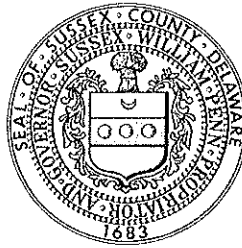
## ENGINEERING DEPARTMENT

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DELAWARE  
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## Memorandum

TO: Sussex County Council  
The Honorable Douglas B. Hudson, President  
The Honorable John L. Rieley, Vice President  
The Honorable Jane Gruenebaum  
The Honorable Matthew R. Lloyd  
The Honorable Steven C. McCarron

FROM: Hans Medlarz, P.E., Project Manager

RE: *South Coastal WRF Treatment Process Upgrade No.3 – Inland Bays Extension*  
*A. M.F. Ronca Change Order Nos. IB-007 – Retainage Transfer*  
*B. Approval of Filtration and Disinfection Equipment Purchase Orders*

DATE: July 15, 2025

The multi prime South Coastal RWF Treatment Process Upgrade No.3 was designed and bid in conjunction with the Rehoboth Beach WTP Capital Improvement Program, Phase 2. The **General Construction Project C19-11** was awarded on December 17, 2019, to M.F. Ronca & Sons, Inc. Since then, County Council authorized a series of change orders, granted Substantial Project Completion for the Rehoboth Beach WTP Capital Improvement Program, Phase 2 on November 14, 2022 and on December 10, 2024 for the South Coastal WRF Treatment Process Upgrade No.3 together with the balancing change orders 36.1 & 36.2.

South Coastal's multi prime construction team of M.F. Ronca & Sons, Inc. and BW Electric, Inc. have successfully and effectively executed the highly complex South Coastal's RWF Treatment Process Upgrade No.2. Both expressed their willingness to continue working with the County providing constructability input in the design modification process and pricing of the subsequent series of change orders to bring the most critical elements online in sequential order.

DNREC issued the associated construction and operations permits on June 17, 2024 after a seven (7) years process. Permit compliance was effective July 1, 2024, putting significant strain on the existing facility which should have been upgraded several years earlier. Furthermore, the County's responses to DNREC's 2020 & 2022 requests for additional



information necessitated significant design modifications. In combination, these circumstances require an innovative project implementation approach to establish the critical implementation path and construct individual components out of sequence to assure the best possible permit compliance. Therefore, Council concurred on July 16, 2024 with a staged construction implementation process under a series of change orders based on critical path implementation.

In order to financially separate the South Coastal RWF Treatment Process Upgrade No.3 project from the Inland Bay RWF Phase 2 Project the Finance Department suggested a transfer of retainage via a change order process. In summary, the Finance and Engineering Departments recommend approval of Change Orders No. 37 & No. IB-007 to facilitate the transfer of \$500,000.00 in retainage.

On July 16, 2024, County Council had reaffirmed GHD, Inc. as “Engineer of Record” for the County’s wastewater treatment process related projects at all facilities through June 30, 2029. Therefore, the Engineering Department met with GHD on several occasions to develop a scope of services Amendment 26 matching the Inland Bay RWF Phase 2 Project implementation method. GHD’s scope had eight subcategories grouped in five cost centers. However, the individual cost centers are fluid, and funds can be exchanged between them as the priorities shift. GHD also committed to transition their cohesive South Coastal design team project and on July 16, 2024, Council approved GHD’s Amendment 26 in the not to exceed amount of \$5,000,000.00 applied across the entire scope of services associated with the Inland Bays RWF Phase 2 Project fast track implementation.

The first scope item of the Inland Bay RWF Phase 2 project ready for two-stage pricing was the clarifier component under RFP-IB-001&002. The IB-001 included the costs associated with procuring the precast concrete and the equipment, the IB-002 consisted of the full assembly and tie-in of the two (2) new clarifiers and scum pump station. And the associated Change Order IB-001 was approved by Council on December 10, 2024, in the amount of \$3,471,541.57.

M.F. Ronca & Sons, Inc. submitted pricing for the second stage of the clarifier construction comprised of the distribution boxes, scum pump station, yard piping and equipment installations in the amount of \$2,023,505.90.

Ronca also priced the mobilization to the site per RFP-IB-003 in an upfront amount for the one-time expenses of \$208,250.00 and a monthly component covering ongoing overhead expenses in the amount of \$116,000.00 starting with the first construction invoicing. Normally the overhead expenses are included in the mark-up time and material work on a task basis but due to the project complexity and accelerated implementation approach in this particular case the Engineering Department recommended Ronca’s staff be on site on a continuous basis.

Council approved M.F. Ronca & Sons, Inc.'s Change Order No. IB-002 in the amount of \$2,023,505.90 and Change Order No. IB-003 in the upfront amount of \$208,250.00 and the monthly amount of \$116,000.00 starting with the first invoice for actual physical work completed onsite.

Subsequently GHD issued RFPs IB-004 covering the integrated headworks and influent distribution structure, IB-005 for the conversion of lagoons 3 & 4 to aeration basins utilizing the equipment package furnished by Bioworks under a direct procurement contract approved by County Council on March 25, 2025 and IB-006 for the associated yard piping.

M.F. Ronca & Sons, Inc. submitted pricing of \$1,405,000.00, \$1,448,000.00 & \$1,637,000.00 respectively. GHD and the County Engineering Department reviewed the pricing and scope and found them competitive and complete. On May 13, 2025, County Council approved Change Order IB-004 in the amount of \$1,405,000.00, Change Order IB-005 in the amount of \$1,448,000.00 and Change Order IB-006 in the amount of \$1,637,000.00 to M.F. Ronca & Sons.

**Electrical Construction Project C19-17** was awarded December 17, 2019, to BW Electric Inc. Since then, County Council authorized a series of change orders, granted Substantial Project Completion for the Rehoboth Beach WTP Capital Improvement Program, Phase 2 on November 14, 2022 and on March 21, 2025 for the South Coastal WRF Treatment Process Upgrade No.3 together with the balancing Change Order No. 29.

BW Electric, Inc. offered pricing for mobilization to the Inland Bays site per RFP-IB-003 in an upfront amount for the one-time expenses of \$57,417.94 and a monthly component covering ongoing overhead expenses in the amount of \$3,421.40 starting immediately. BW Electric, Inc., has a much smaller on-site overhead team and therefore chose to include its cost in the fixed percentage markup on a task-by-task basis.

On January 28, 2025, Council approved BW Electric, Inc.'s Change Order No. IB-003 in the upfront amount of \$57,417.94 and the monthly amount of \$3,421.40 starting with the February 2025 invoice.

The County's 5-year capital plan approved in the FY 24 Capital Budget anticipated several large projects at the Inland Bays Regional Wastewater Facility (RWF) including **the Effluent Loop Project** which provides for treated effluent distribution after completion of the Inland Bays RWF Phase 2 Project to County agricultural partners, forested spray sites under DNREC permitting, and a rapid infiltration basin to be constructed and maintained by Artesian Wastewater Resources on leased County property through 7 miles of mostly 18" – 24" diameter ductile iron pipeline with concrete meter vaults at twelve (12) distribution locations. The contract documents were publicly advertised and on April 9, 2024, County Council awarded the Loop Project, S24-01, to Atlantic Contracting & Material Co., Inc., (ACM) in the amount of \$7,649,916.00.

The Engineering Department completed supplemental construction drawings for the forested spray-field header piping in cooperation with the contractor and presented Change Order No.

1, using current unit pricing and new not to exceed costs related only to additional survey, tree clearing done directly by ACM, and labor associated with the atypical pipe assemblies where future distribution & diffuser piping will connect to the spray-field header. On October 15, 2024 Council approved Change Order No.1 for Project S24-01, in the amount of \$2,179,674.00.

The Loop Project was the initial step towards constructing a treated effluent distribution system at RWF including the pump station upgrade and tie-in; forested spray-field diffuser piping; treated effluent elevated storage tank; and electrical powering and communication control of the actuated control valves via integration to SCADA.

The 100,000 gallons treated **effluent elevated storage tank** is the centerpiece of the system pressure control. Two types of tanks were evaluated (i) spheroid and (ii) composite. Both are capable of housing the circulation pumping and chlorination systems in the base. After site selection and geotechnical evaluation GHD developed a performance specification which was distributed to the five (5) known tank manufactures. After a two-stage competitive selection process three (3) bids were received with Pittsburg Tank & Tower Group submitting the lowest responsible bid. On March 4, 2025 County Council issued a purchase order to Pittsburg Tank & Tower Group a purchase order in the amount of \$1,903,250.00.

The Inland Bays RWF Phase 2 Project includes conversion of and an unused original storage lagoon into two aeration basins (3&4) as well upgrade of the aeration system at the two existing basins (1&2) which were converted over ten years ago. GHD developed a Request for Proposals which was distributed to Bioworks and Parkson, the only two (2) companies in the field. After a two-stage competitive selection process both submitted costs and payment.

Based on GHD's and the Department's recommendation County Council approved the issuance of a purchase order to Bioworks in the amount of \$1,397,640.00 on March 25, 2025.

The Inland Bays RWF Phase 2 Project includes conversion of the existing disinfection contact chamber into a tertiary treatment process followed by UV disinfection. Three (3) filter manufacturers were considered. Evoqua was the most expensive due to the stainless-steel filter media while Aqua Aerobics and Nexom, both offered cloth filter media and were priced comparably lower. The Nexom purchase price is slightly more expensive than Aqua Aerobics', but the Nexom equipment will fit into the existing tank structure with less structural modifications and easier accessibility for maintenance. Therefore, the overall capital and lifetime maintenance costs to the County will be lowest using the Nexom equipment.

Of the three (3) UV manufacturers considered, Nuvonic was the most expensive and the closed vessel design was not conducive to installation in the existing contact chamber. Trojan Technologies, in line, and Glasco, vertically, were priced comparably, with Glasco slightly cheaper. Given neither a technical nor a maintenance advantage, there is no reason to select anything but the lowest cost offer.

Therefore, the Engineering Department recommends issuance of the following purchase orders: (i) Nexom for filtration equipment in the amount of \$798,300.00 and (ii) Glasco in the amount \$415,000.00 for UV equipment.



**SUSSEX COUNTY  
CHANGE ORDER REQUEST**

**A. ADMINISTRATIVE:**

1. Project Name: **SCRWF Treatment Process Upgrade No. 3 & RBWTP Capital Improvement Program, Phase 2 – General Construction**
2. Sussex County Project No. C19-11
3. Change Order No. 37
4. Date Change Order Initiated - 7/10/25
5.
  - a. Original Contract Sum \$39,526,400.00
  - b. Net Change by Previous Change Orders \$7,873,815.31
  - c. Contract Sum Prior to Change Order \$47,400,215.31
  - d. Requested Change \$ -500,000.00
  - e. Net Change (No. of days) 0
  - f. New Contract Amount \$46,900,215.31
6. Contact Person: Hans Medlarz, P.E.  
Telephone No. (302) 855-7718

**B. REASON FOR CHANGE ORDER (CHECK ONE)**

- ☐ 1. Differing Site Conditions
- ☐ 2. Errors and Omissions in Construction Drawings and Specifications
- ☐ 3. Changes Instituted by Regulatory Requirements
- ☐ 4. Design Change
- ☐ 5. Overrun/Underrun in Quantity

6. Factors Affecting Time of Completion
- X   7. Other (explain below):

**C. BRIEF DESCRIPTION OF CHANGE ORDER:**

Transfer of the remaining retainage from the SCRWF Project to the Inland Bays Project.

**D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?**

Yes      X      No                     

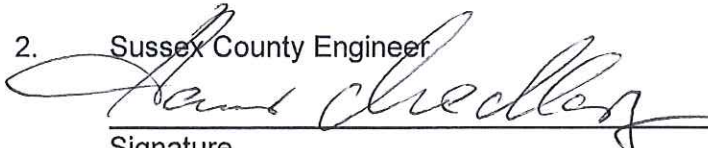
**E. APPROVALS**

1. M.F. Ronca & Sons, Inc., Contractor

 7/10/25  
Signature Date

DAVID WATSON - CFO  
Representative's Name in Block Letters

2. Sussex County Engineer

 7/11/25  
Signature Date

3. Sussex County Council President

\_\_\_\_\_  
Signature Date





***SUSSEX COUNTY  
CHANGE ORDER REQUEST***

**A. ADMINISTRATIVE:**

1. Project Name: **Inland Bays Expansion – General Construction**
2. Sussex County Project No. C19-11A
3. Change Order No. IB-007
4. Date Change Order Initiated - 07/15/25
5.
  - a. Original Contract Sum \$ 0
  - b. Net Change by Previous Change Orders \$12,977,297.47
  - c. Contract Sum Prior to Change Order \$12,977,297.47
  - d. Requested Change \$ 500,000.00
  - e. Net Change (No. of days) 0
  - f. New Contract Amount \$13,477,297.47
  - g. Total Munis Contract \$58,017,179.49
6. Contact Person: Hans Medlarz, P.E.  
Telephone No. (302) 855-7370

**B. REASON FOR CHANGE ORDER (CHECK ONE)**

- ☐ 1. Differing Site Conditions
- ☐ 2. Errors and Omissions in Construction Drawings and Specifications
- ☐ 3. Changes Instituted by Regulatory Requirements
- ☐ 4. Design Change

- ☐ 5. Overrun/Underrun in Quantity
- ☐ 6. Factors Affecting Time of Completion
- ☒ 7. Other (explain below):

**C. BRIEF DESCRIPTION OF CHANGE ORDER:**

Incorporate retainage from the SCRWF Project to the Inland Bays Project.

**D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?**

Yes ☒ No ☐

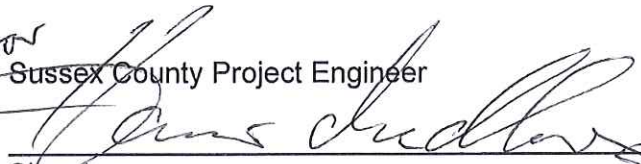
**E. APPROVALS**

1. M.F. Ronca & Sons, Inc., Contractor

 7/10/25  
Signature Date

DAVID WATSON - CFD  
Representative's Name in Block Letters

2. <sup>for</sup> Sussex County Project Engineer

 7/11/25  
Signature Date

3. Sussex County Council President

\_\_\_\_\_  
Signature Date



Inland Bays

Request for Proposal

VC-16-A800X5

6/19/2025

By: Madison Roche

Approved By: Romeo Vela

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**FINAL PRICE: \$415,000**

## **PROJECT SCHEDULE**

<b>Description</b>	<b>Timeline</b>
Submittal	Week 2-4
Confirm Conduit Lengths	Week 6
Factory Performance Test	Week 18
Delivery / Final O&M	Week 20
Installation & Startup	<i>Following confirmation of flow and power to the system</i>

## UV Disinfection Proposal

### Vertical open channel VC-A800

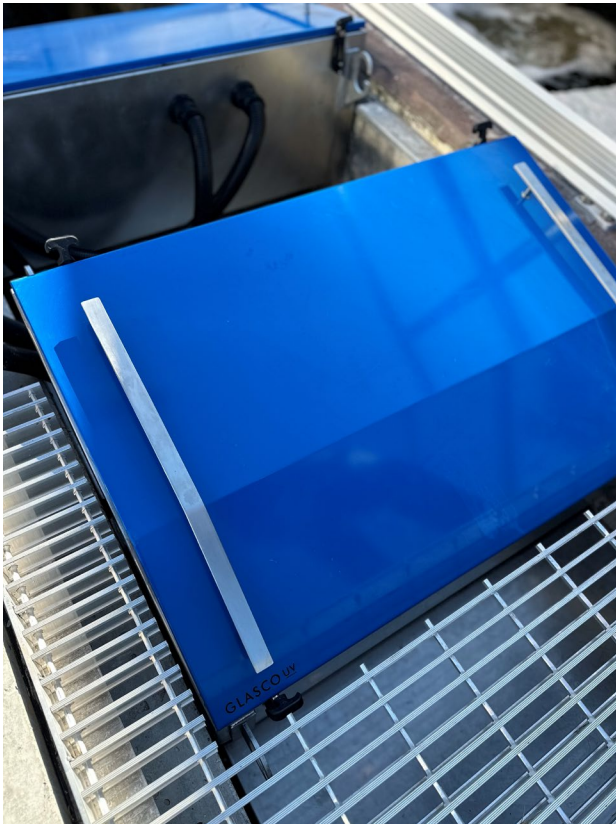
**Validated to NWRI standards**

<b>Project Name:</b>	<b>Inland Bay MD</b>
Proposal Number:	GUV012-102201 REV A
Date:	June 19, 2025

<b>Prepared by:</b>	Romeo Vela Director of Engineer Products
Email	<a href="mailto:romeo@glascouv.com">romeo@glascouv.com</a>
Mobile	973-634-0903

<b>Prepared for:</b>	David Silverman P.E.
Company	PSI PROCESS
Email	
Phone	
Website	

<b>Project type</b>	Municipal Wastewater
Type	Vertical open channel
System name	VC-16-A800X5
Lamp type	Low pressure high output amalgam 800 watt
Flow rate range	11.8 MGD



### Benefits of VC-A800

- Easy lamp change
- Low pressure high output lamps – 16,000 hours (amalgam)
- ¼ the amount of lamps of past art
- No underwater seals
- Flow pacing and dimming
- Automatic cleaning

### Typical Equipment

- Vertical UV modules
- Ballast Control Center (BCC)
- System Control Center (SCC)-PLC
- Automatic quartz cleaning package
- UV monitoring
- Level Control

### By others

- Isolation gates
- Integration
- Concrete work



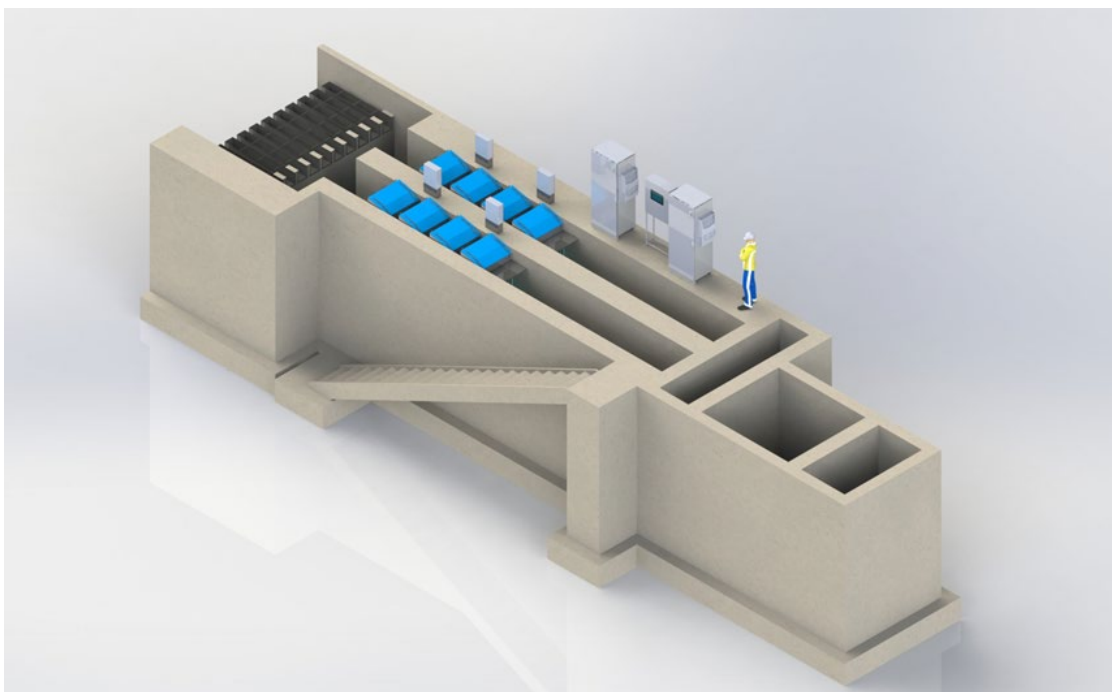


## DESIGN OVERVIEW

Application	Wastewater
Maximum Flow Rate	11.8 MGD
Average Flow Rate	-
Redundancy	-
Water Quality	
UV transmission %	60 %
Influent counts	Not Given
Water temp.	33-85° F
TSS	<30 mg/l
BOD	<10 mg/l
Dosage	45 mJ/cm2 MS2 Or 20mJ/cm2 of T1
Discharge permit	20FC /100 mL
Max particle size	30 Micron
Dimensions	
Channel length	See Drawing
Channel width	See Drawing
Channel height	See Drawing
Water level	See drawing
Level control	Existing Finger Weir
Ballast Control Center	Freestanding NEMA 4x stainless
Head Loss	9.27" across UV 2.28" across Weir

## EQUIPMENT OVERVIEW

Model Name	VC-16-A800X5
System type	Vertical
Configuration	Open Channel
Lamp type	Low pressure amalgam 800 watts
Channels	1
Modules per channel	5
Lamps per module	16
Lamps per channel	80
UV monitoring	0-100% - 4-20 ma
Auto quartz cleaning	Pneumatic
Lamp status	Green LEDs
Remote control	H/O/A
BCC Voltage	480V 3Ø + N + G
kW/hr	12.8 kW per module
Weight each	160 lbs
SCC VOLTAGE	120V
Integration	
UV output	4-20 mA from UV
Flow signal	4-20 mA to UV
PLC	Allen Bradley
Remote control	H/O/A



## **Scope of Supply**

<b><u>Qty</u></b>	<b><u>Description</u></b>
One (1)	Existing concrete channel with modifications by others.
Five (5)	VC-16-A800 modules – a vertical module with automatic cleaning and low-pressure high-intensity amalgam lamps. Each module will have 16 lamps organized in 2 groups of 8 lamps. Each bank can be dimmed or shutoff for turndown functionality.
One (1)	Ballast Control Center (BCC) - 304 SS modified NEMA 4X enclosure with an air conditioner, UV monitoring, and main disconnect box. Enclosure will be air-conditioned. UV intensity monitors will display UV intensity and will have the following outputs: A) Low UV alarm (pre-alarm) dry contact B) Low-low UV alarm (main alarm) C) 0-100% UV intensity 4-20mA signal out
One (1)	System Control Center (SCC) – 304 SS modified NEMA 4X enclosure with a Modicon PLC/ OIT PLC, color touch screen HMI, bank pacing and dimming. Lamp status and alarms displayed. Ethernet in/out.
One (1)	Automatic quartz cleaning system center with air compressor, regulator/filter, and dryer. Outdoor housing (fiberglass)
One (1)	Radar level sensor.
One (1)	Set of eye shields.
One (1)	Set of module cradles 316SS.
Three (3)	Junction box modified NEMA 4X SS.
One (1)	Automatic level control weir gate with controller
One (1)	Heavy Jib Crane with lifting sling



### Spares

6	UV Lamps
6	Quartz sleeves
1	Ballasts
6	Seals and wiper rings
2	Operator's kits with face shield
3	Operation Manual

### ***Commercial Offering***

**TERMS:** Net 30 days 90% upon equipment delivery (or upon notification of ready and holding)  
 10% upon start-up or within six (6) months from delivery, whichever first

**FREIGHT:**

**SUBMITTAL:** 4 weeks after release of order

**DELIVERY:** 16 weeks after receipt of approved submittals

**SITE START-UP:** Included

**TRAINING:** Included

**PRICE:**

### NOTES

- GLASCO UV's proposes to furnish materials and/or equipment for the above project. Any items not shown above as detailed under 'SCOPE OF SUPPLY', or other attachments to this proposal, are EXCLUDED.
- Any order resulting from this proposal is subject to the GLASCO UV's Standard Terms of Sale in addition to the following understandings:
  - Prices noted will be held valid for a period of 90 days from the date of the proposal.
  - Prices are in US Dollars.
  - Local or state taxes are not included in this proposal.
- Please send all purchase orders to Glasco UV, 126 Christie Street, Mahwah, NJ 07430.

### ***Items not included in our scope***

- Unloading of components supplied by GLASCO UV.
- Placement in storage of all components supplied by GLASCO UV.
- All required equipment, labor, analysis, etc. for any on-site biological performance tests that may be required (regular support for operational tests is provided).
- Supply and installation of electrical conduit and wiring for power supply and controls of UV system.
- Any civil and/or mechanical work required to support or install the UV system or its associated controls. This includes concrete pads.
- Power surge protection and lightning strike protection devices to be provided by contractor.
- All transformers, circuit breakers and disconnect devices prior to the UV system enclosures are to be provided by electrical contractor (in some cases the transformer is provided by Glasco).
- Labor and installation of UV modules, electrical enclosures, compressor and PLC.
- Contractor to supply stainless steel anchor bolts for component installation.
- If supplied, remote signal communication to the SCADA system including language/protocol conversion software and hardware as required. Data retrieval of information from the PLCs is the responsibility of the SCADA system provider or integrator. This includes integration of flow signal

### ***Warranty***

- The equipment manufacturer shall guarantee for a period of three-years starting at the time of equipment delivery to the job site or one-year starting at the time of Substantial Completion (whichever is shorter), that the

equipment supplied is free from defects in materials or workmanship and will meet the specified performance requirements when operated in accordance with the manufacturer's recommendations. The manufacturer shall correct any breach in this warranty at their own expense.

2. The UV lamps shall be warranted for a minimum of 16,000 operating hours under normal operation conditions, pro-rated after 10,000 hours. Normal operation conditions include a maximum of four on/off cycles per 24 operating hours. Lamp types with a polychromatic UV output or UVC output efficiency of less than 30 percent at 254nm shall not be acceptable.

3. The UV lamp manufacturer shall ensure disposal of returned lamps (old or used) at no cost to Owner upon receipt of returned lamps at the manufacturing headquarters.

4. Ballasts shall be warranted for a minimum of 10 years from date of Conditional Acceptance, prorated after 1 year. Replacement ballasts, due to failures in excess of 5 percent per year after the first year of operation, shall be provided at no cost to Owner.

5. Quartz sleeves shall be warranted for a minimum of five years from the date of Conditional Acceptance.

6. Wiper assemblies shall be warranted for a minimum of one year from the date of Conditional Acceptance. Useful life of portion of wiper/cleaner in contact with sleeves shall be a minimum of two years.

7. UV intensity sensor shall be warranted for a minimum of five years from the date of Conditional Acceptance prorated after one year.

8. UV transmittance monitor shall be warranted for a minimum of one year from the date of Conditional Acceptance.

9. Lamp, ballasts and quartz sleeve price for replacement shall be guaranteed for a period of five years. Submit guaranteed lamp, ballast and quartz sleeve price with shop drawings.

## DESIGN CONDITION

Flow: 11.8 MGD

Module: VC-16-A800

Dose: 47.83 mJ/cm<sup>2</sup>

$$\log i_{pred} = 10^A \times UVA^B \times \left( \frac{S/S_0}{Q \times D_L} \right)^{C+D \times UVA+E \times UVA^2} \times Banks^F$$

Design Conditions	
UVT	65
UVA	0.187
end of lamp life	0.9
fouling factor	0.8
S/S <sub>0</sub>	0.72
Flow Units	mgd
Total Flow	11.80
Q/lamp (gpm)	512.2
Q/lamp (m3/hr)	116.32
# of Channels	1
Banks in series	5
Modules per bank	1.0
Lamps/module	16
# Lamps (Total)	80

10% reduction for redundancy

Log I Coefficients	
A	0.8763
B	-1.7908
C	0.7648
D	-1.0178
E	1.1011
F	1.0507

U <sub>in</sub>	0.5013
-----------------	--------

Microbe	A	B
MS2	15.662	2.464
T1UV	4.653	0.000

	Flow/lamp (m3/hr)	UVT (%)
Min	86.95	34.50
Max	966.72	81.15

Head Loss	Flow Per Lamp	GPM
2.66	512.1495	8194.392

MS2					
Starting Value	Logi	RED	D <sub>L</sub>	Finished?	
	2	41.181	20.5904		
Iteration # 1	2.296	48.951	21.3198	0.30	
Iteration # 2	2.248	47.649	21.2004	-0.05	
Iteration # 3	2.255	47.857	21.2195	0.01	
Iteration # 4	2.254	47.823	21.2164	0.00	
Iteration # 5	2.254	47.829	21.2169	0.00	
Iteration # 6	2.254	47.828	21.2168	0.00	
Iteration # 7	2.254	47.828	21.2169	0.00	Finished
Iteration # 8	2.254	47.828	21.2169	0.00	Finished
Iteration # 9	2.254	47.828	21.2169	0.00	Finished
Iteration # 10	2.254	47.828	21.2169	0.00	Finished
Iteration # 11	2.254	47.828	21.2169	0.00	Finished

T1UV					
Starting Value	Logi	RED	D <sub>L</sub>	Finished?	
	2	9.306	4.6530		
Iteration # 1	5.713	26.585	4.6530	3.71	
Iteration # 2	5.713	26.585	4.6530	0.00	Finished
Iteration # 3	5.713	26.585	4.6530	0.00	Finished
Iteration # 4	5.713	26.585	4.6530	0.00	Finished
Iteration # 5	5.713	26.585	4.6530	0.00	Finished
Iteration # 6	5.713	26.585	4.6530	0.00	Finished
Iteration # 7	5.713	26.585	4.6530	0.00	Finished
Iteration # 8	5.713	26.585	4.6530	0.00	Finished
Iteration # 9	5.713	26.585	4.6530	0.00	Finished
Iteration # 10	5.713	26.585	4.6530	0.00	Finished
Iteration # 11	5.713	26.585	4.6530	0.00	Finished
Iteration # 12	5.713	26.585	4.6530	0.00	Finished

Summary		
	MS2	T1UV
Logi	2.254	5.713
RED	47.83	26.58
DL	21.217	4.653

45 MS2  
20 T1

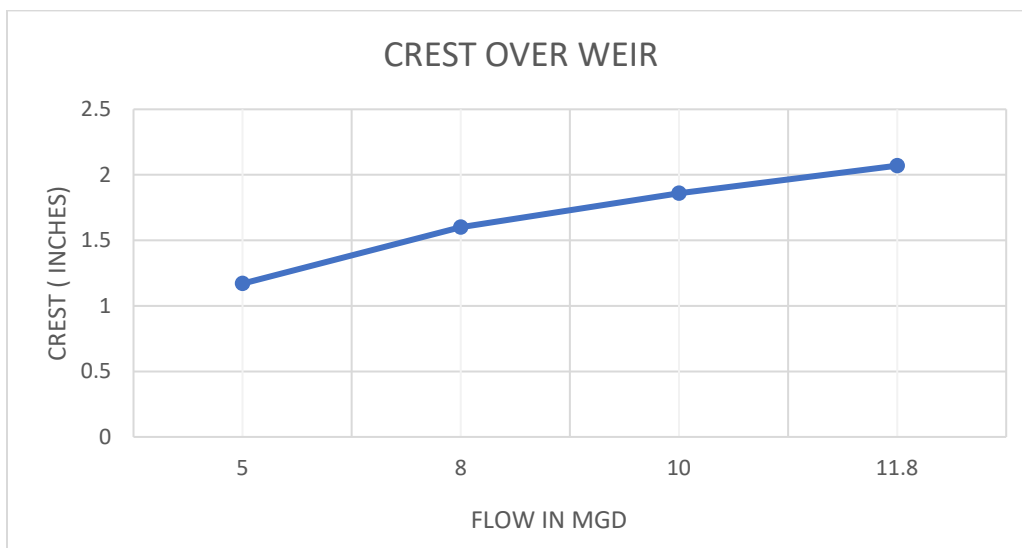
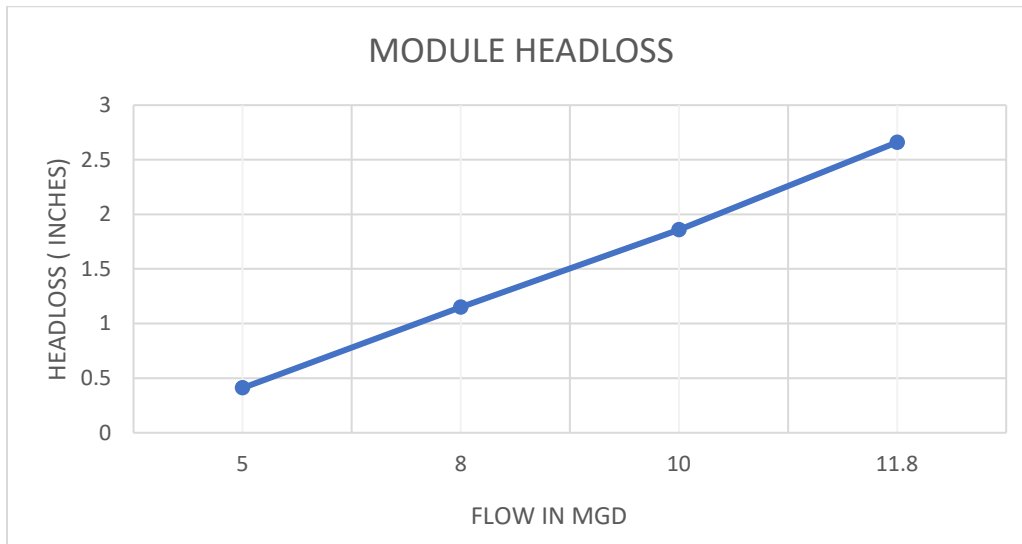
## POWER CONSUMPTION

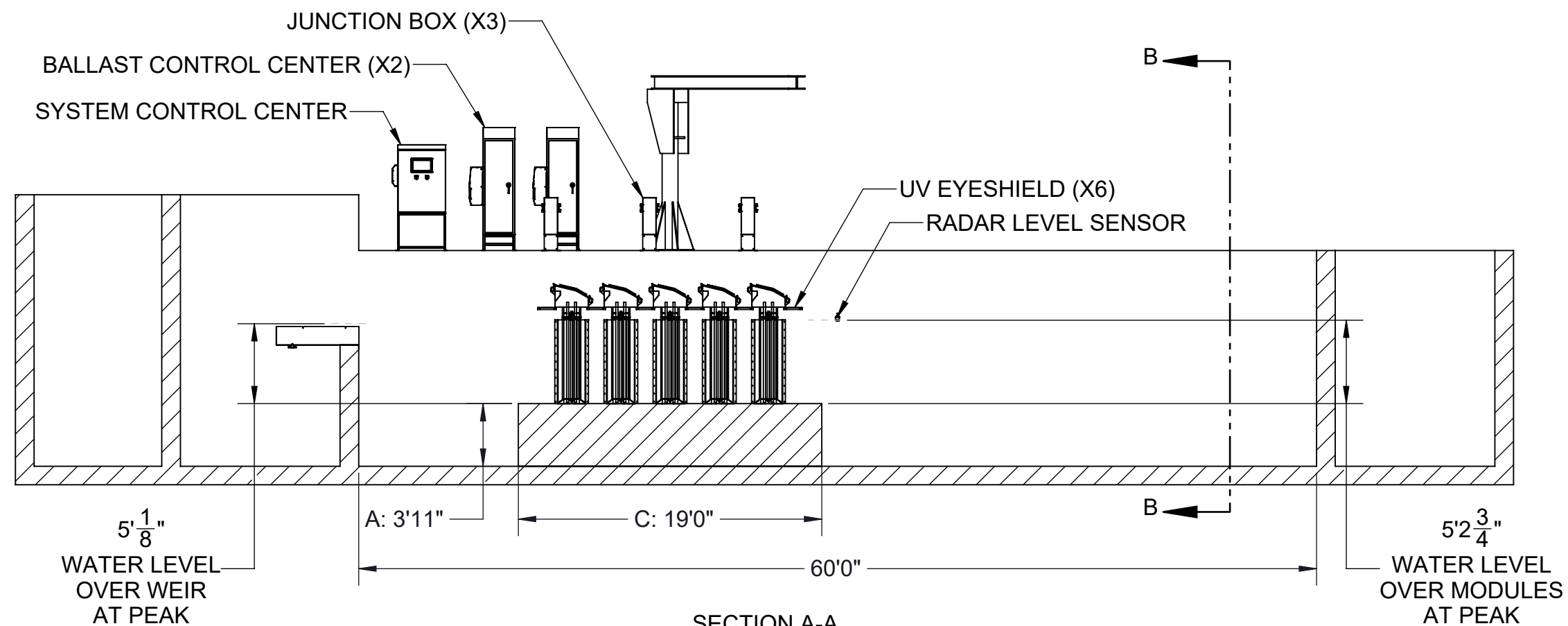
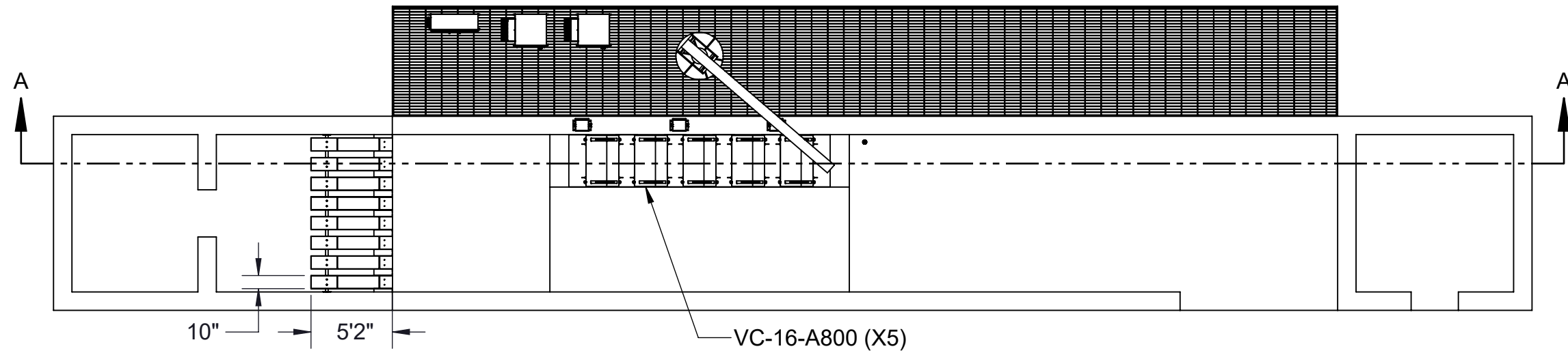
Flow (MGD)	Consumption (kW/hr)	Dose (mJ/cm2)	Power (%)
11.8	64	45.51	100%
8.0	51.2	45.32	80%
4.5	38.4	47.29	60%
2.25	25.6	46.53	40%
0.65	12.8	46.96	20%

## UV HEADLOSS CALCULATIONS

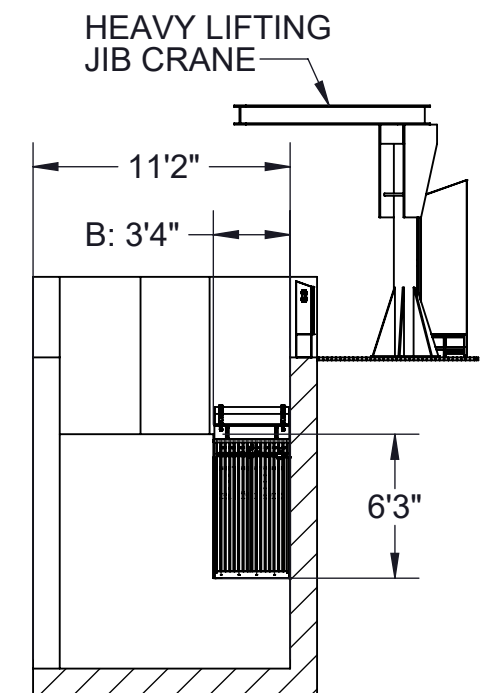
Peak Flow 11.8 MGD

FLOW (MGD)	MODULE HEADLOSS (INCHES)	WEIR HEADLOSS (INCHES)
5.0	0.41	1.17
8.0	1.15	1.60
10.0	1.86	1.86
11.8	2.66	2.07



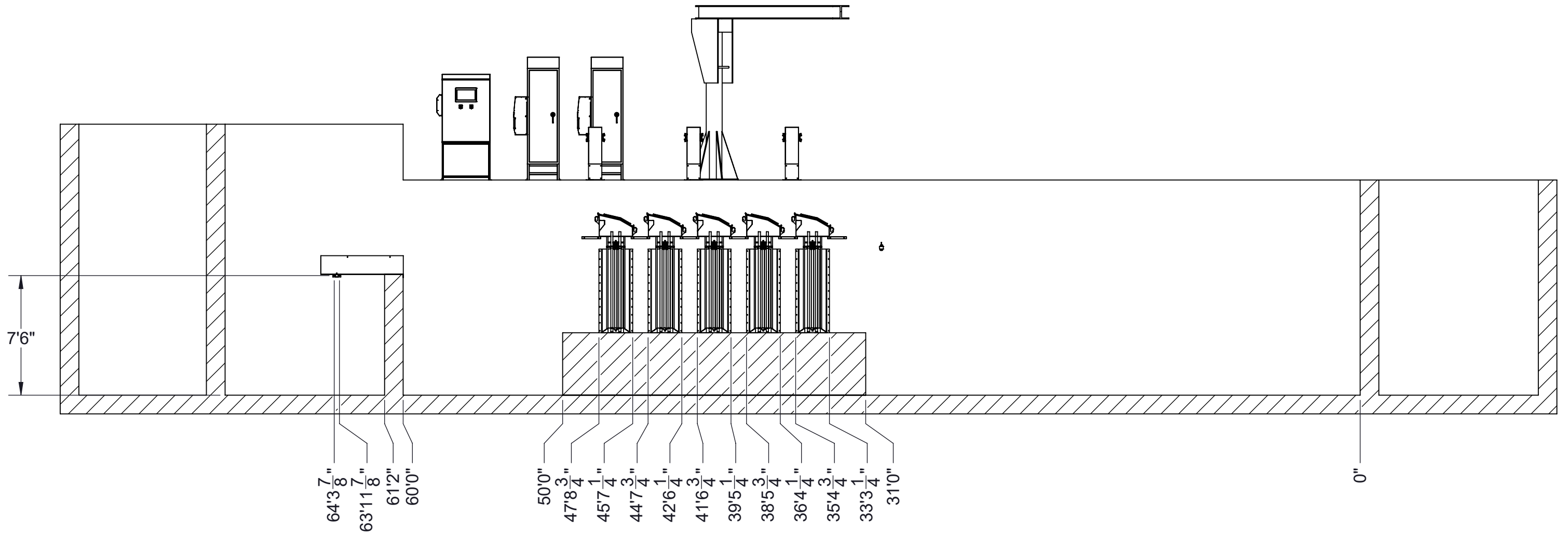



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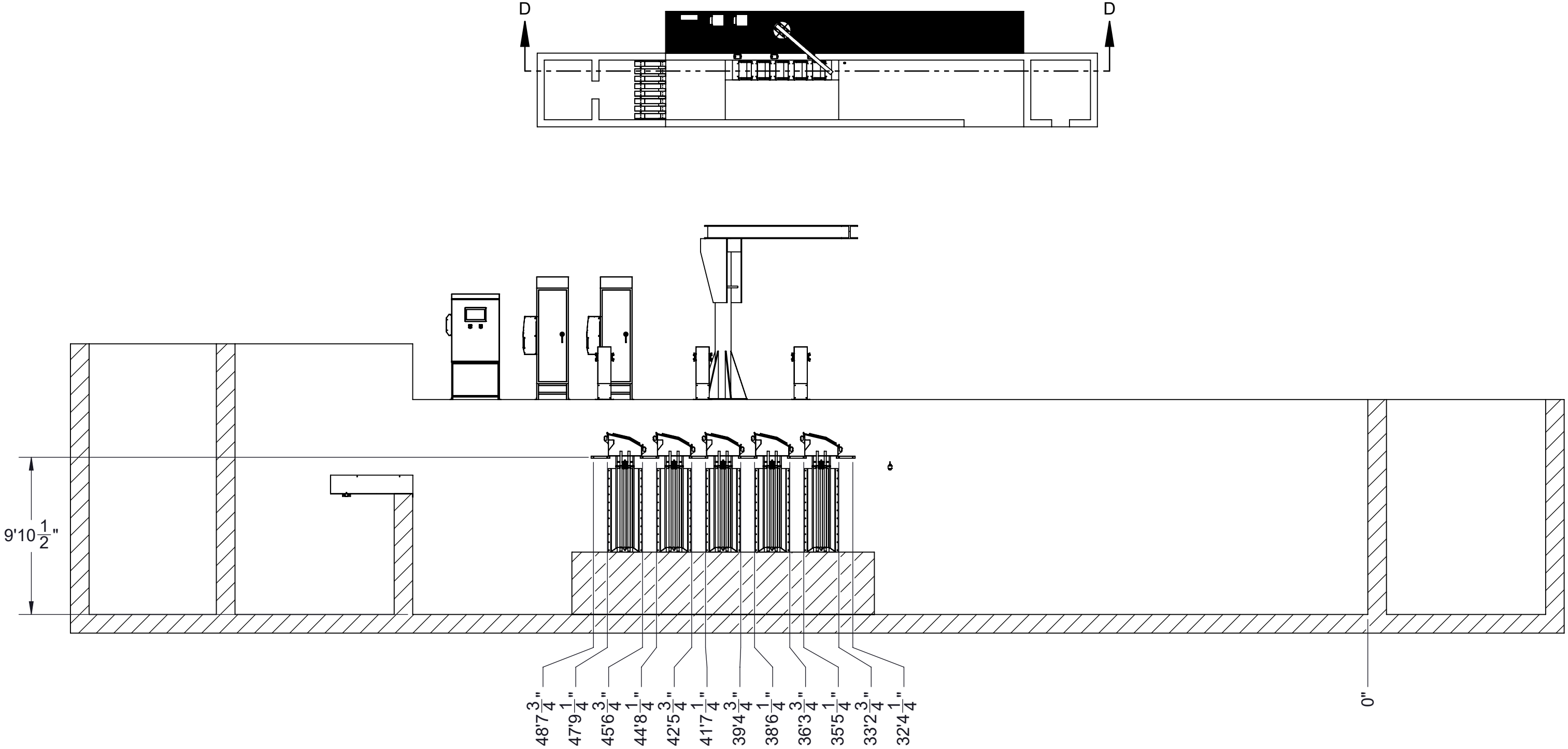


SECTION B-B  
SCALE 1 : 100

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<div> <div> <p>GLASCO UV</p> <p>126 Christie Avenue Mahwah, NJ 07430 PH: 201-934-3348 FX: 201-934-3388 www.glascouv.com</p></div> <div> <p>THIS DRAWING CONTAINS DESIGNS AND OTHER INFORMATION WHICH ARE THE PROPERTY OF GLASCO UV, LLC. EXCEPT FOR RIGHTS EXPRESSLY GRANTED BY CONTRACT TO THE UNITED STATES GOVERNMENT, THIS DRAWING MAY NOT, IN WHOLE OR IN PART, BE DUPLICATED OR DISCLOSED OR USED FOR MANUFACTURE OF THE PART DISCLOSED HEREIN, WITHOUT THE PRIOR WRITTEN PERMISSION OF GLASCO UV, LLC.</p> <p>FINISH: -</p> <p>MATERIAL: -</p> <p>PROJECT: INLAND BAYS, NY</p> <p>GLASCO UV TOLERANCES UNLESS OTHERWISE SPECIFIED IN DRAWING OR NOTES</p> <p>X = ± .030</p> <p>XX = ± .015</p> <p>XXX = ± .005</p> <p>ANG = ± .</p> </div> </div>			
DRAWING DESCRIPTION:			
EQUIPMENT LAYOUT			
SIZE	DWG. NO.	REV	
B	VC-16-A800X5	A	
REV	GLASCO UV REVISION NOTES	DATE	APPROVED



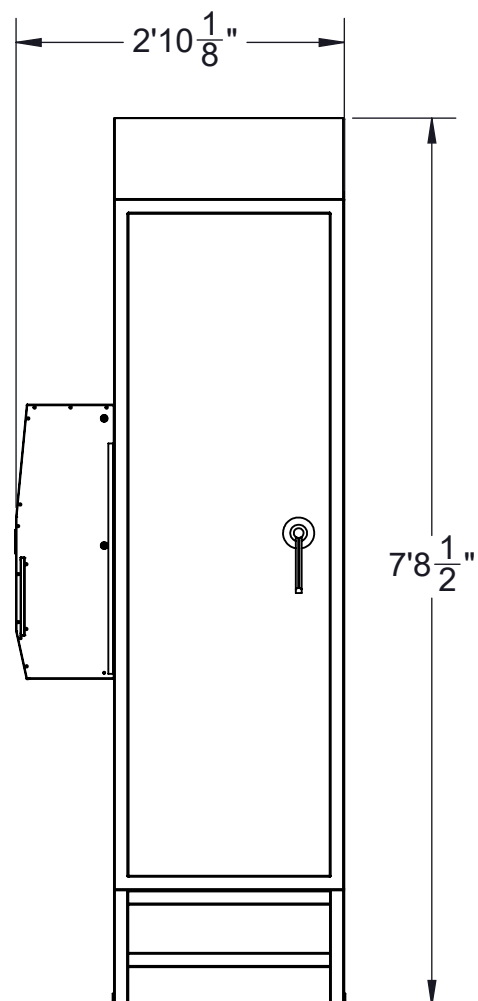
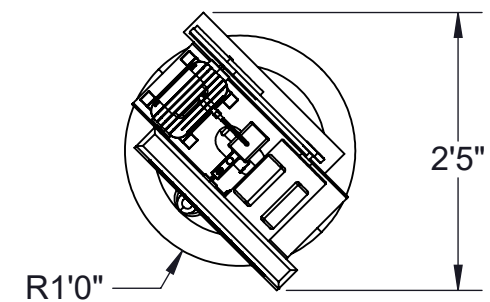
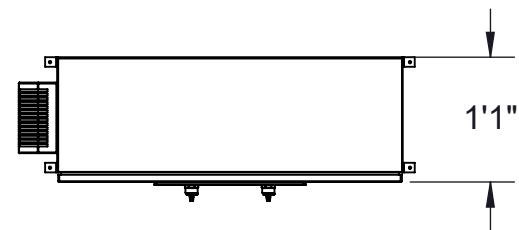
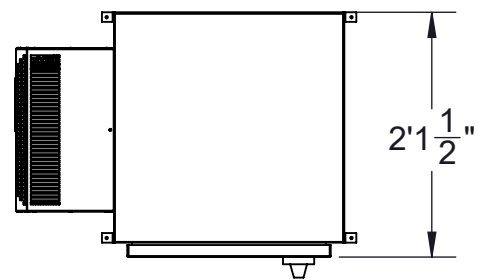
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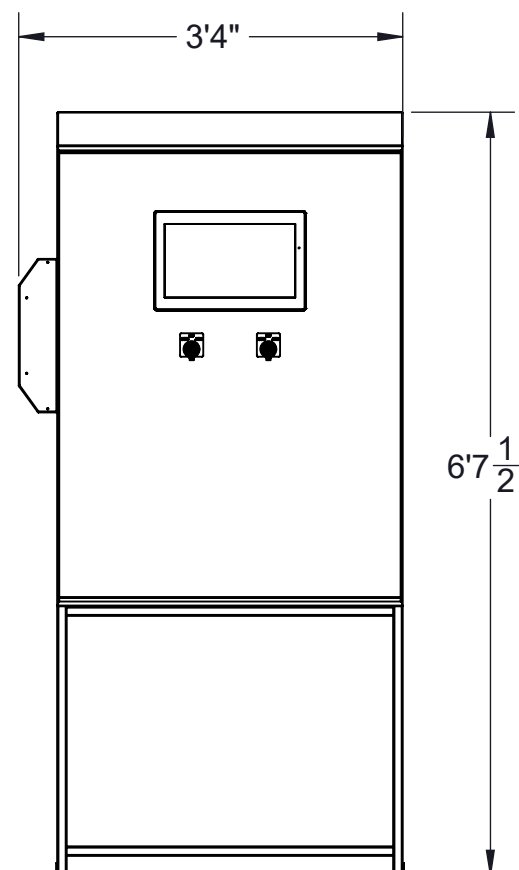
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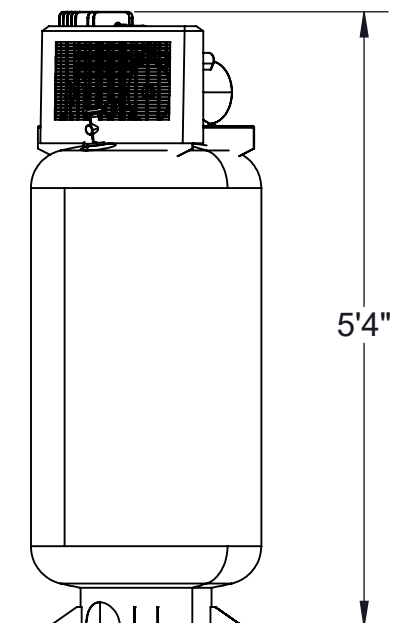





## BALLAST CONTROL CENTER

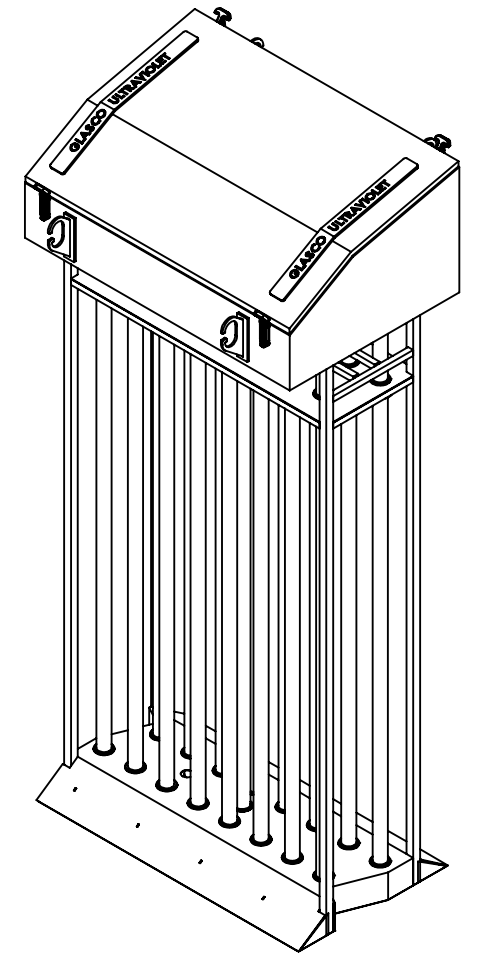
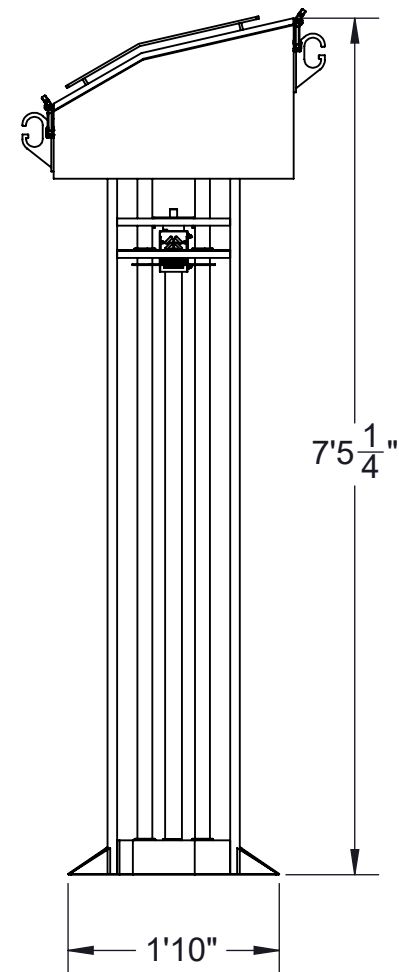
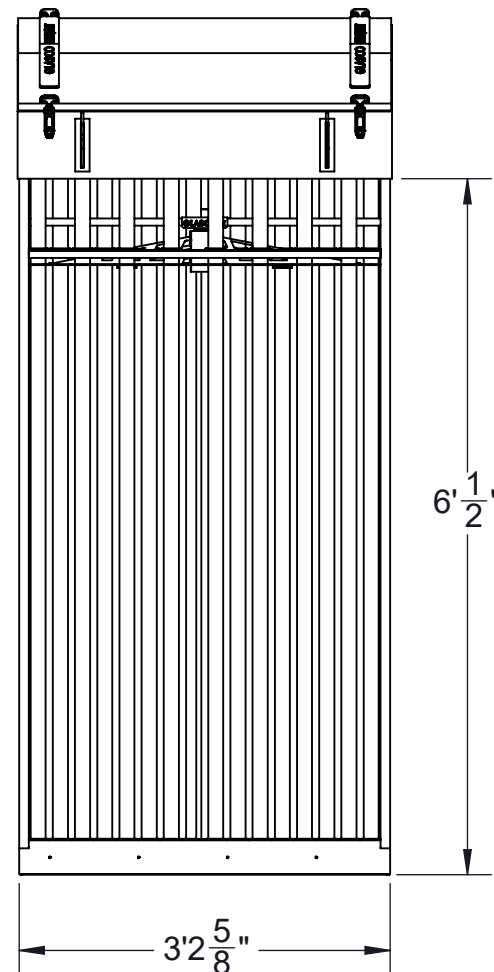



SYSTEM CONTROL CENTER



## AIR COMPRESSOR

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					DRAWING DESCRIPTION:					
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A CHANNEL ADJUSTMENT					B A					
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# VC-A800 Manual

800W Vertical Series



**GLASCO UV**

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# SAFETY GUIDELINES

*As a reminder, all local safety codes and regulations should be followed. As with servicing all water treatment equipment, ensure that your safety clothing and tools are in good working order. In addition, be careful of slip, fall, overhead and trip hazards around the plant.*

## Ultraviolet Light

UV light is dangerous and prolonged exposure can cause damage to both your eyes and skin.

**IF ANY PART OF THE EYE IS EXPOSED TO UV LIGHT SEEK HOSPITAL TREATMENT IMMEDIATELY FOR FLASH BURN**

*\*\* It is important to note that UV exposure does not always cause immediate pain or discomfort – seek treatment for exposure regardless of physical symptoms*

## Preventative Gear

Glasses, goggles, or a face shield should always be worn when near UV light. It is most important to ensure that your gear wraps entirely around the eye. Glasco UV provides protective glasses for your safety. However, if additional glasses are needed, we recommend the following specifications:

- 100% polycarbonate, impact resistant, light weight, high clarity eyewear with uninterrupted panoramic view
- Orange lens - filters 100% of UV light, reduces glare, and provides sharp contrast
- Built-in brow guard contoured for comfort. Defensive side shield with splatter-preventing louvered air vents designed for comfortable extended wearing
- One-size-fits-all suitable as either stand-alone glasses or over glasses
- Gear which acts as protection from both UV light as well as dust, debris, impacts, fumes, and any other hazards found in your zone of work

### **TYPICAL STANDARDS:**

- CE EN 166 Compliance Test
- ANSI Z87+ Compliance Test
- CE EN 166 Clause 7.2.2 Impact Test

## Mercury

Our lamps are filled with small amounts (< 2.5%) of 7439-97-6 Mercury. For additional information regarding the substance please call: 800-ACROS-01

**FOR EMERGENCIES SUCH AS LEAKS, BREAKAGE OR EXPOSURE WHICH TAKE PLACE WITHIN THE UNITED STATES, CALL CHEMTREC: 800-424-9300**

## First Aid Measures

*Lamps should always be handled with extreme caution and protective gloves. If exposure occurs, seek medical aid immediately and refer to the following suggestions:*

**EYE:** Do NOT allow victim to rub eyes or keep eyes closed, extensive irrigation with water is required (at least 30 minutes)

**SKIN:** Immediately flush skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Wash clothing before reuse, and destroy contaminated shoes

**INGESTION:** Do not induce vomiting. If victim is conscious and alert, give 2-4 cups of milk or water. Never give anything by mouth to an unconscious person. Wash mouth out with water

**INHALATION:** Remove from exposure and move to fresh air immediately. If breathing is difficult, give oxygen. Do NOT use mouth-to-mouth resuscitation. If breathing has ceased, apply artificial respiration using oxygen and a suitable mechanical device such as a bag and a mask

**ANTIDOTE:** The use of d-Penicillamine as a chelating agent should be determined by qualified medical personnel. The use of Dimercaprol or BAL (British Anti-Lewisite) as a chelating agent should be determined by qualified medical personnel

## Accidental Release Measures

If spilling or leaking occurs, **absorb the spill with an inert material (e.g. vermiculite, sand or earth)**, then place in suitable container. Avoid runoff into storm sewers and ditches which lead to waterways.

Clean up spills immediately while using protective eyeglasses as described by OSHA's eye and face protection regulations in 29 CFR 1910.133 or European Standard EN166, appropriate gloves and clothing to prevent skin exposure, and if indoors a respiratory protection program that meets OSHA's 29 CFR 1910.134 and ANSI Z88.2 requirements or European Standard EN 149. Be sure to provide ventilation.

## Disposal Considerations

Chemical waste generators must determine whether a discarded chemical is classified as a hazardous waste. US EPA guidelines for the classification determination are listed in 40 CFR Parts

261.3. Additionally, waste generators must consult state and local hazardous waste regulations to ensure complete and accurate classification.

**RCRA U-Series:**

CAS# 7439-97-6: *waste number U151*

## Potential Health Effects

**EYE:** Exposure to mercury or mercury compounds can cause eye irritation, burns, and ulceration of the conjunctiva and cornea

**SKIN:** May be absorbed through the skin in harmful amounts, cause skin sensitization, an allergic reaction, irritation, burns, rash, and cold and clammy skin with cyanosis or pale color

**INGESTION:** May cause severe and permanent damage to the digestive tract, perforation of the digestive tract, systemic effects, and effects similar to those for inhalation exposure

**INHALATION:** Causes chemical burns to the respiratory tract. May cause metal fume fever – *flu-like symptoms with metallic taste, fever, chills, cough, weakness, chest pain, muscle pain and increased white blood cell count*. May cause central nervous effects including *vertigo, anxiety, depression, muscle incoordination, and emotional instability*. Aspiration may lead to pulmonary edema. May also cause systemic effects and respiratory sensitization

**CHRONIC:** May cause liver and kidney damage, reproductive and fetal effects, and note that effects may be delayed. Chronic exposure to mercury may cause permanent central nervous system damage, fatigue, weight loss, tremors, and personality changes. Chronic ingestion may cause accumulation of mercury in blood tissues. Prolonged and repeated exposure may cause inflammation of the mouth and gums, excessive salivation, and loosening of teeth

## Electricity

Contact with electricity can cause burns, cardiovascular failure, or death.

**IF SOMEONE HAS RECEIVED A HIGH VOLTAGE SHOCK, CALL 911 IMMEDIATELY**

## Prevention

Always disconnect and lockout electrical power for panels or components before performing repairs or service. Electrical components must always be properly wired and grounded. Such components should not be allowed to come in contact with process fluids or other liquids. If any type of hazardous failure is noticed such as faulty or exposed wiring, it should be reported immediately. Be mindful of and adhere to all alarms and warning symbols. Make sure your staff is well trained on the protocols of working with electricity prior to service, maintenance, or operational performance.

## First Aid Measures

Even minor shocks should be followed up by seeking medical advice from a healthcare professional to ensure that no injuries have occurred. *If someone has experienced a severe electrical shock, call 911 immediately.* The Centers for Disease Control and Prevention (CDC) has given the following advice to any surrounding bystander:

- Do not touch the person, as they may be in contact with the electrical source
- If it is safe to do so, turn off the source of electricity. If it is not safe, use a nonconducting object made of wood, cardboard, or plastic to move the source away
- After removing the electrical source, check the person for a pulse, and determine whether they are breathing. If the person has no pulse, begin CPR immediately
- If the person is faint or pale, lay them down with their head lower than their body and elevate their legs
- A person should neither touch any burns nor remove burned clothing

A person can perform CPR by:

1. **Administering compressions:** Place one hand on top of the other in the middle of the chest. Using body weight, push down hard and fast to administer compressions that are 2 inches deep. The aim is to deliver 100–120 compressions per 60 seconds
2. **Delivering rescue breaths:** First, make sure that the person's mouth is clear. Then, tilt their head back, lift their chin, pinch their nose closed, and blow into their mouth to make their chest rise. Perform two rescue breaths and continue administering compressions
3. **Repeating the process:** It is important to carry on until help arrives or the person begins breathing

## Lamp & Quartz Handling

When working with quartz it is important to handle with care as broken quartz is extremely sharp and can result in injury or even death. A broken lamp is not only dangerously sharp but may also risk mercury exposure, as discussed in the Mercury chapter of this section.

**IF SERIOUS INJURY OCCURS DUE TO BROKEN QUARTZ, SEEK IMMEDIATE MEDICAL ATTENTION**

## Prevention

When handling quartz or lamps, be sure to use protective gloves not only to protect yourself but to keep the quartz from becoming dirty which may cause fouling. Additionally, do not use tools to tighten the compression nuts – hand-tighten only.

# INSTALLATION

## Delivery

Glasco UV will deliver equipment and materials to the site to ensure uninterrupted progress of the work. ***Please handle delivered equipment with extreme caution as many components are delicate.***

## Equipment Receipt & Inspection

When each system is received, it must immediately be inspected for completeness and to ensure there is no shipping damage. A signed form of the receipt notice issued with this manual is to be returned within 30 days upon equipment delivery disclosing any damages caused by shipment. Should this form be returned after the 30 day period, it is assumed that shipment of the equipment was complete and undamaged.

*\*\* Unless otherwise specified, Glasco equipment is guaranteed against defective design, materials, and workmanship for eighteen (18) months from the date of shipment, or for one (1) year from acceptance of equipment. The warranty on individual component parts not manufactured by Glasco is limited to that of the manufacturers of those components*

Record the item and crate numbers of all received pieces. Compare the item and crate numbers recorded to those shown on the shipping list supplied and check off each item that has been located. If items appear to be missing, contact the carrier and Glasco immediately.

*\*\* Small components that were removed from major components during preparation for shipping may not have item numbers. These untagged components can be identified by referring to the piping drawings and the part lists for this project*

Perform a close inspection of all major components, piping, piping ends, shipping crates, boxes, loose components, and subcomponents. Verify that no damage has occurred to any pieces.

*\*\* Shipping damage should be promptly reported to both Glasco and the carrier to ensure repair or replacement. Avoid releasing equipment for assembly until all damage claims and/or shortage problems have been resolved.*

If the equipment is stored before assembly, reseal any crates that were opened for inspection.

## Component Storage

Once inspection procedures have been completed, place a copy of the marked-up shipping list and the written list of received item numbers together and store them in a safe place. If necessary, make copies of these lists and distribute them to the individuals who will be involved in the assembly of the equipment.

If possible, select a storage location where all Glasco equipment can remain in one area. Avoid separating equipment, components, and crates as it is easy for small or separated components to become misplaced or lost, especially on large project sites. If the equipment must be separated, note the exact locations of all pieces on the part list.

### Indoor Storage:

Storing the equipment indoors will help to protect it from sunlight as well as adverse weather conditions. If the equipment will be stored for an extended period, cover it with plastic or canvas tarps to protect it from water, dust, paint over-spray, etc. Additionally, be sure to set the skids and other components on wooden blocks to keep them out of any standing water and to protect their painted surfaces.

### Outdoor Storage:

If the equipment must be stored outside, special precautions must be taken. Be sure not to store equipment in direct sunlight, as this will result in deterioration of equipment finishes, and glued or epoxied parts. **The heat from direct sunlight can weaken or distort plastic and melt the glue used to adhere these components.** To avoid this, store the equipment in a shaded area or cover it with light-colored tarps. If outdoor temperatures are warm, remove all vessel manhole covers to allow air circulation. **When the outdoor temperature is below 32°F (0°C), water found in components can freeze and cause damage due to ice expansion.** It is important to verify that components where liquid may have accumulated are completely drained (such as the air compressor).

To store electrical enclosures, make sure all the openings in the panels are sealed with tape and that the panel doors are securely closed.

### Storage Removal Procedure:

When equipment has been stored in extremely hot or cold temperatures and then moved to an assembly area, make sure to allow the equipment temperature to stabilize before beginning assembly. **This is especially important when the equipment is very cold.**

When equipment is brought out of storage, retrieve the original shipping list, and double-check the components. Any pieces noted as missing at this time must be located as quickly as possible to avoid delays in assembly and startup of equipment.

Prior to assembly of the equipment, perform a quick recheck for possible equipment damage. Use the same procedures previously given.



## Equipment Installation

*All equipment and mechanical components listed on the shipping list must be installed according to the piping, wiring, and layout drawings for this project. These lists and drawings were supplied with the equipment.*

*The installation should be performed by qualified maintenance or construction workers in accordance with applicable plumbing, wiring, and construction codes and procedures.*

*For information on installing and inspecting specific components, refer to the vender literature manuals.*

## Handling Guidelines

### General

- Never use slings or cables that are cut, frayed, or kinked as damaged lifting devices can fail in service and cause severe personal injury or equipment damage.
- Make sure that all equipment used for lifting and moving is properly maintained and is in good repair. Always inspect slings, cables, clevises, and other equipment prior to every lifting and moving event. All lifting hooks on cranes must be equipped with spring-loaded safety latches to keep cables from slipping out of the hooks.
- When using cables or woven straps as slings or chokers, place heavy carpeting, sections of tires, or other material between the sling and the object being lifted.
- If lifting lugs or eyelets are installed on a component, use these devices for lifting whenever possible.
- When lifting a large component, raise the object until it just clears the surface it was resting on and verify that it is balanced and firmly held by the lifting devices. If there is any doubt about the safety of the lifting method, set the object down and reposition the lifting devices.
  - *Use extra caution when lifting equipment using points on the base as equipment skids are often top-heavy and may tip if lifted more than a few inches off the ground.*
- When moving a component with a crane or a lift truck, always keep the load as low as possible.
  - *Keep hands and feet from under raised components. If operators must reach under a raised component, place blocks under the component to support it.*
- When a component is ready to lift, a foreman or lead person should verify that all workers are clear of the lifting devices, object, and immediate lift area before proceeding with the lift.
  - *When a large component is to be lifted and moved, all workers in the general area should be warned and instructed to stand clear of the component and lift area*
  - *When a component is lifted with a crane or forklift, all workers must remain in the crane or forklift operator's view during the lifting operation.*

- If two or more lift points on a component are connected to a single lifting device, use cable spreader bars to prevent excessive side loads on lifting lugs, eyelets, and other lifting points.
- If a large component must be lifted more than a few inches off the ground, attach tag lines to the component. Workers can use these tag lines to stabilize and control the component while it is suspended.
- Never lift equipment by attaching lifting devices to non-structural components.
- Extreme cable angles also affect the lifting capacity of steel cables.

#### UV Modules and Electrical Panels

- UV units are top-heavy and should NOT be lifted by their bases.
- Initial handling of the units should be done without lamps/quartz sleeves, these components should be installed during startup after the modules have been installed within the channel.
- Always lift units evenly; avoid flexing and keep the units level and close to the ground as they are being moved.
- Use spreader bars to eliminate excessive side-loading on lifting lugs and eyelets and to keep cables from pinching the equipment.
- Use extra care when moving control panels. These panels contain delicate instruments that can be damaged by rough handling

#### Small Components

- Many of the smaller components that are shipped loose for this job can be moved using forklifts or small cranes and woven straps.
- When moving components with a forklift, be careful not to damage the components.
  - *Avoid “ramming” the lifting forks under the components; use a crane or pry bar to lift the component enough to drive the forks under.*
  - *Make sure that any load on forks is secure and balanced. When carrying pipe or pipe spools on the forks, keep the forks tilted all the way back and avoid sudden stops.*
  - *Be aware of the weight capacity of the forklift being used; do not overload the forklift.*
  - *When carrying long or wide pieces, watch carefully when making wide turns*
- Use extreme caution when moving instruments or components with instruments attached. Instruments are delicate and can be damaged by dropping or bumping them.
  - *Be especially careful not to damage gauges or sensors attached to the instrument.*

#### Modular Support Systems

- Do not weld on or in close proximity of the cradles for any reason. High temperatures will damage the support cradles.
- When moving modules that are equipped with insulation clips or pegs, careful not to bend or break these devices.
- When lifting support cradles/tanks that have been positioned horizontally for shipping, a minimum of one double-trolley crane or two individual truck cranes must be used for the lifting procedure

- The cables used for lifting cradles should be as short as possible. If these cables are too long, the crane being used may run out of travel before the vessel is completely vertical.
- Make sure that workers' hands are clear of the cables and slings before taking up slack. When cables are in position, operate the crane to take up most of the cable slack.
  - *Cables and slings can cause pinching and injury to hands and fingers.*

## Docking Station Installation

Start by making sure that the angular bump outs of each baffle are congruent to the cut outs within the base of the module and match the orientation that the unit will face. Once the baffles are in the channel, make sure that the outer edges of each baffle match one another evenly across the channel. Maintaining this position, drill each baffle into the channel using the holes provided vertically along either side of their outer flats. If the system has more than one bank, repeat this process for the next set of baffles – they should be spaced end to end about 7.5" to be consistent with the standard 24.5" spacing of modules from bank to bank. Once all baffles are drilled into place, Sikaflex the outer edges which make contact with the concrete in order to ensure that they are watertight.

## Module Installation

Below is a suggested sequence for installing the equipment for this system. This sequence may be altered depending on the conditions at the jobsite. Some of the procedures may be performed simultaneously depending on the availability of workers and operators.

**Care should be taken in properly hoisting equipment into place. At any given time during installation should only ONE piece of equipment be hoisted to prevent worker injury or death.**

1. Position, level and install all UV Module Support Systems as shown on the general layout drawings, paying special attention to elevations and center-to-center dimensions.
2. Equipment which requires anchoring to the floor will be equipped with anchor bolt holes unless otherwise noted. After positioning, aligning, and leveling each piece of equipment, anchor it to the plant floor per recommendation on general arrangements
  - a. *Vibrations may cause equipment to "walk" if not properly anchored, which can result in misalignment and damage to the equipment.*
  - b. *Proper checks are to be done to ensure materials used with anchoring/installing submerged equipment be equivalent to the material(s) of the equipment, or insulated to prevent galvanic corrosion.*
3. If equipment does not easily attach or line up exactly, apply only a moderate amount of force to install them. Should mechanical force be needed to align equipment, contact Glasco first with the problem.
4. This equipment was originally assembled at Glasco using the dimensions given on the design drawings. The components that were shipped loose or disassembled for shipping will fit back together more easily if the original design dimensions are adhered to during installation.

- a. *Each instrument is labeled with an item number, which corresponds to the same item number on the layout drawings.*
  - b. *When installing an assembly or instrument, do not tighten the bolts and other fasteners until all of the adjacent assemblies and instruments have been attached to it. Then evenly tighten all of the assemblies and instruments at the same time.*
  - c. *Be sure that all of the installed equipment is braced properly so that only a minimum amount of stress is put on the components and fasteners.*
  - d. *In extremely cold weather, equipment should not be bumped or have excessive stress applied to them.*
5. Position, level and install wire troughs as shown on the general layout drawings, paying special attention to end-to-end dimensions. Verify disconnects are properly spaced prior to anchoring.
6. Install enclosures as shown on the general layout drawing and connect the necessary tubing and/or wiring from the enclosures to their designated locations.
  - a. *The Ballast Control Center (BCC) needs to be mounted within an appropriate distance of the modules. Protected power then has to be brought to the unit. All work should be performed by a licensed electrician and installed according to local codes.*
  - b. *If possible, panels that rest directly on the floor (no support legs) should be mounted on a slightly raised floor or pad. This will help reduce the chance of moisture or water getting in the panel.*
    - i. *When mounting a control panel on a raised pad or other structure, be sure that the height of the controls (switches, etc.) does not exceed the normal reach of operators.*

## Eye Shield Installation

Once the modules are installed, you will need to install the eye shields to ensure that the UV light is blocked from direct exposure to those in the vicinity of the modules. The eye shields are to be drilled in place by inserting a screw into each of the designated slots and screwing them into the inside walls of the channel. Their placement should be roughly 0.25" away from the module legs, and 0.25" away from the bottom of the upper module enclosure.

## Weir Installation

Refer to the provided drawings to see where the weir is to be installed.

A fixed serpentine weir has been designed to keep the UV lamps submerged regardless of flow rates and will be provided with a number of components

Typical Components:

- Dam Plate – Bolted across the width of the channel and comes with angles to mount on the sides of the channel
- Fingers – Bolt onto the dam plate

- Support Structure – Bolts across the width of the channel using the included angles. This will support the ends of the fingers.

## Utility Installation

The following equipment and utilities listed may not have been provided by Glasco but are required to operate this system. This includes proper coverage of the equipment and electronics from the elements and direct heat and snow load.

### Process Feed

The quality of the feed stream must be maintained as described in the Project Design.

### Drain

Complete draining for tanks and channels is to be provided by client to ensure proper maintenance of equipment.

### Tubing & Wiring

All customer-performed tubing and wiring of instruments must be completed.

### Electrical

Proper power connections are required for controllers, lamps, etc. Refer to the Glasco wiring diagrams for specific power requirements.

### Air

Unless supplied by Glasco; dry, oil-free plant air is required for pneumatic operation and other functions. Air must be filtered to remove moisture, oil, and particulates of 5 microns or less.



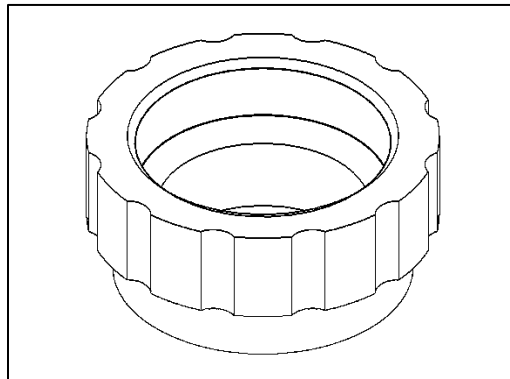
# STARTUP

## Preparation

*Prior to introducing water in the UV Disinfection System, installation and checkout of all equipment is necessary. Please provide at least three weeks advance notice prior to actual startup and technical advisory. Contact Glasco to schedule a service technician.*

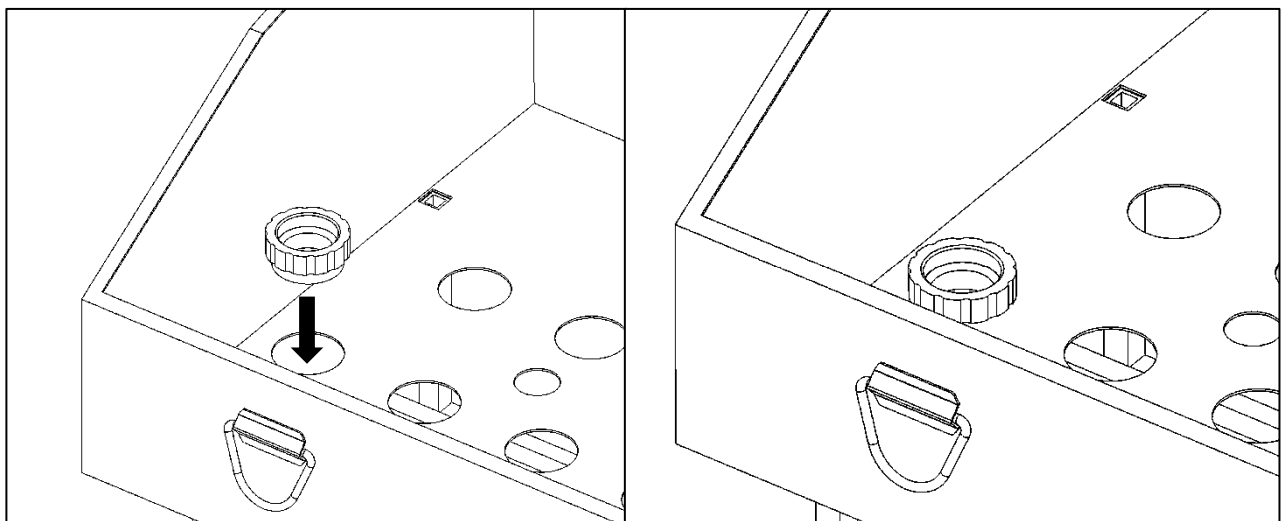
## Installing Quartz

Before installing the quartz, you will first need to install the strain relief pieces which hold the quartz in place and protect the lamp wires. The first piece you will be installing is the strain relief base, shown below:



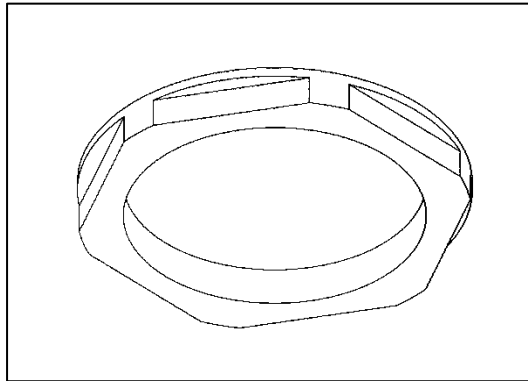
**Figure 1: Strain Relief Base**

This piece is to be placed within the module enclosure in the designated holes as shown:



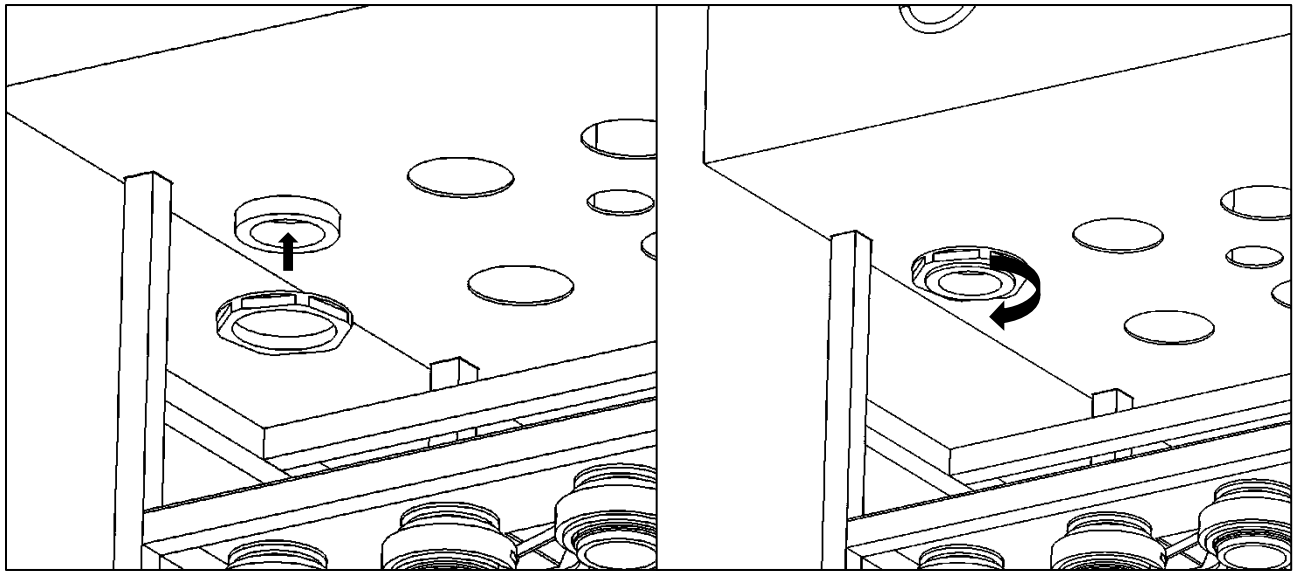
**Figure 2: Strain Relief Base Placement**

The next piece needed is the strain relief locknut, used to keep the strain relief in place. The strain relief locknut can be seen below:



**Figure 3: Strain Relief Locknut**

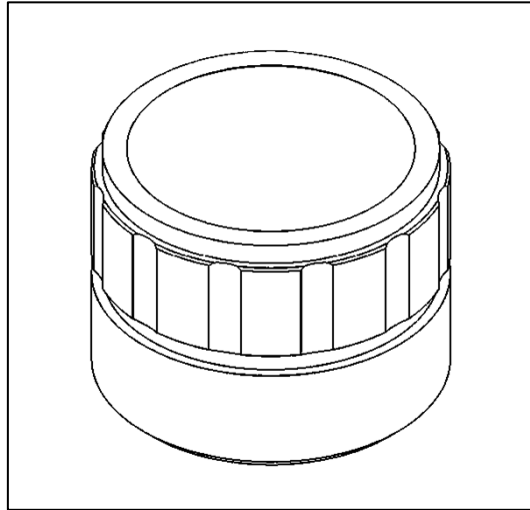
The strain relief locknut is to be screwed counterclockwise onto the exposed thread of the strain relief base from the underside of the module enclosure as shown below:



**Figure 4: Strain Relief Locknut Placement**

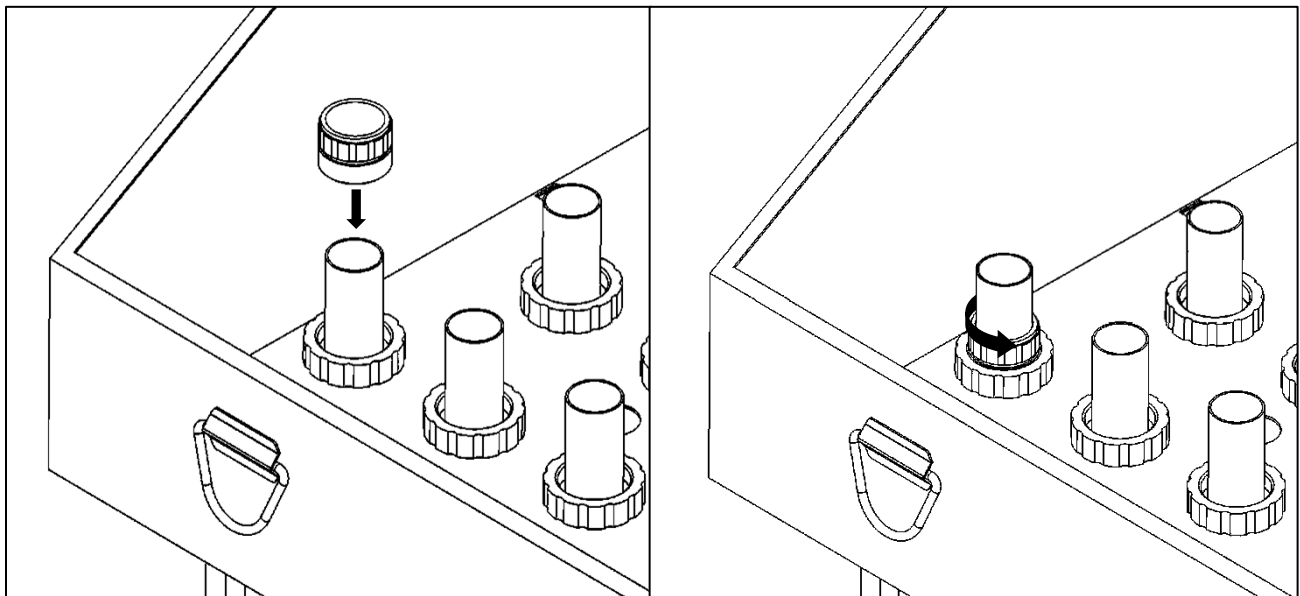
Once all of the strain relief bases are in place and secured by the strain relief nut, lubricate the sleeves, wiper rings, and grommet plates with clean water by spraying them with a hose. This allows the sleeve to pass through the wiper rings without dragging on the dry rubber and sit firmly in place in the lower grommet. Insert the domed end of the quartz sleeve downward through the strain relief and carefully guide it through the concentric hole of the upper grommet plate, wiper blade, and lower grommet plate.

Once you have put all of the sleeves in place, the next piece you are going to add is the strain relief conduit, shown below:



**Figure 5: Strain Relief Conduit**

The strain relief conduit is to be placed over the protruding quartz sleeve and hand tightened counterclockwise into the strain relief base. Make sure to place the O-ring between the sleeve and the conduit before tightening, as this creates the watertight seal needed to protect the lamp. This process is shown below:

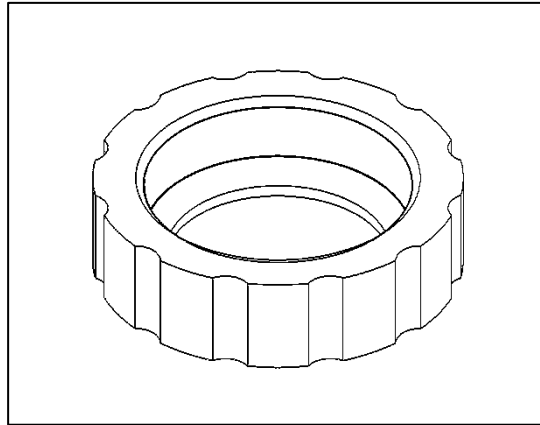


**Figure 6: Strain Relief Conduit Placement**

Continue this process for the remaining sleeves until all are sealed.

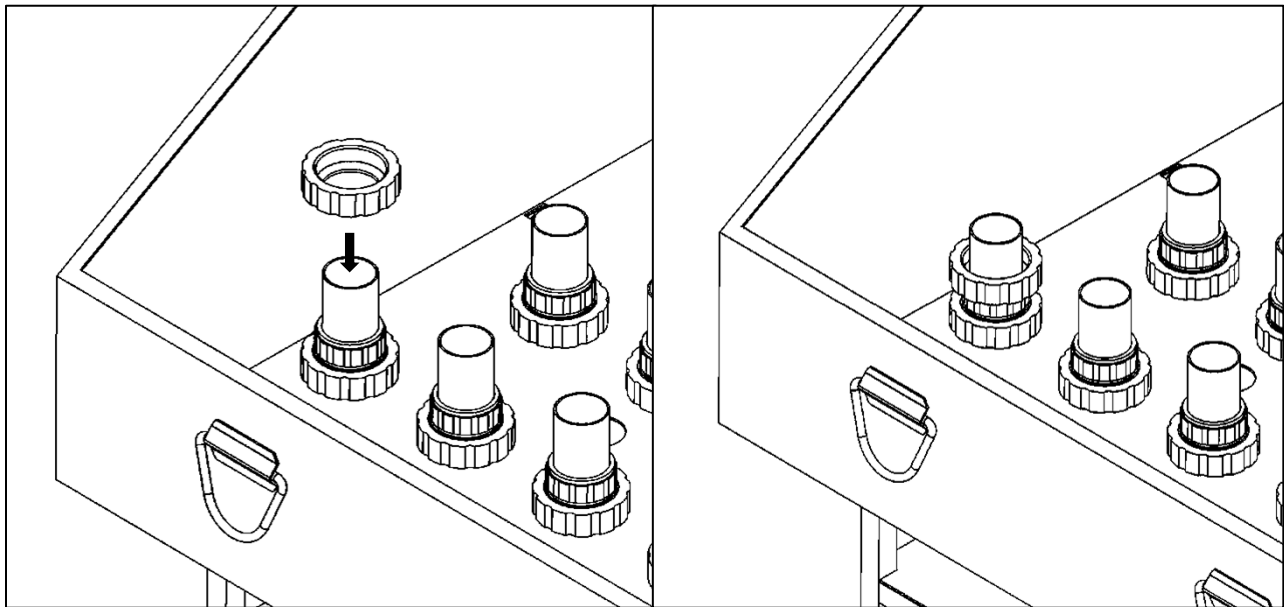
## Installing Lamps

Once all of the sleeves have been installed and sealed with the conduit, you may install the lamps. To do this you will first need the nipple base, which is shown below:



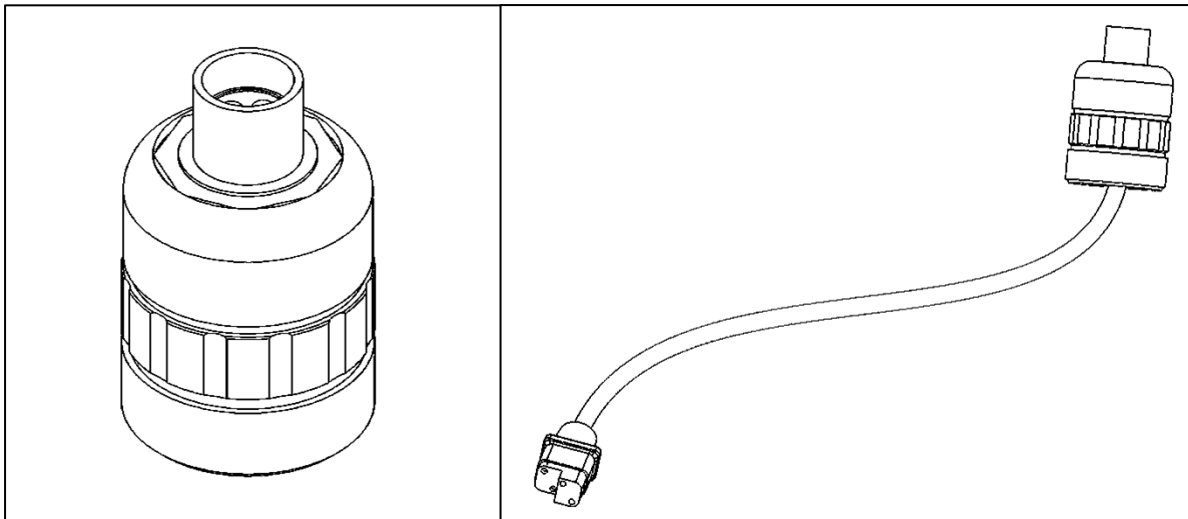
**Figure 7: Nipple Base**

Before inserting the lamp, place the nipple base concentrically over the protruding quartz sleeve so that it rests on the upper flat of the conduit as shown below:



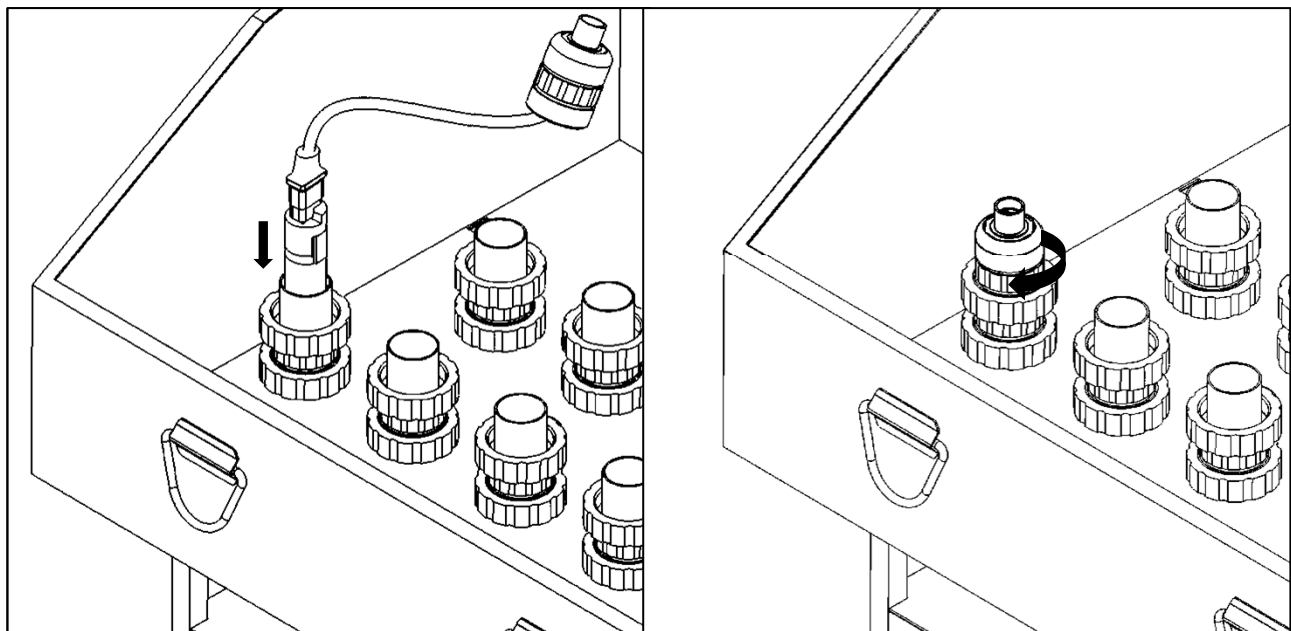
**Figure 8: Nipple Base Placement**

Once all of the nipple bases have been placed, make sure to insert an O-ring into each before inserting the lamp. Each lamp will need to be connected to the wired nipple shown below:



**Figure 9: Nipple**

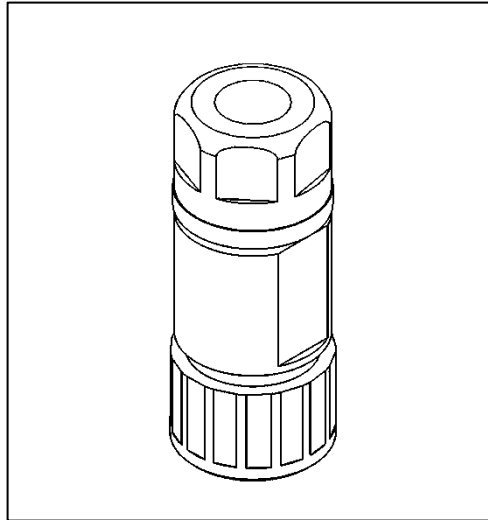
Using the wire harness and attached nipple, slowly and gently lower the lamp into the sleeve until it sits on the bottom of the quartz. Place the attached nipple concentrically on top of the nipple base and hand tighten it clockwise into the base as shown below:



**Figure 10: Nipple Placement**

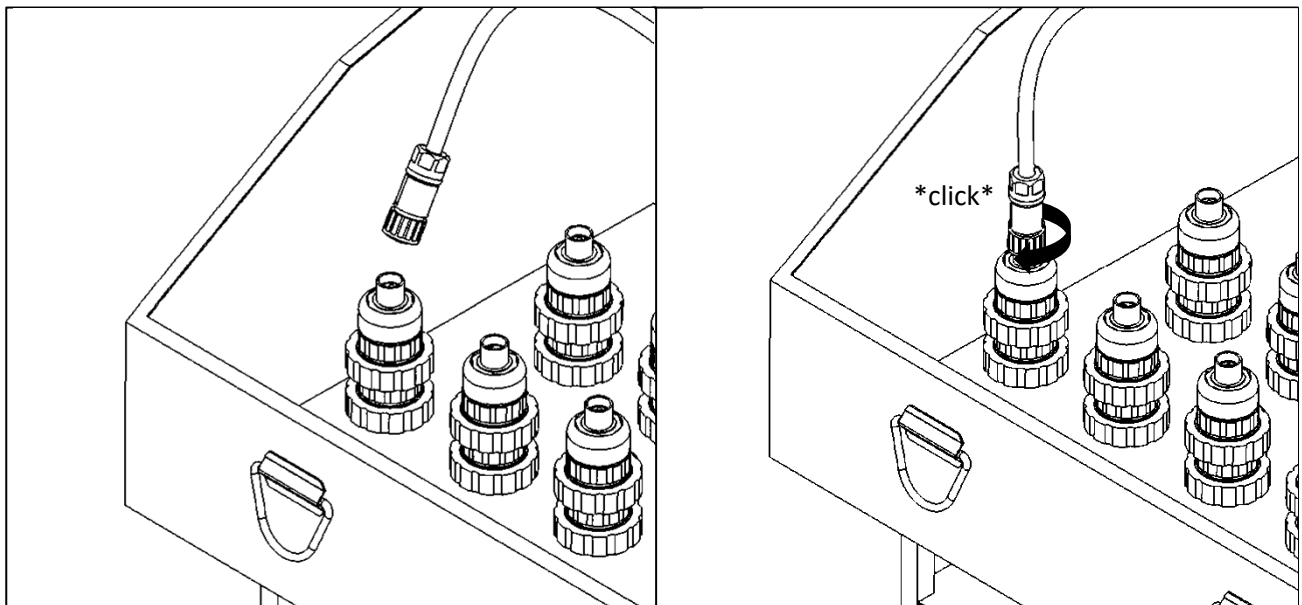


Once you have all the nipples tightened over the quartz, you will need to add the lamp connector shown below:



**Figure 11: Lamp Connector**

This piece will be used to connect your lamp to power. There should be wires attached coming out of the upper end which have been fed from the BCC to the module conduit during start up. To install, simply line the lower socket up concentrically with the nipple and twist the lower snap ring clockwise until the connector clicks softly into place as shown below:



**Figure 12: Lamp Connector Placement**

Make sure to match the label to the corresponding lamp when making this connection. Once all lamps have been installed the configuration should look something like this:



**Figure 13: Enclosure Lamp Connections**

## Valve Status

All manual valves should be checked to ensure correct position. The following list has broken up the valves in the system based on function. Each valve is assigned a position to hold prior to startup – note that this is a generalization that has a few possible exceptions. Normal operating positions for each manual valve is provided on the P&I diagrams. The operator should reference these drawings in addition to this list when placing the valves in their correct position:

<u>Valve</u>	<u>Position</u>
Manual Sampling:	CLOSED
Drain:	CLOSED
Bypass:	CLOSED
Main Process:	OPEN
Utility Supply:	OPEN
Instrument Isolation:	OPEN

## Pre-Treatment Checklist

Before starting up the system, please ensure the following:

- Channel is clear of any debris and oils and has been inspected for tolerances
- All equipment has been inspected for damage (lamps, quartz sleeves, etc.)
- System control panels have been installed
- Power supply to system control centers has been properly wired
- Power is available
- Communications have been wired

- Remote monitoring equipment (remote alarm panel, SCADA, etc.) have been connected to the system control center
- All auxiliary instruments (flow temperature, UVT, turbidity, level, etc.) have been installed, power and wired to the system control center
- Module docking baffles have been installed
- Level control weirs and/or gates have been installed correctly per layout drawings
- Effluent flow is available
- Flow signal is available
- Plant personnel are available for startup and training

Once this preliminary checklist has been verified, the system is ready for startup, maintenance, or operation. It is recommended that the operator become familiar with the system controls, valves, and equipment.

## System Startup Sequence

### Utility Systems

- Verify that the compressed air pressure is between 40 and 65 psig
- Verify all electrical systems are fully operational, safe and match requirement per single line diagrams

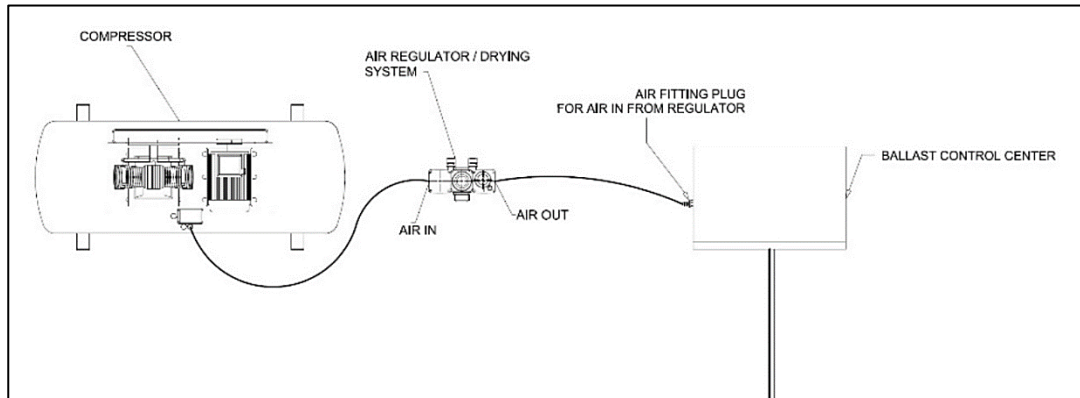
### Compressed Air System

The air compressor is used to power the wiping system, which can be set to run automatically on a timed interval between 1 and 24 hour(s) using the system control center.

Prior to preparing the air compressor for operation be sure to:

- Read the manufacturer's literature for the Compressed Air System Equipment
- Read the manufacturer's literature for the in-line Air Dryer
- Read the manufacturer's literature for the in-line Pressure Regulator
- Confirm the manual valves are in the correct position per the P&I Diagrams
- Confirm pressure regulator set point is in the correct position per the P&I Diagrams

The following layout details how the air compressor hosing is configured within a standard system. Our compressors typically include a cover which protects the unit and holds the air regulator bracketed to the outer wall of the cover. This regulator will need to be drained at least once a week. The air hosing runs from the compressor to the regulator, and then to the ballast control center before being wired through a conduit which links the compressor to power through the junction box. From the junction box, the air tubing is connected to the piston which provides the pressure necessary to move the wiper when required.



**Figure 14: Air Connection Layout**

## UV Modules

- Confirm all UV Modules are installed properly
- Confirm location of Communication and Power cables per general Layout Drawing

## Verify Connections

- Verify the System Control Center's HOA is switched to OFF
- Fill channel with process water until low level alarm is OFF
- Verify UV Box lids are locked
- Connect Communication Cables to corresponding location per General Layout Drawing
- Connect power wire to corresponding location per General Layout Drawing
- Place the Lead UV Units required in AUTO/START and the backup in the STANDBY position at the PLC

## Module Wiper

- Verify setpoints match those listed in the sequence of operation and the PLC
- Manually cycle one wiper to ensure no restrictions in wiper sequence

## Training

Glasco UV staff will be on site during start up to provide training to the plant workers and inform them on how to maintain and service the system. Be sure to take notes on any plant abnormalities and ask questions if needed during this process to ensure that the system functions properly within the plant during its lifetime. If any service or assistance is needed after training, feel free to reach out to the company for guidance.

## Shutdown Procedures

*Short term shutdown is defined as lasting anywhere from several hours to two days (e.g., the weekend). Long term shutdown is defined as a period where the intent is to leave the treatment system out of service due to plant maintenance requirements or lack of treatable product. Additional steps may be required for complete shutdown of the system such as diversion of water flow and shutdown of required utilities.*

### Short Term Shutdown

In preparation for short term shutdown, stop all incoming flows to the UV channel

- Force wipe each bank within the channel by selecting the WIPE pushbutton in the Operator Interface Terminal (OIT).
- Channels should be drained as far as the low-level alarm. Once drained to this level, ensure drain valve is in the CLOSED position. UV units should remain ON until such time that the low-level alarm turns them OFF.
- Turn the HOA switch to the OFF position at this time. The UV modules should be shut down.
- During the system short term shutdown, all manual valves should be checked to ensure current position is as follows:

<u>Valve</u>	<u>Position</u>
Manual Sampling:	CLOSED
Drain:	CLOSED
Bypass:	CLOSED
Main Process:	CLOSED
Utility Supply:	CLOSED
Instrument Isolation:	CLOSED

- During the system short term shutdown, equipment should be set in the following operation mode:

<u>Equipment</u>	<u>Position</u>
Air Compressor:	OFF
UV Units:	OFF

### Long Term Shutdown

In preparation for long term shutdown, stop all incoming flows to the UV channel

- Force wipe each bank within the channel by selecting the WIPE pushbutton in the OIT



- Channels should be drained entirely. Once drained, ensure drain valve is in the CLOSED position. UV units should remain ON until such time that the low-level alarm turns them OFF.
- Place the HOA switch to the OFF position at this time. The UV modules should be shut down.
- During the system short term shutdown, all manual valves should be checked to ensure current position is as follows:

<u>Valve</u>	<u>Position</u>
Manual Sampling:	CLOSED
Drain:	CLOSED
Bypass:	CLOSED
Main Process:	CLOSED
Utility Supply:	CLOSED
Instrument Isolation:	CLOSED

- During the system long term shutdown, equipment should be set in the following operation mode:

<u>Equipment</u>	<u>Position</u>
Air Compressor:	OFF
UV Units:	OFF

# MAINTENANCE

## General Maintenance

*Maintenance procedures should be performed only by experienced technicians or maintenance workers who are familiar with the types of components and equipment used in this system. Most maintenance procedures for the equipment can be performed using common hand tools and plumbing equipment; any special tools required for individual components must be obtained from the component manufacturers.*

### Maintenance Guidelines

Workers should wear UV protection, hard hats, and safety glasses when performing maintenance procedures. Lanyards and spotters must also be used when necessary.

- Use extreme caution when performing maintenance on vessels, UV equipment, valve handles, pipes, and other protruding components. All appropriate measures must be taken to prevent falls and other accidents during maintenance procedures
- When accessing equipment above the operator's normal reach, use safe, approved ladders and/or lifting devices to reach the required areas
- Use extreme caution when removing heavy UV units from mounting cradles. Use supplied spreader bars to properly remove the UV units
- Before attempting to perform maintenance on system components and equipment, and especially when attempting to disassemble individual components, workers must be certain that the components are isolated from pressure, fluids, and electricity
- Pressure-loaded devices, such as pneumatic wipers and solenoids, should be in their "relaxed" discharged state – that is, with no compression on the piston cylinder – to avoid the sudden and accidental motion of individual parts
- When servicing automatically controlled components, make sure that the automatic controller is disabled so it cannot be used to operate remote components. Inform other operators and control room workers of repairs or servicing in progress
- If controller programming or program modification is being performed while system components are being serviced, disconnect the controller outputs or the individual component tubing or wiring to avoid accidental operation of such components

### Component Maintenance

#### Weirs

Weir fingers can collect debris and still water may result in flow inhibition and microorganism growth which breeds pathogens. To avoid this issue, the weirs should be

examined quarterly. Remove any heavy debris, drain fingers and chemically clean them using chlorine.

### Piping

The pneumatic piping on the UV system vessels is to be 316 SS. If the system is operated within the temperature and pressure limitations given in this manual little or no maintenance is required. A nylon pipe brush can be used to clean pipes if fouling is observed.

### Solenoid Valves (Automatic Wiping)

Approximately every six (6) months, the valves should be pressure tested to check for leakage. If leakage is found, adjustment or repair must be made following the valve manufacturer's instructions.

Follow lubrication schedule according to the manufacturer's instructions or during regular plant maintenance.

*\*\*Wet solenoids can be a sign of air in the compressor lines. Failure to drain may damage components (solenoid, pistons, etc.)*

### Hand Valves

All hand valves should be operated through their full range occasionally to be certain that they operate freely and are not stuck. This also helps to break loose and remove any foreign material that may collect around internal valve components.

Hand valves should be lubricated regularly if lubrication points were provided by the manufacturer

### Pressure Regulators

Pressure regulators should be checked at least once a month to be sure that they are set properly. When an air regulator uses a water or sludge trap, the trap drain valve should be opened (or drain plug removed) to drain the trap on a regular basis.

*\*\*If a regulator uses a threaded plug as a drain instead of a needle valve, shut off the air supply to the regulator before draining the regulator trap*

### Air Dryers

In-line air dryers should be checked at least once a week to be sure they are set properly. When a desiccant trap is full, the trap drain valve should be opened (or drain plug removed) to drain the trap on a regular basis.

*\*\*If a dryer uses a threaded plug as a drain instead of a needle valve, shut off the air supply to the regulator before draining the regulator trap*

### Leak Checking

Operators should always be alert for leaking pipes, valves, or other system components. Detecting and repairing a leak, when it is still small, may prevent lengthy downtime later and limit the duration and size of spills. Additionally, leaks at chemical holding tanks can cause equipment damage and operator injury.

### Process Controller

No regular maintenance should be required for automatic process controllers. The controllers and panels should, however, be kept dry, cool, and clean at all times.

### Electrical Enclosures

Electrical enclosures must be checked occasionally to be sure that the doors are closed tightly and are latched or fastened properly. Water and other fluids must not enter the enclosures. The BCC has a fan and air conditioner filter which needs to be checked and maintained monthly. If purge-type enclosures or panel cooling systems are used with this system, be certain that the equipment is installed correctly and is operating properly.

### Instrumentation

Sensing elements (cells) should be inspected and cleaned on a regular (scheduled) basis. Dirty or contaminated sensing elements can cause inaccurate or incorrect instrument readings.

For maintenance, troubleshooting, and calibration of process instruments, see the Equipment Reference Literature. Analytical instruments often require special cleaning and maintenance procedures. Refer to the Equipment Reference Literature for information on these procedures.

### Level

Level switches and contacts must be checked and recalibrated every six months. Depending on the number of contaminants in the feed stream, these devices may also require occasional cleaning to maintain proper operation.

### Pressure Gauges

Pressure gauges require no maintenance other than making a replacement should a failure occur. Check the gauges every six (6) months against a reference gauge of known accuracy.

Where diaphragm-type chemical seals are used with the gauges on this system, inaccurate gauge readings can be caused by a loss of fluid from the seal unit. Operators should be alert for leaks around the mating surfaces of the seal unit and at the gauge threads.

*\*\* Maintenance workers should not disassemble a seal/gauge assembly during operation. Proper safety must be followed in ensuring no pressure is available to gauge during disassembly or removal.*

### Control Panel Maintenance

Operators must be certain the operating conditions for microprocessor controllers are within the ranges listed in the component manuals. Panel heaters, blowers, and coolers must be operated when necessary to protect the controller from excessive moisture and heat. Generally, blowers should be left on at all times. Heaters (if provided) are used as necessary to maintain the panel interior temperatures at 75-80°F.

Do not allow combustible materials to fall or lay on electric heaters. The controllers must be properly grounded and protected from the possibility of static-electricity discharges. Operators must monitor the condition of any controller backup battery and must replace it when necessary. Control panel door must be kept closed at all times to prevent excessive dirt or dust from collecting inside the panel.

Check any air inlet and outlet ports at least once a week and clean them when necessary. Do not place any items in front of air intakes that will block the free movement of air.

## Preventative Maintenance

The following list contains common malpractices which may not result in immediate damage, but overtime can cause system failure. Following these guidelines will help prevent high maintenance and replacement frequencies.

### Environmental Regulation

Always be sure to operate each piece of equipment within the ranges (pressure, temperature, etc.) specified by the manufacturer's service literature.

### Valves and Piping

Make sure the valves are not opening and closing too fast; this can result in a "hammer" effect, causing leaky valves and piping. The action of automatic valves can be slowed by adjusting the air metering screws on the valve solenoids. Operators must also verify that all valves close completely, a valve that does not shut tightly can cause contaminants to leak in the process stream.

### Instrument Care

Instruments such as pressure gauges and dissolved oxygen cells should be cleaned, inspected, and calibrated periodically. A faulty sensing instrument may indicate a problem where one does not exist or may not indicate a problem that does exist.

Instruments can be damaged by excessive vibrations. Instruments that are field-mounted must be installed in a location that is relatively free of vibrations and impact shocks. When instruments are mounted on piping, the piping must be braced securely to prevent instrument damage from vibrations and shocks caused by problems such as water hammering.

Instruments should be calibrated per the manufacturer's recommendations periodically to avoid erroneous readings. A malfunctioning instrument may not indicate a problem that exists, resulting in equipment damage or extended downtime

### Tightening of System Components

When threaded system components are installed and tightened, correct torque specifications must be adhered to. Under tightening can cause leakage and over tightening can cause stripped threads, warped parts, breakage, and leakage.

### Seals



Always keep control panels closed tightly to prevent the entry of dirt and fluids. Liquids must never enter control panels. Also be sure that instrument covers are properly installed, and conduit connections are tight. In wet environments, conduit connections should be sealed with a silicon sealer.

### Sampling and Testing

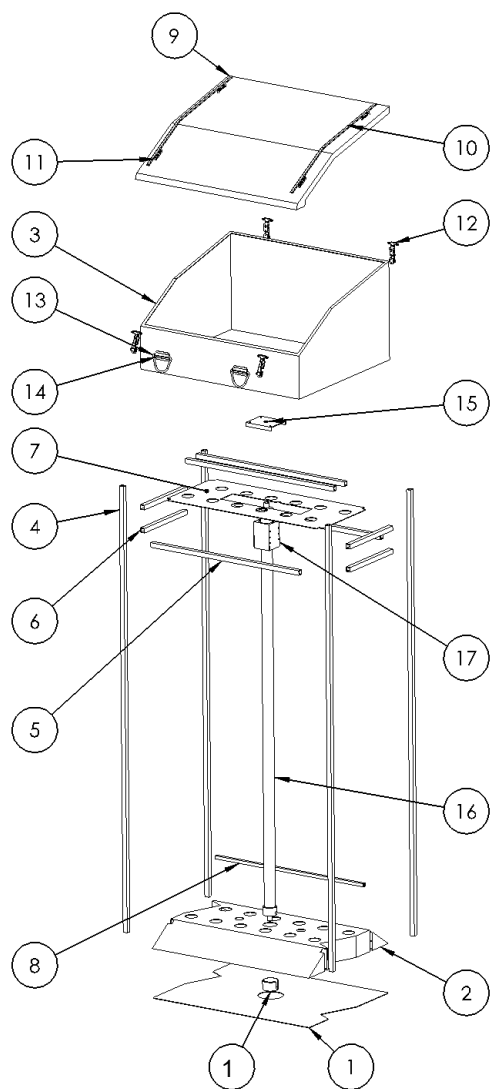
Influent and effluent sampling and testing should be performed on a regular basis. Daily composite (24-hour) samples should be analyzed for all influent and effluent parameters such as the UV transmittance (UVT), total suspended solids (TSS) and UV dose values that are required for your plant.

## UV Module Maintenance

### Module Components

Layout Number	Part Number	Description
1	VC-#-A800-02	module base cover plate
2	VC-#-A800-01	module base
3	VC-#-A800-04	module top enclosure
4	VC-A800-03	module vertical support
5	VC-#-A800-03-P01	module horizontal support
6	VC-A800-03-P02	module horizontal support – 02
7	VC-#-A800-06	module support plate
8	VC-#-A800-01-P01	hydraulic bar
9	VC-#-A800-05	module top enclosure cover
10	VC-#-A800-05-P01	enclosure cover handle
11	VC-#-A800-05-P02	enclosure cover handle connector
12	12065A63	lid lock
13	GUV-VC-HO40-MP-004	lifting eye ring
14	GUV-VC-HO40-MP-004-01	lifting eye mount
15	VC-#-A800-06-P01 REV C	upper piston bracket
16	SSMAG3-TEC-1.50-SM-SPCL	piston
17	1740-0112-059	piston carriage
18	VC-1.75-A800-P01 REV A	lower piston bracket

#: represents number of lamps in module



**Figure 15: Module Exploded View**

## Out of Channel Servicing

Based on observation, the UV module may need maintenance which requires removal of the unit from the channel. Prior to maintenance, power down the module. Servicing the UV unit for cleaning will require the use of a spreader bar.

- Manually force wipe the module ready for cleaning by selecting the pushbutton on the PLC screen or force wipe at the solenoid in the module
- First run the secondary bank by setting the HOA switch designated for the second bank to AUTO
- Once the secondary bank has switched on, you can turn the primary bank off by switching the HOA switch designated to the primary bank to OFF
- Let the UV lamps cool down for about 10 minutes before servicing
- Position the spreader bar above the UV unit to match the lifting hinges
- Slowly lift UV unit until it is halfway out of the cradle
- Disconnect the power and communication cable and attach to the top of the UV box
- Close the isolation valve for air piping and disconnect tubing to the UV box
- Completely lift the UV unit from the channel and hose down – DO NOT use a pressure washer as it may break the quartz sleeves
- Reposition and carefully lower the UV unit back into the channel

## Ballast Control Center Maintenance

### Ballast Maintenance

The UV system has been designed to work on a constant power supply. While the ballasts are designed for harsh conditions, they are susceptible to power fluctuations. Low voltage will cause pre-mature ballast failures. The ballasts have been labeled with the voltage and cycle. It is imperative to maintain the appropriate voltage range. If you have questions, call the factory.

Failure to provide sufficient power will void the warranty.

If lamps are out, it may indicate a ballast failure. To determine whether it is a ballast problem or a lamp problem, take known working lamps and swap them with troubled lamps. If they do not work, properly power down the system, disconnect the associated ballast tray, install a new ballast and re-install the ballast tray.

The ballasts are located on individual fan trays. Fans connect to the ballast via a connector. This cools the ballasts along with the air conditioner. Remove fan plugs prior to removing tray.

To change a ballast, disconnect power, disconnect the pin connectors unscrew the upper and lower bolts, and slide the ballast tray out. Simply insert the new ballast and reconnect.

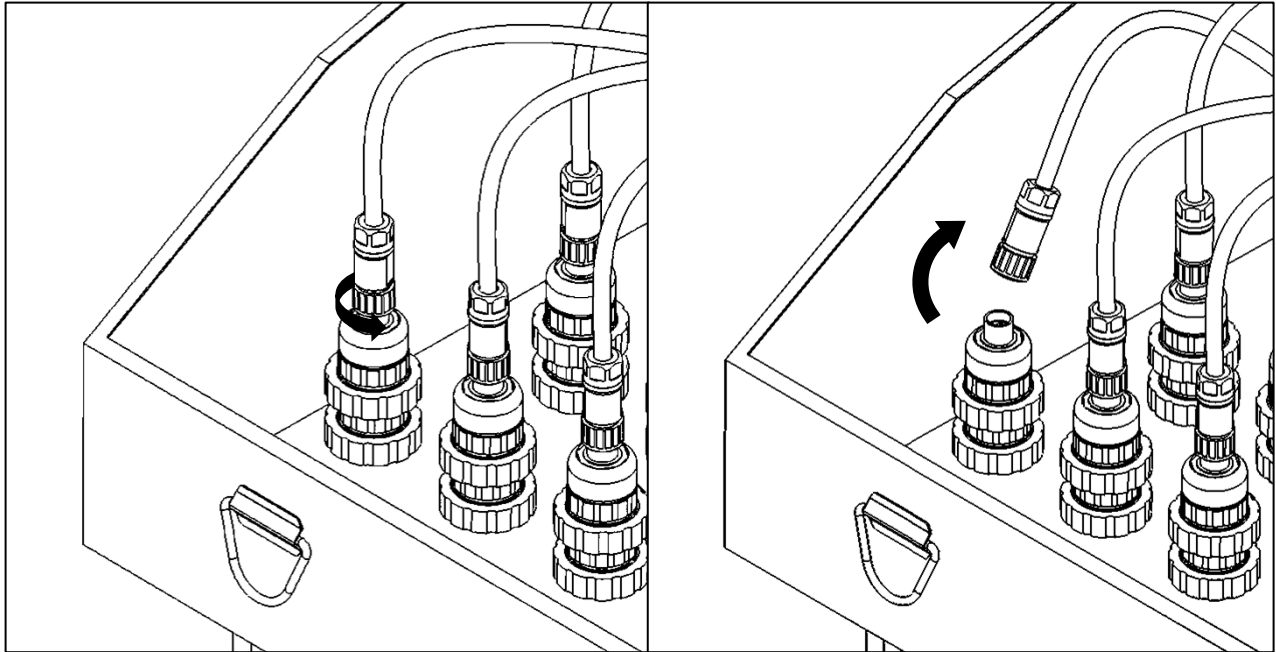


**Figure 16: Ballast Tray**

## UV Lamp Status and Replacement

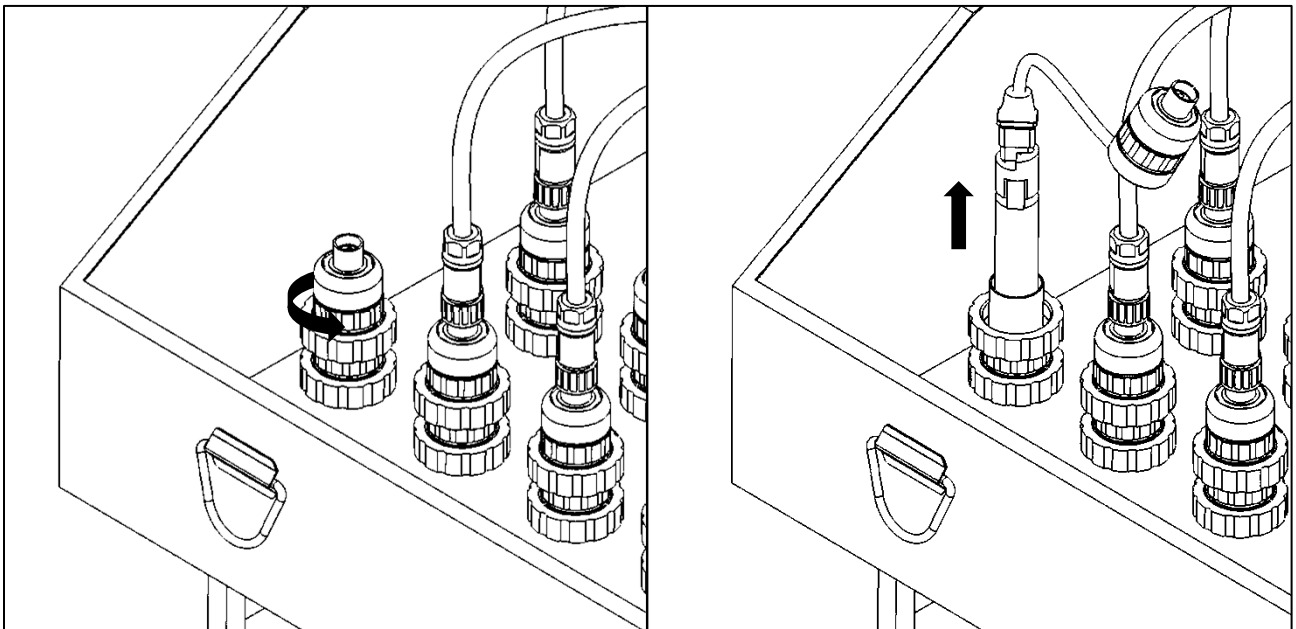
If the signal shows that a lamp is out on the PLC, first attempt to swap this lamp with one that is working to ensure that this issue is not related to the ballast or a misreading of the PLC. Once you have confirmed that the problem is caused by the lamp, you may replace the lamp by doing the following:

Power down the system and let it cool for about 15 minutes before removing the lid from the module which has a defective lamp. Once opened, find the defective lamp and turn the bottom of the lamp connector counterclockwise until it is loosened from the nipple. Once loose, set this connector to the side within the box. This process is shown below:



**Figure 17: Lamp Connector Removal**

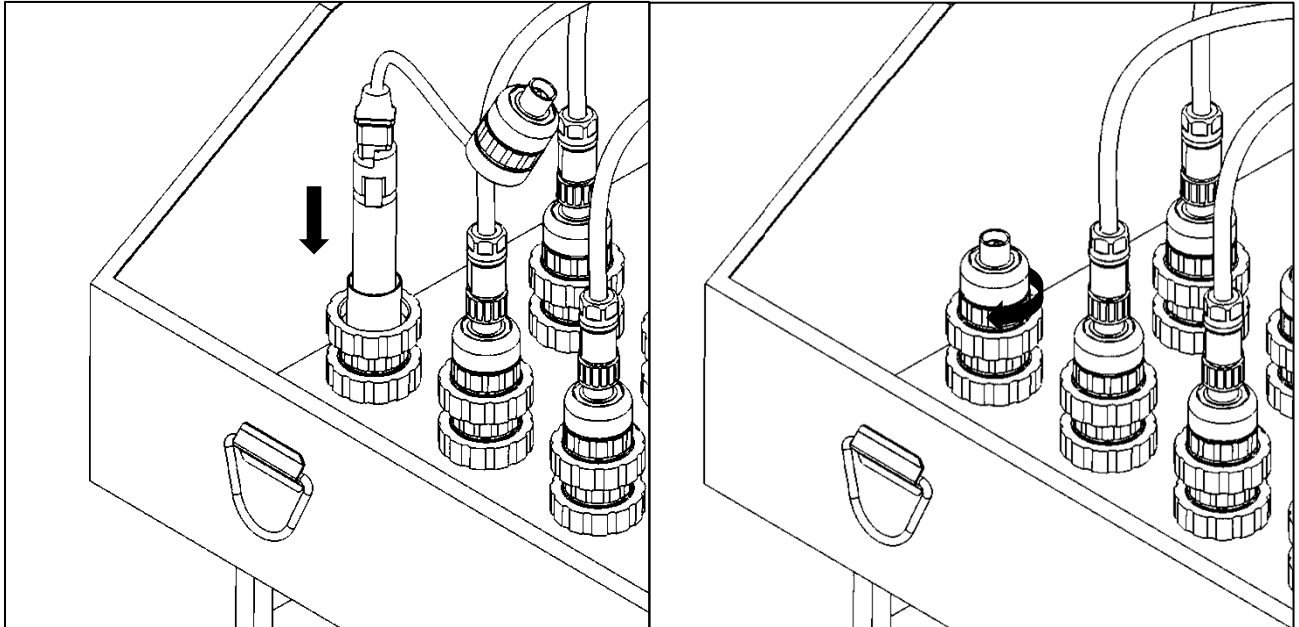
Once the lamp connector has been removed, you can now twist off the nipple counterclockwise and carefully remove the lamp from within the sleeve as shown below:



**Figure 18: Nipple/Lamp Removal**

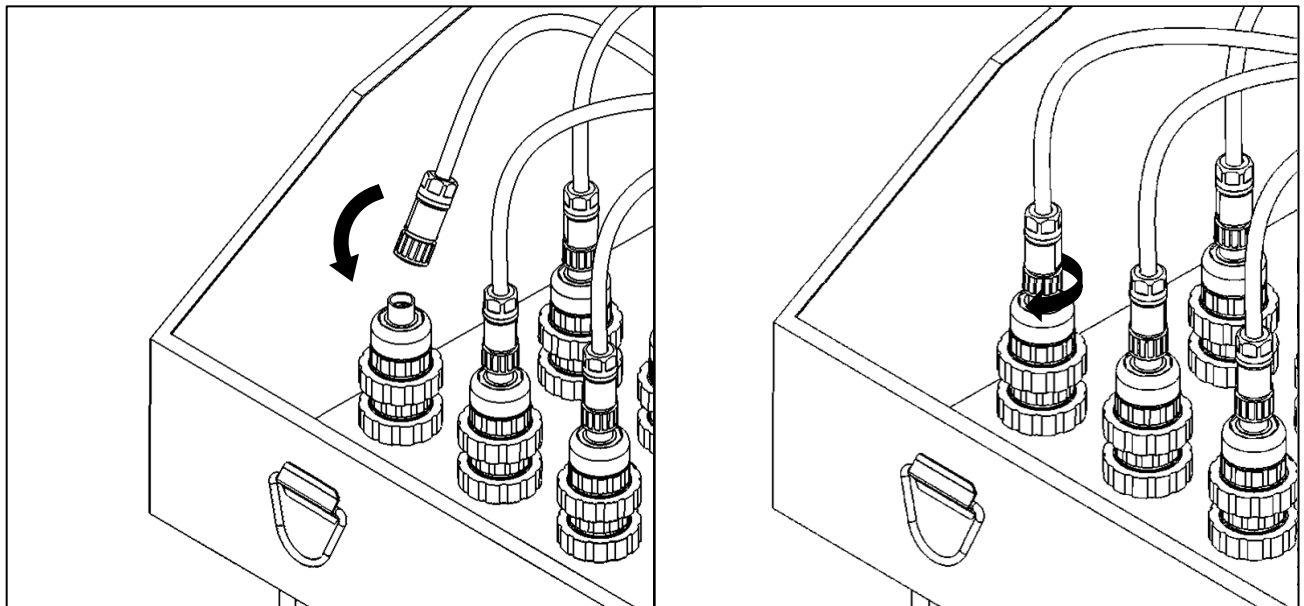
Be sure to recycle the UV lamp as you would with a fluorescent lamp, following your local recycling laws. If you are unable to find a disposal location, please contact the manufacturer's representative.

Once you have disconnected and properly disposed of the defective lamp, you may put a new lamp in its place. To do so, connect the wire harness to the end of the new lamp. Place the attached nipple concentrically on top of the nipple base and hand tighten it clockwise into the base as shown below:



**Figure 19: Lamp Replacement**

After tightening the nipple with the new lamp inserted, you can reconnect the lamp to the plug-in bar by lining it up with the nipple and twisting it clockwise as shown below:



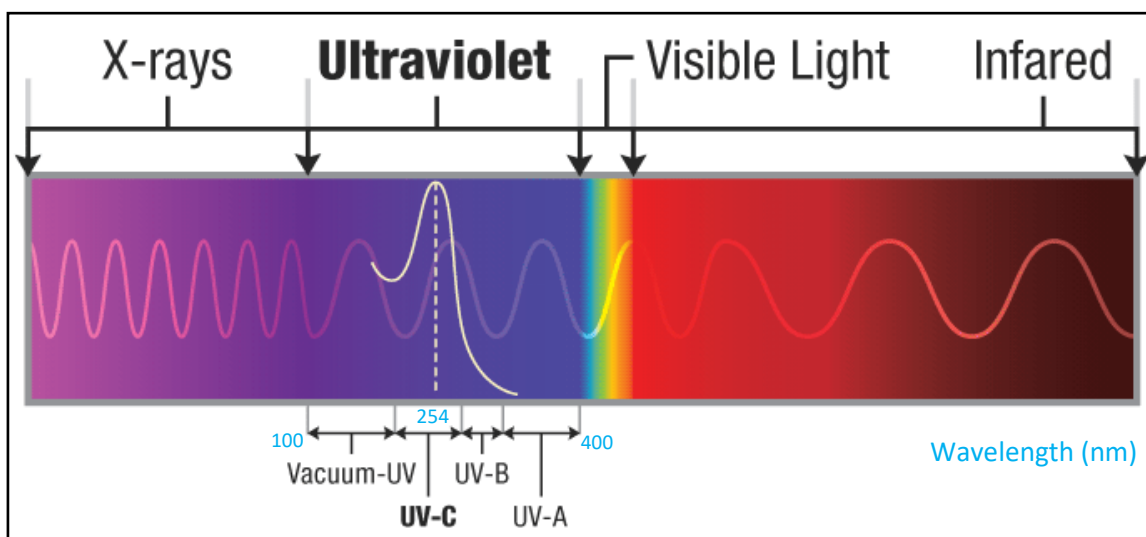
**Figure 20: Lamp Reconnect**

## UV Monitoring

The UVM-1624 UV monitoring system is designed to provide the relative UV output of a lamp. The system provides a representative overview of how the lamps are performing. Low readings may indicate that the lamp is coming to the end of life, that the quartz sleeve is dirty, that the sensor window is dirty, or that there has been a change to the transmission of the wastewater. UV intensity will be displayed on the PLC as well as on the UV meter within the BCC. If the intensity unexpectedly falls off, the lamps should be checked to see if the sleeves need additional cleaning, and that the effluent conditions have changed, or the lamps need to be replaced.

The UV monitoring package senses only the germicidal energy spectrum as shown in the following chart. Unlike light sensors, which register any wavelength including daylight, this is a precision instrument designed to work on a particular wavelength.

Standard low-pressure lamps produce close to 95% of their light in the 254-nanometer range. The sensor head contains a quartz-filtering device that blocks all wavelengths except those required for the destruction of microorganisms.



**Figure 21: The Ultraviolet Spectrum**

The system has been factory calibrated but may need to be re-calibrated. If you have checked for all the aforementioned issues which may cause UV intensity drops (clean sleeves, effluent conditions, lamp replacement), use the following procedures to re-install or re-calibrate the system.

1. Press and hold ENTER to open the settings menu
2. Press ENTER repeatedly to see a list of user identifiable fields.
3. Once you see "sensor input signal" make sure that PHOTODIODE is selected. If it is not, you can correct this using the UP and DOWN arrows
4. Press ENTER again to set the end value (%), we recommend setting this value to 100% using the arrows. Once selected, hit enter



5. Once this is complete, you will be brought to another function screen and asked to confirm your inputs. Double check your values and toggle YES or NO and hit ENTER
6. The UV meter will then read “scanning” and it will confirm the new settings. Once scanned, hit ENTER to get to the next function.
7. The “Alarm and Pre Alarms” screen can be used to set your alarms. Note that they are likely set to factory values:
  - a. Low UV pre alarm – 70%
  - b. Low UV alarm – 50%
8. Hitting ENTER again, you should be brought to a “CONFIG” screen
9. Simply allow it to run and this will set the system



**Figure 22: The Ultraviolet Spectrum**

## Quartz Sleeve Maintenance

### Hand Cleaning Individual Sleeves

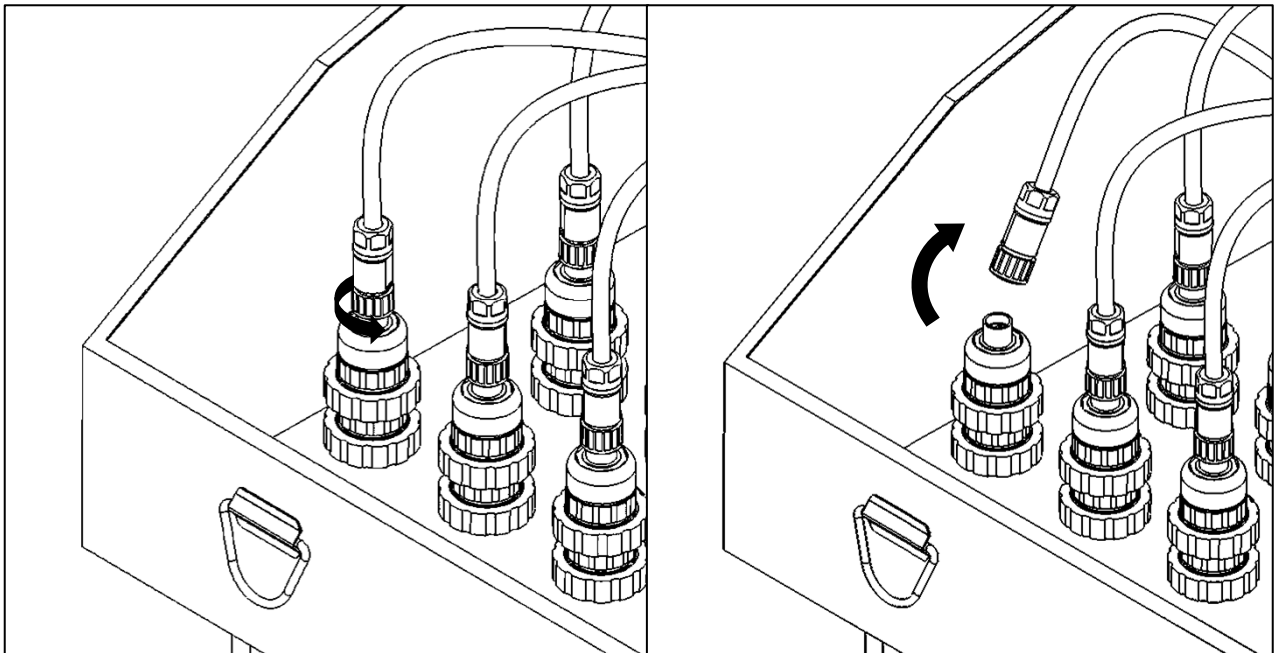
1. Disconnect all power and cabling from the module. Using a hoist, carefully remove the module from the channel bracketing system. Plant operating personnel should physically help guide the module out of the system – aiding the lift operator
2. Remove an individual sleeve from the module and inspect it
3. If dirty, spray with Lime-A-Way or mild citric acid cleaning agent and clean with a ScotchBrite pad
4. Reinstall the sleeve and repeat the process for all other sleeves

## Quartz Sleeve Replacement

*Always use gloves when handling quartz, be especially cautious if the sleeve is cracked or broken.*

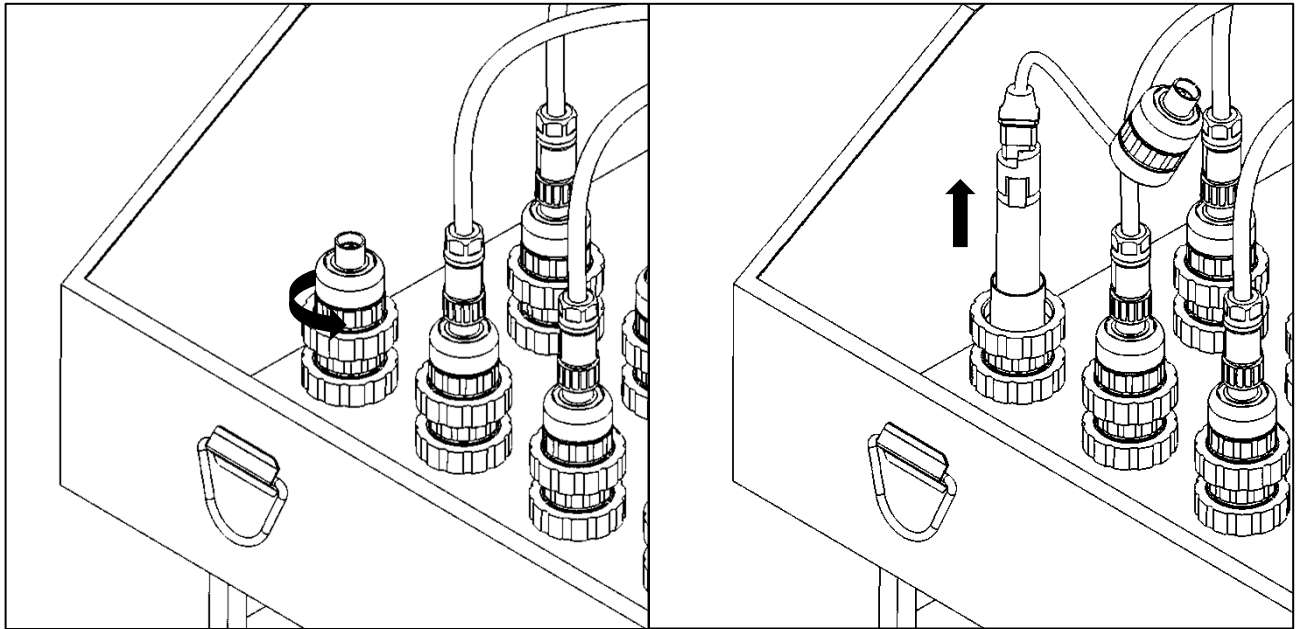
The quartz can foul overtime due to extensive use. Additionally, a quartz sleeve may crack from impact either during cleaning, installation, etc. When breakage or fouling occurs, the quartz sleeve must be replaced as follows.

To replace the quartz, you will first need to remove the lamp from within the sleeve. To do this, you will need to power down the system and allow the lamps to cool for at least 15 minutes. Once the lamps have cooled, disconnect the lamp by rotating the bottom of the lamp connector counterclockwise until it becomes loose. Place the connector gently within the enclosure out of the way as shown below:



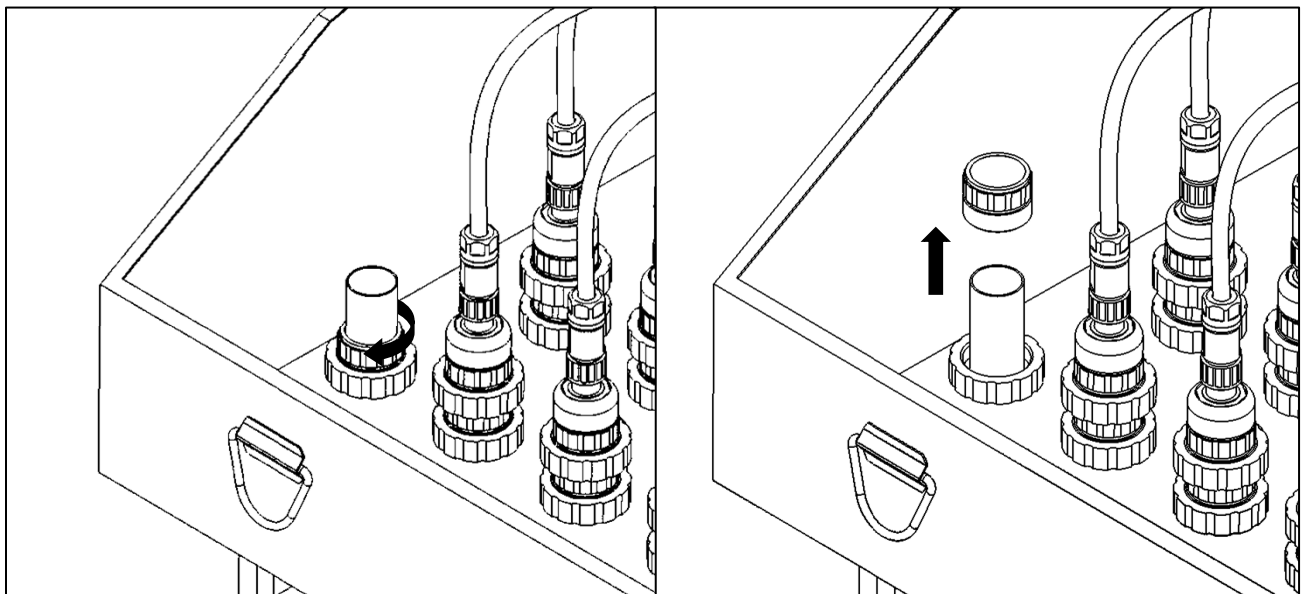
**Figure 23: Lamp Disconnect**

Once the lamp has been disconnected, you can remove the lamp itself by unscrewing the nipple counterclockwise and then lifting the lamp gently out of the quartz sleeve as shown below:



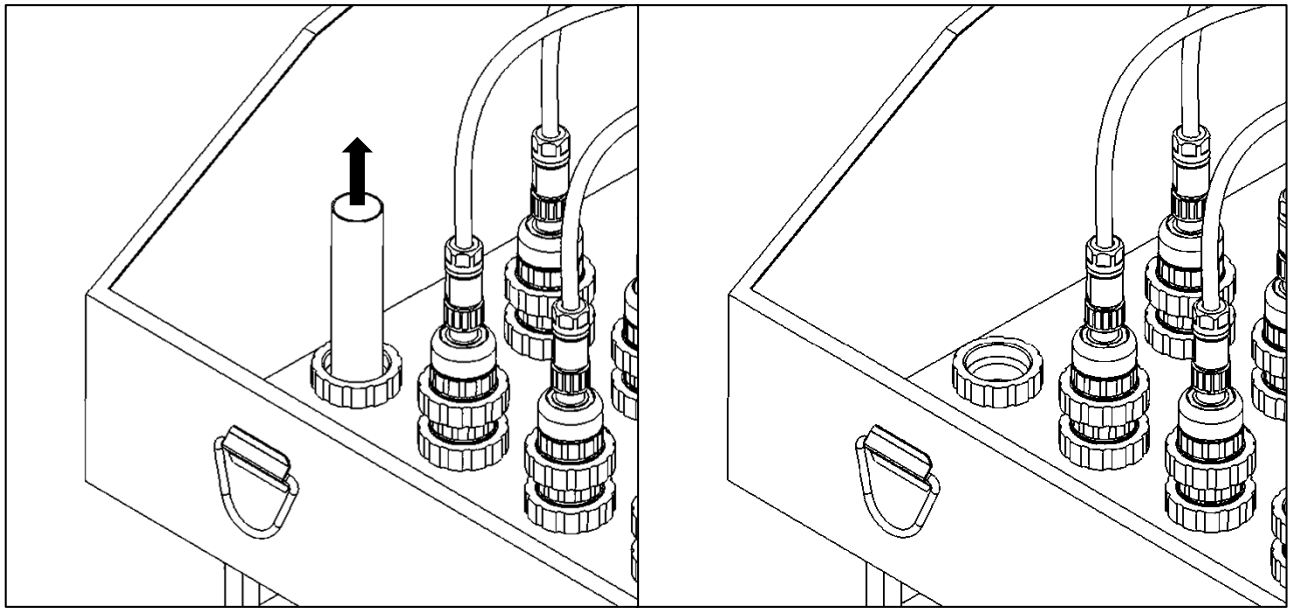
**Figure 24: Lamp Removal**

Make sure to place the lamp in a safe area to be reinserted after the quartz is replaced. Next you will need to unseal the quartz by unscrewing the conduit clockwise and removing it from the protruding sleeve as shown below:



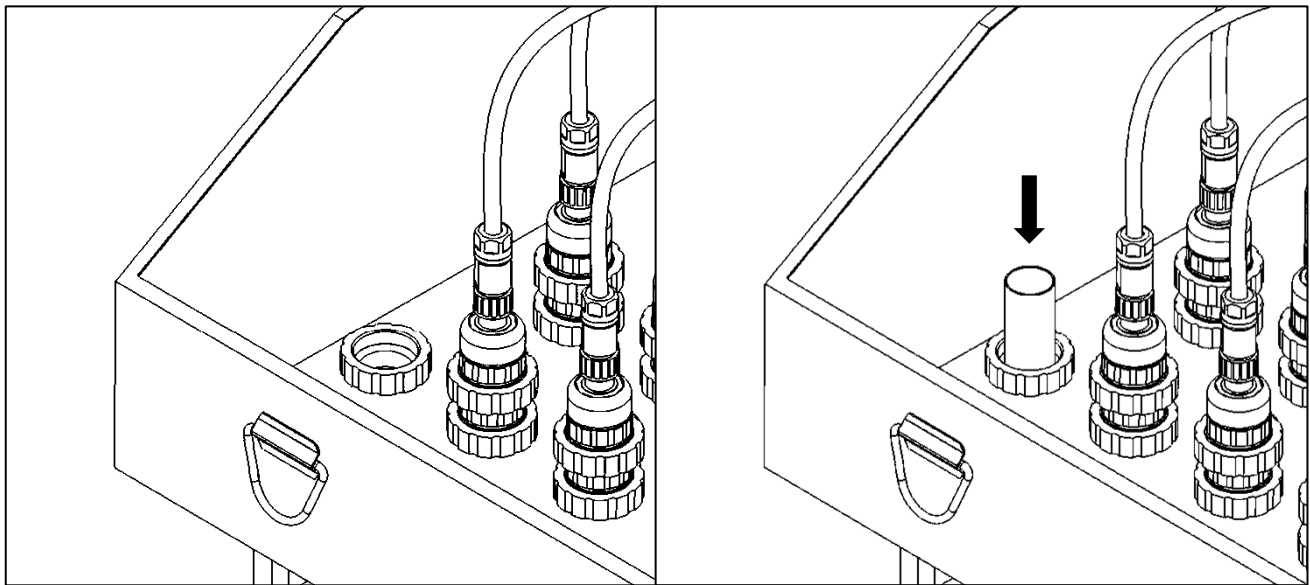
**Figure 25: Conduit Removal**

Once the sleeve is released from the watertight conduit seal, you may carefully remove the sleeve. Be sure to remove any debris left behind by the fouled quartz before inserting a new one:



**Figure 26: Quartz Removal**

You may recycle the quartz sleeve either through a local facility or have it sent back to our factory where we will recycle it. Finally, once you have removed the defective quartz you may insert a new sleeve in its place:



**Figure 27: Quartz Replacement**

After you have set the fresh sleeve in place, simply reverse the steps of the removal process and reseal the quartz using the conduit, carefully reinsert the lamp and screw the nipple to its base to seal, and finally reconnect the lamp connector to the nipple. Put the lid back in place and make sure no one is at risk of UV damage before turning the system on once again and making sure the lamp LED is lit on the corresponding ballast.

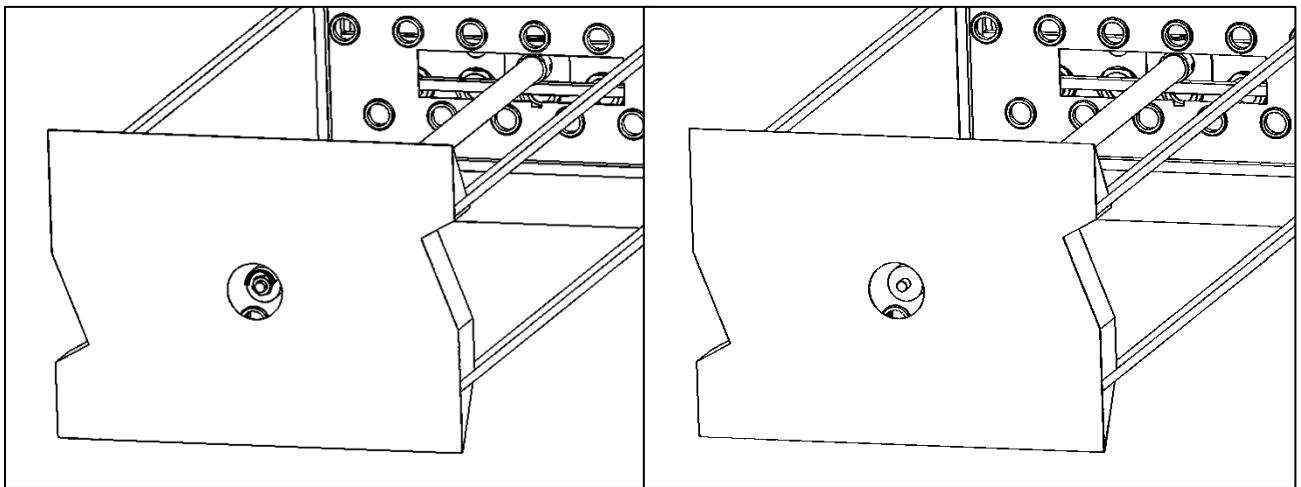
## Wiping System Maintenance

### Piston Maintenance or Replacement

The piston should be replaced if the wiper has ceased to move and both loss of air pressure and a faulty solenoid valve has been ruled out. Pistons are expected to last about 5 years before replacement is needed.

If replacement of the piston is required, follow the steps below:

1. Disconnect power to the module
2. Remove the module from the channel
3. Remove lamps and quartz sleeves from the module
4. Disconnect all air hosing from the upper and lower caps of the piston
5. Using a crane or lifting fork, raise the unit and use the cutout in the base plate to unscrew the bottom nut which attaches the piston to the base of the unit



**Figure 28: Piston Lower Nut  
Removal**

6. Lower the unit back down and unscrew the brackets which connect the wiper plate to the piston carriage. Once detached, rotate the plate before setting it on the base of the module.

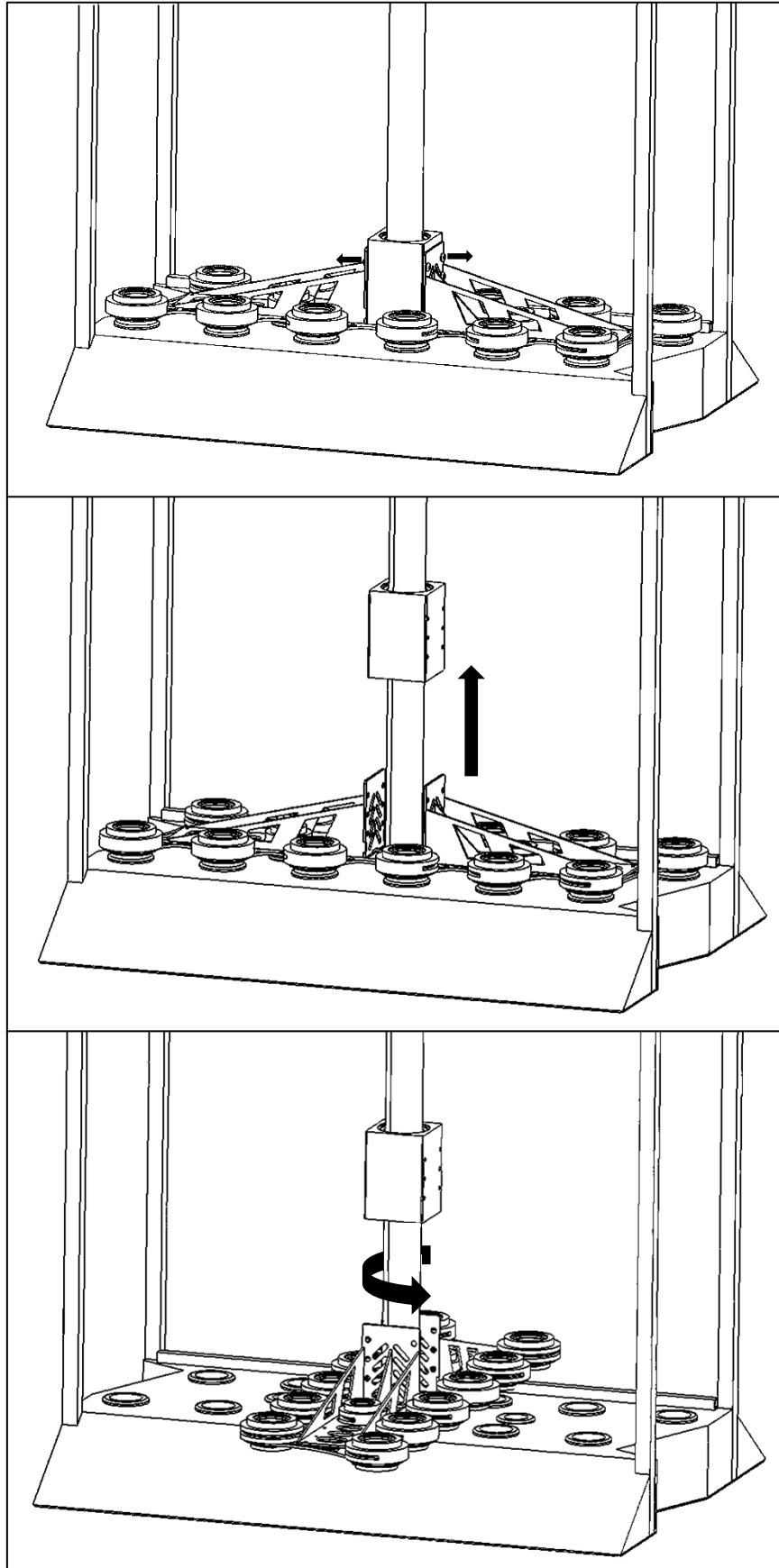
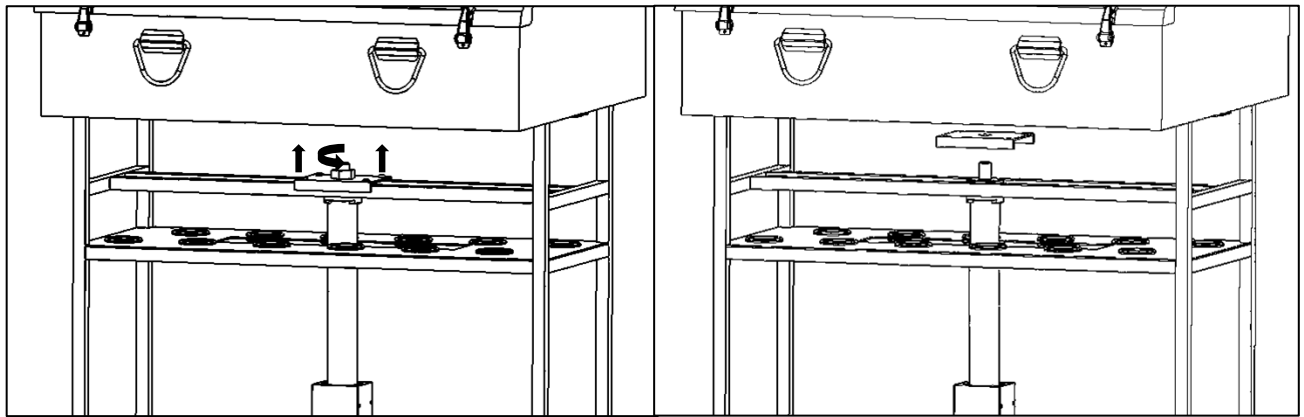


Figure 29: Wiper Detachment

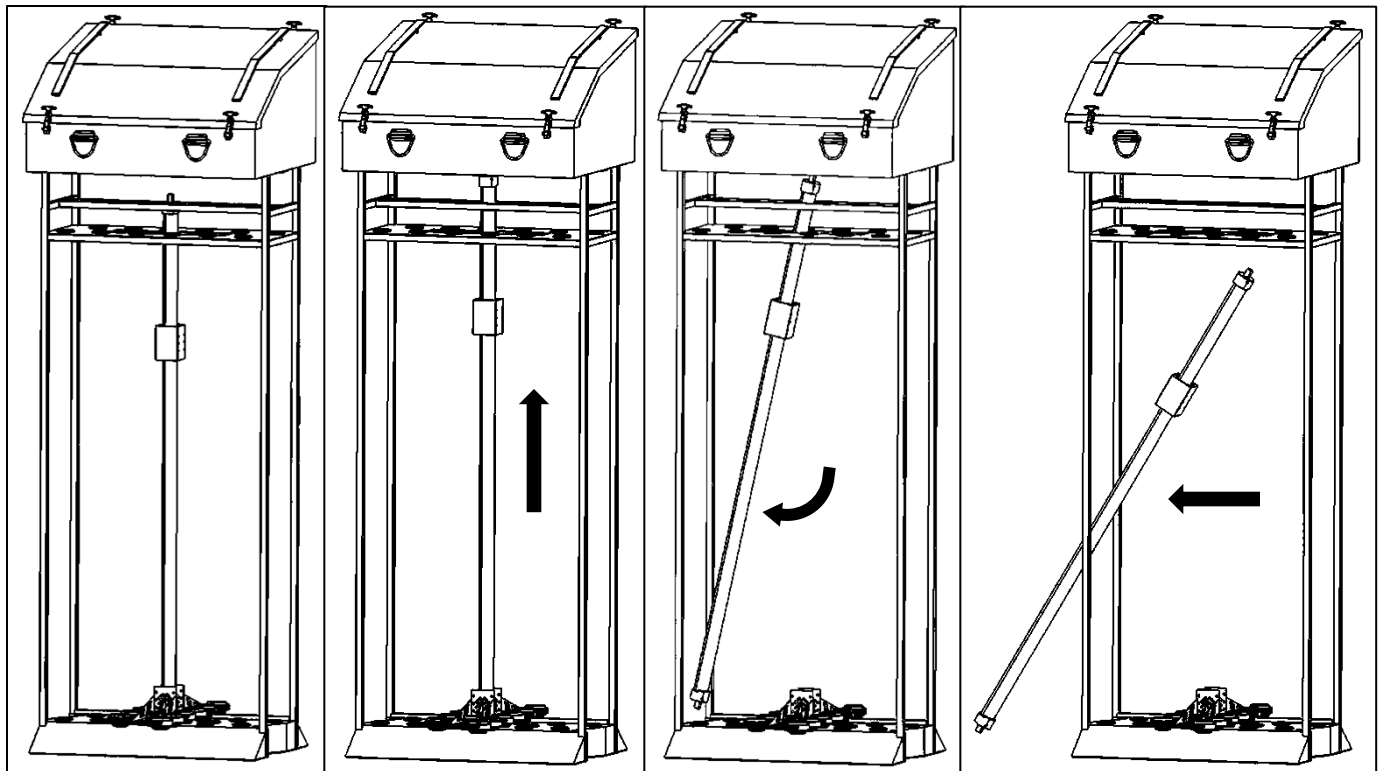


7. Unscrew the top nut which attaches the piston to the upper bracket above the support plate of the unit and remove the four screws holding it down, be sure to hold the piston in place once the bracket is removed



**Figure 30: Upper Bracket Detachment**

8. Lift the piston upwards out of the center divot in the base and use the cut out within the support plate to angle the piston and remove it from the unit



**Figure 31: Piston Removal**

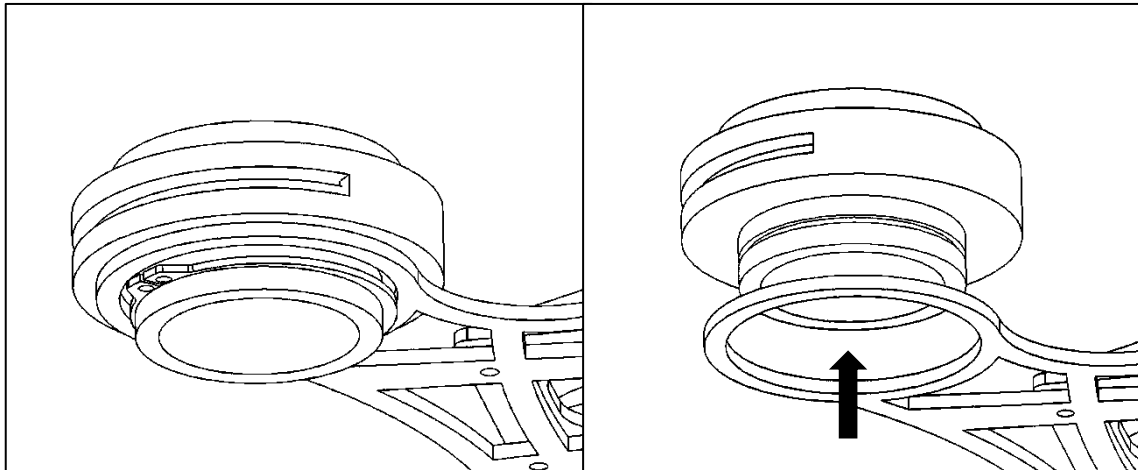
9. After disposal of the old piston, reverse the process and angle the new piston upwards so it fits through the cutout in the upper support plate and fit it into the designated divot in the center of the module base
10. Use the upper piston bracket to recenter the piston and use the four screws to keep it in place
11. Screw the nut onto the upper cap of the piston
12. Reattach the wiper to the piston carriage using the previously removed brackets

13. Lift the unit and screw the nut onto the lower cap of the piston using the cutout in the base plate of the unit
14. Lower the unit back into place and test the wiping mechanism to be sure it moves properly before reinstalling the quartz and lamps in the module

## Wiper Ring Replacement

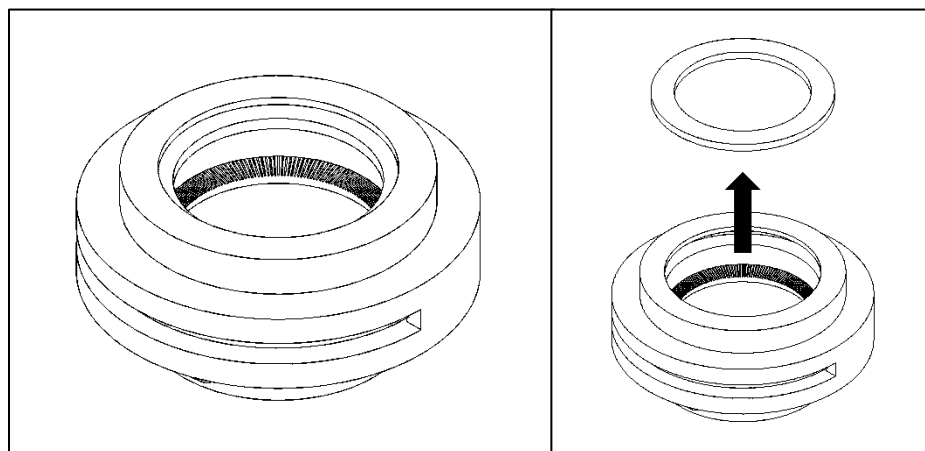
The frequency of wiper ring replacement will depend on plant conditions, however typically rings are to be changed out approximately every two to three years of system operation. To check performance, pull a few random sleeves and inspect for fouling on the module. If it appears that the rings are worn, follow the steps below to replace them:

1. Disconnect power to module
2. Remove the module from the channel
3. Remove lamps and quartz sleeves from the module
4. Use ring pliers or an alternative removal tool to detach the lower c-ring from holder so that the piece can be pulled out of the wiper plate



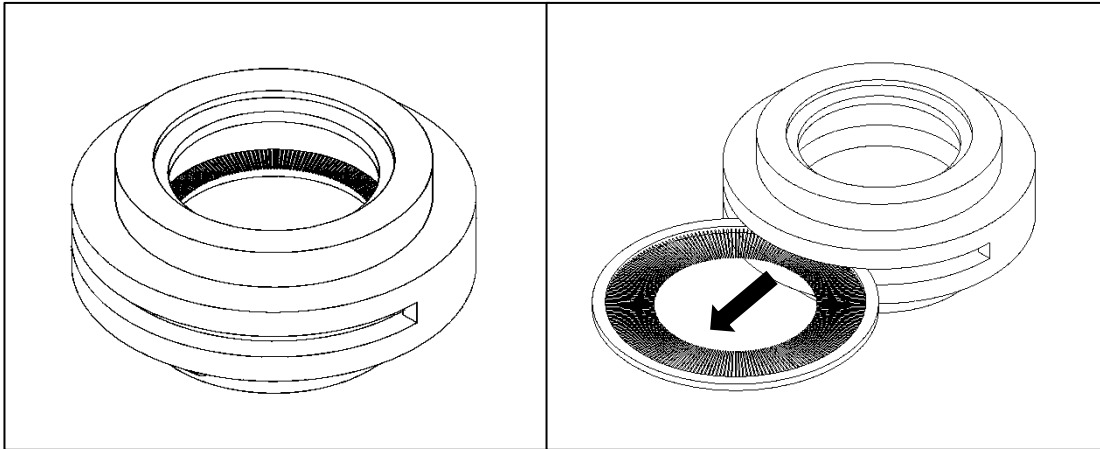
**Figure 32: Ring Removal**

5. The squeegee can be removed by pulling at the inner edge and bending it out of the center hole until it flexes free



**Figure 33: Squeegee Removal**

6. The scrubbing ring can be removed by using a tool or gloved hand to push the center bristles out through the designated slot



**Figure 34: Scrubbing Ring Removal**

7. Insert a new ring into the holder
8. Discard the used rings
9. Reinstall the quartz sleeves and lamps

### Grommet Replacement

Grommets should be replaced once they become brittle or lose their suppleness. To do this, simply remove the lamps and quartz from the module and squeeze the grommet so it can be released from its position and put a fresh one in its place.

# TROUBLESHOOTING

## General Guidelines

The following section gives solutions to common problems which occur in the operation of water treatment systems. It is important that the operator is familiar with expected operating conditions for the system so they may identify issues as they occur in a timely manner. Additionally, a well-kept logbook of test data and results can be very helpful when troubleshooting performance problems.

Be sure to double check for an inaccurate instrument or temporary change in feed quality or flow, which may indicate a problem which does not actually exist. Make sure to look for symptoms and evidence which confirm the indicated issue.

Check for these potential causes prior to beginning your troubleshooting process:

A hand valve was inadvertently closed

- The power turned off to the control panel
- Wires cut or hanging free
- Equipment damaged or missing
- Valve solenoids manually overridden

To troubleshoot flow blockage, examine valve positions and investigate all of the equipment in that area until the source of the blockage is found.

To troubleshoot electrical problems, first identify the “control flow pattern” which is the pathway that the signal takes from an input device to the controller (PLC or DCS) through the controller then from the controller to the output device. Once this is found, investigate all the components of this “control flow pattern” until the cause of the problem is identified. Start with the easiest and most probable components such as the input and output modules.

When adjusting process parameters, it is important to make only one change at a time and allow sufficient time for the system to adapt to the change before attempting other changes.

## Alarms and Troubleshooting Conditions

Description	Troubleshooting
Water Level Low (ALARM)	<ul style="list-style-type: none"> <li>Power Off, wait about 15 minutes, Power On</li> </ul>
BCC Power (ALARM)	<ul style="list-style-type: none"> <li>Check BCC connection to main power</li> <li>Check power from transformer</li> </ul>
Line Voltage Fail (ALARM)	<ul style="list-style-type: none"> <li>Check voltage setpoint</li> <li>Check connections and terminations</li> </ul>
Power Surge (ALARM)	<ul style="list-style-type: none"> <li>Check connection of surge protector</li> <li>Check and replace fuses</li> </ul>
SCADA Communication Fail (ALARM)	<ul style="list-style-type: none"> <li>Check communication cable connection with SCADA</li> <li>Verify SCADA communication path</li> </ul>
Lamp Active Hours High (ALARM)	<ul style="list-style-type: none"> <li>Sequence Secondary Bank to run</li> <li>Shut down active hour lamp modules and follow Maintenance instruction on Lamp Replacement</li> </ul>
Temperature High (ALARM)	<ul style="list-style-type: none"> <li>Sequence Secondary Bank to run</li> <li>Check Temperature Sensor for setpoint</li> <li>Check heatsink pump for proper connection</li> </ul>
UV Intensity Low (ALARM)	<ul style="list-style-type: none"> <li>Sequence Secondary Bank to run</li> <li>Check connections and setpoint for UV Intensity Sensor</li> <li>Follow Maintenance procedures for UV Cleaning</li> </ul>
Intensity Low (ALARM)	<ul style="list-style-type: none"> <li>Sequence Secondary Bank to run</li> <li>Check connections and setpoint for UV Intensity Sensor</li> <li>Check lamp operability and follow Maintenance procedures for UV Cleaning</li> </ul>
Lamp Quantity on Fault (ALARM)	<ul style="list-style-type: none"> <li>Sequence Secondary Bank to run</li> <li>Check connection between lamps and power</li> <li>Check lamp for breakage, replace if necessary</li> <li>Check lamp with voltmeter to verify electrical loop</li> <li>Check LED board for proper connection</li> </ul>
Lamp Array (Group 1) Contractor Fault (ALARM)	<ul style="list-style-type: none"> <li>Sequence Secondary Bank to run</li> <li>Check connection between lamps and power</li> <li>Check lamp for breakage, replace if necessary</li> <li>Check lamp with voltmeter to verify electrical loop</li> <li>Check LED board for proper connection</li> </ul>
Lamp Array (Group 2) Contractor Fault (ALARM)	<ul style="list-style-type: none"> <li>Sequence Secondary Bank to run</li> <li>Check connection between lamps and power</li> <li>Check lamp for breakage, replace if necessary</li> <li>Check lamp with voltmeter to verify electrical loop</li> <li>Check LED board for proper connection</li> </ul>
UV Lamp LED OFF	<ul style="list-style-type: none"> <li>Check LED if UV lamp intensity is consistent</li> <li>Power off module at Power Distribution Center, wait, power on, observe LED(s). If the LED(s) come</li> </ul>

	<p>on and then flickers off, it means that the ballast is good and that the problem is past the ballast</p> <ul style="list-style-type: none"> <li>• If LED stays OFF, examine the suspected lamp(s) for damage, water infiltration, and severely blackened lamp ends. If none, power on, and observe through your UV face shield, at safe distance, if lamp lights: <ul style="list-style-type: none"> <li>○ If lamp lights and LED is still off, call Authorized Service Center for Power Center repair</li> <li>○ If lamps are still off, check for bad ballast and replace</li> </ul> </li> </ul>
UV Monitor Alarm	<ul style="list-style-type: none"> <li>• Check panel LED to see if lamp is extinguished</li> <li>• Verify power to panel</li> <li>• Check fuses in panel</li> <li>• Check terminations and connections to UV monitor</li> <li>• Verify the age of the lamp referring to lamp replacement records</li> <li>• Check the physical positioning of the UV sensor probe. The sensor element inside may not be “looking” in the same direction as the probe tube is pointing. The probe may have shifted within the retaining compression nut – sometimes pulled by the weight of the cable</li> <li>• Check for debris or film on the UV probe window. Clean and rough position with lamp powered off</li> <li>• Check for debris or film on quartz sleeves and clean</li> </ul>
UV Quartz Sleeve Break	<ul style="list-style-type: none"> <li>• Isolate channel from flow</li> <li>• Follow Short-Term Shutdown procedure</li> <li>• Drain channel completely</li> <li>• Replace quartz sleeve and UV lamp</li> <li>• Follow Pre-Treatment Checklist and Start-Up procedures</li> </ul>
UV Wiper Not Cycling	<ul style="list-style-type: none"> <li>• Check power and communication cables to ensure proper connection</li> <li>• Check air compressor for pressure</li> <li>• Check air line for leaks</li> <li>• Check solenoid valve position and connection</li> <li>• Follow instructions to remove UV unit. Inspect wiper for any obstructions, imbalance, or damage</li> </ul>
UV Lamps Not On	<ul style="list-style-type: none"> <li>• Sequence Secondary Bank to run</li> <li>• Check connection between lamps and power</li> <li>• Check lamp for breakage, replace if necessary</li> <li>• Check lamp with voltmeter to verify electrical loop</li> <li>• Check LED board for proper connection</li> </ul>
UV PLC Not On	<ul style="list-style-type: none"> <li>• Check power and communication cables to ensure proper connection</li> <li>• Check panel fuses</li> </ul>



Lamp Breakage (Mercury Release)	<ul style="list-style-type: none"> <li>• Elemental mercury is a volatile toxic heavy metal. Proper safety practices and procedures must be taken to prevent exposure. Should lamp breakage occur in an enclosed building, proper ventilation is to be supplied</li> <li>• Turn HOA switch for corresponding BANK in the OFF position</li> <li>• Remove power connection to UV lamp and plug quartz sleeve to create an airtight seal</li> <li>• Remove quartz sleeve with UV lamp and properly dispose per state and federal disposal requirements</li> <li>• Replace quartz sleeve and UV lamp</li> </ul>
Flow Transmitter Failure	<ul style="list-style-type: none"> <li>• Verify installation per vendor literature. Check connection to instrument and panel. Examine unit sensor to ensure no obstruction</li> <li>• Upstream Treatment Failure: <ul style="list-style-type: none"> <li>○ Isolate channels</li> <li>○ Follow Long-Term Shutdown procedure until influent parameters are met</li> </ul> </li> </ul>
UV Lamps Burn Out Too Quickly	<ul style="list-style-type: none"> <li>• Check incoming power for excessive wattage</li> <li>• Replace UV lamp if incoming power is correct</li> <li>• Contact Glasco if problem persists</li> <li>• Check for lamp cycling</li> </ul>
UV Lamp Cycles On-Off and Goes Out Before Warm Up is Complete	<ul style="list-style-type: none"> <li>• Lamp is at End-of-Life</li> <li>• Follow installation procedures to replace lamp</li> </ul>
GFC Breaker Off (All lamp LEDs for a module off)	<ul style="list-style-type: none"> <li>• Ground fault occurred. Power the effected module off (if not still powered off by the GFI)</li> <li>• Examine cable connectors for tightness. Disconnect cabling, clean, dry and reconnect</li> <li>• Inspect module and examine water infiltration. Reset GFI, and power on. If problem recurs, refer to Authorized Service Center for module repair</li> </ul>
Wiper Fails to Completely Wipe	<ul style="list-style-type: none"> <li>• Check for mechanical interference. Air compressor set too low, needs 60 to 90 psi. Duration of upstroke may be too brief – increase this one (1) second at a time</li> </ul>
Wiper Rings Damaged or Missing	<ul style="list-style-type: none"> <li>• Record location of wiper ring(s) respective to plate position and hole location</li> <li>• Place UV unit in channel or cleaning tank to remove UV lamp(s) and quartz sleeve(s) where damaged or missing washer is located</li> <li>• Remove UV module from channel or cleaning tank and replace wiper ring(s)</li> </ul>
Air Compressor Continuously Runs	<ul style="list-style-type: none"> <li>• Check for leaks</li> </ul>

# WARRANTY

The warranty period is 18<sup>th</sup> months from date of delivery and 12 months from date of the Certification of Substantial Completion whichever comes first. It covers all failures due to defects in material and/or workmanship excluding consumables (see separate lamp warranty below). This warranty shall not apply to any failure or defect which results from the Equipment not being operated and maintained in strict accordance with instructions specified in Glasco UV's Instructions Manual or which results from mishandling, misuse, neglect, flooding, improper storage, improper operation of the Equipment with other equipment furnished by the Customer or by other third parties or from defects in designs or specifications furnished by or on behalf of the Customer by a person other than Glasco UV. In addition, this warranty shall not apply to Equipment that has been altered or repaired after start-up by anyone except:

- Authorized representatives of Glasco UV, or
- Customer acting under specific instructions from Glasco UV.

Customer must notify Glasco UV in writing within 5 days of the date of any Equipment failure. This notification shall include a description of the problem, a copy of the operator's log, a copy of the Customer's maintenance record and any analytical results detailing the problem. If Customer has not maintained the operator's log and maintenance record in the manner directed in the Operation and Maintenance manual, or does not notify Glasco UV of the problem as specified above, this warranty may, in Glasco UV's discretion, be invalid.

Customer will fully cooperate with Glasco UV, in the manner requested by Glasco Water UV, in attempting to diagnose and resolve the problem by way of teleport support. If the problem can be diagnosed by telephone support and a replacement part is required, Glasco Water Technologies will either, at Glasco Water Technologies' expense, ship a repaired, reworked or new part to the Customer who will install such part as directed by Glasco Water Technologies or will direct Customer to acquire, at Glasco UV's expense, such part from a third party and then install such part as directed by Glasco UV.

This warranty is the exclusive remedy of the Customer for all claims based on a failure of or defect in the Equipment, whether the claim is based on contract (including fundamental breach), tort (including negligence), strict liability or otherwise. This warranty is lieu of all other warranties whether written, oral, implied or statutory. Without limitation, no warranty of merchantability or fitness for a particular purpose shall apply to the Equipment.

## Lamp Warranty

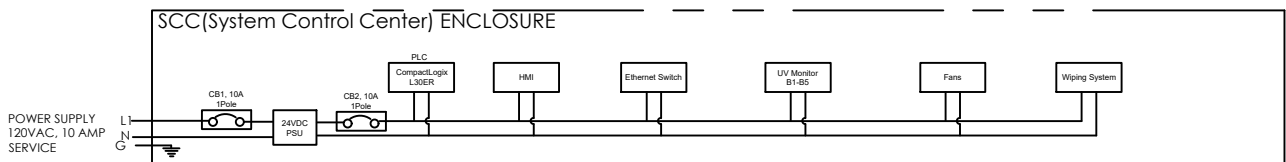
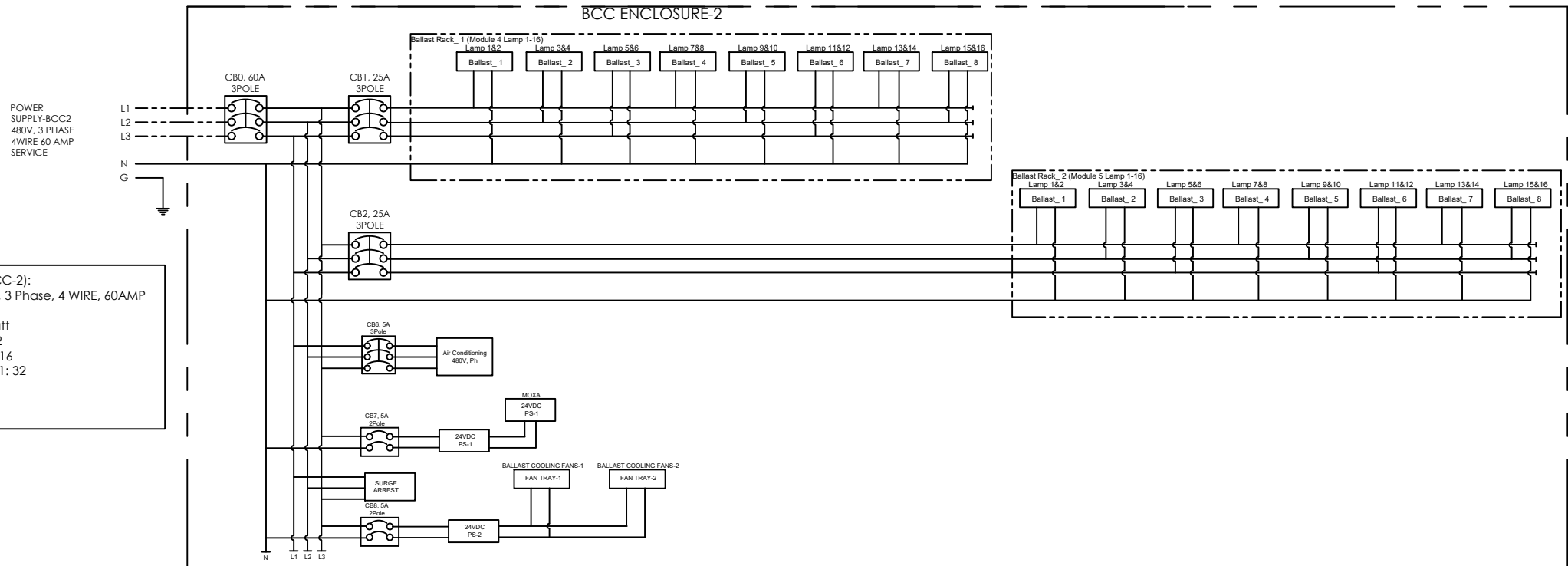
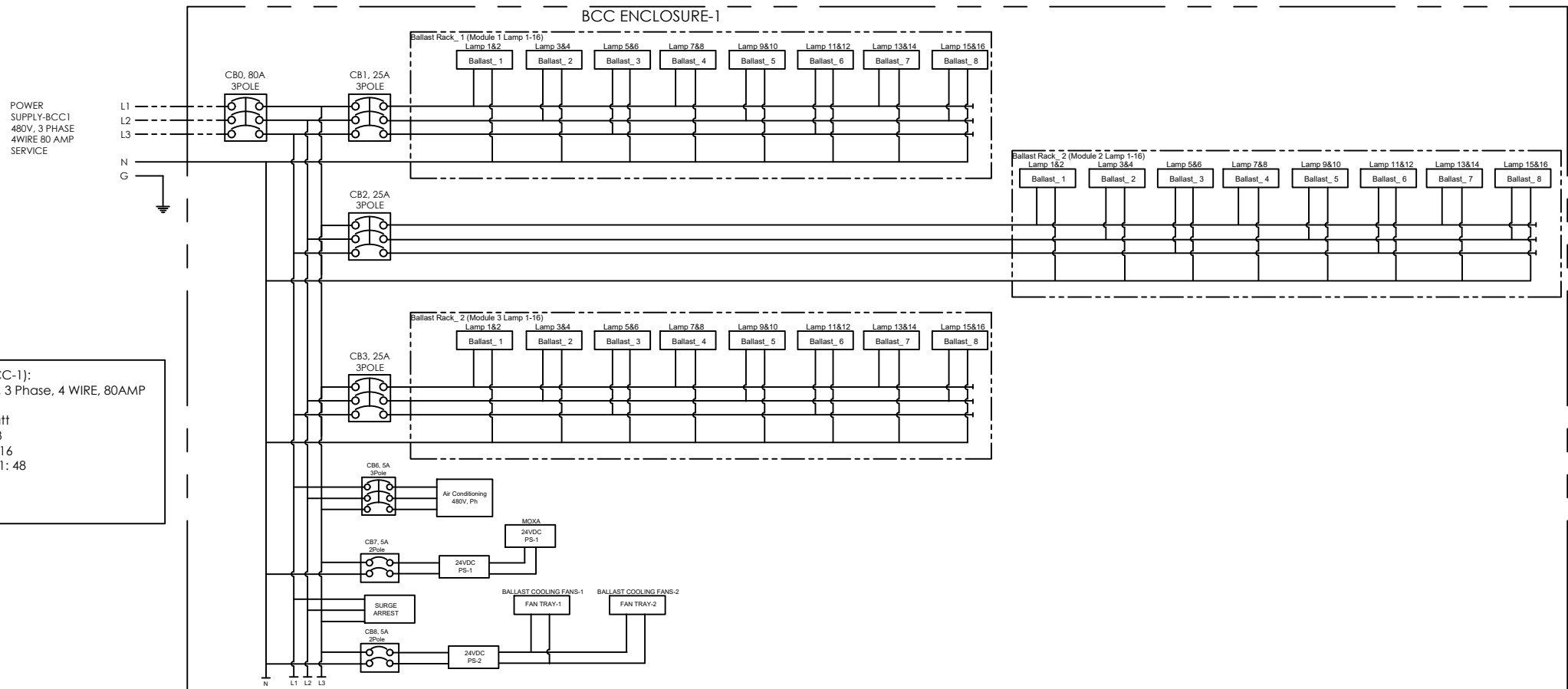
### **Amalgam**

Each low pressure, high output lamp is guaranteed for 16,000 hours operating time under normal operating conditions. Normal operating conditions include:

- On/off cycles max. 4 per 24 operating hours,
- Voltage fluctuations according to DIN IEC 38.

In case of premature lamp failure, the client is requested to send the lamp back to Glasco UV together with the information of UV unit serial number, hours run and on/off cycles. Glasco Water Technologies then offers the following:

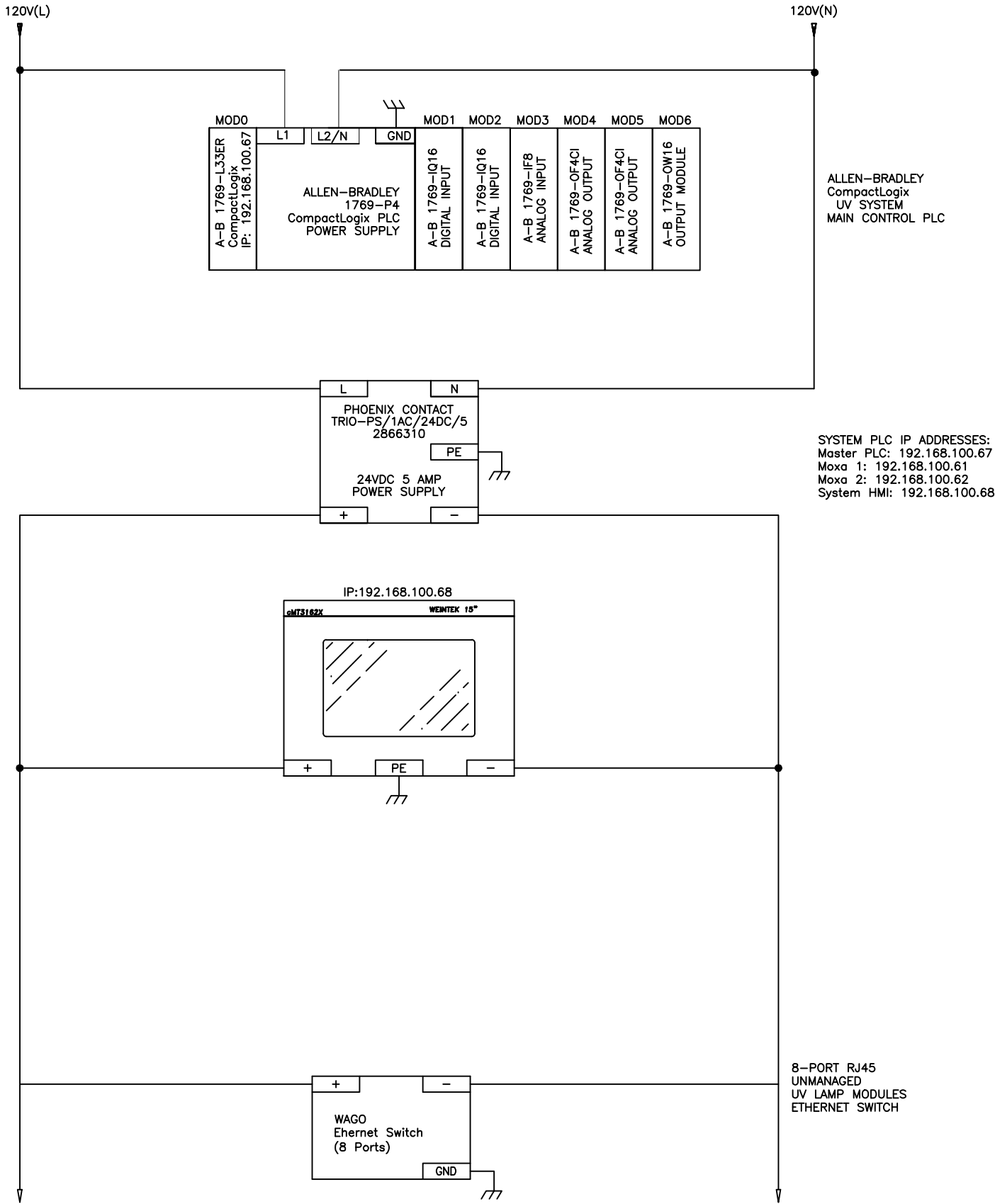
Upon return to our facilities in Mahwah, NJ, we will dispose/ recycle all used and failed lamps at no charge to the client.



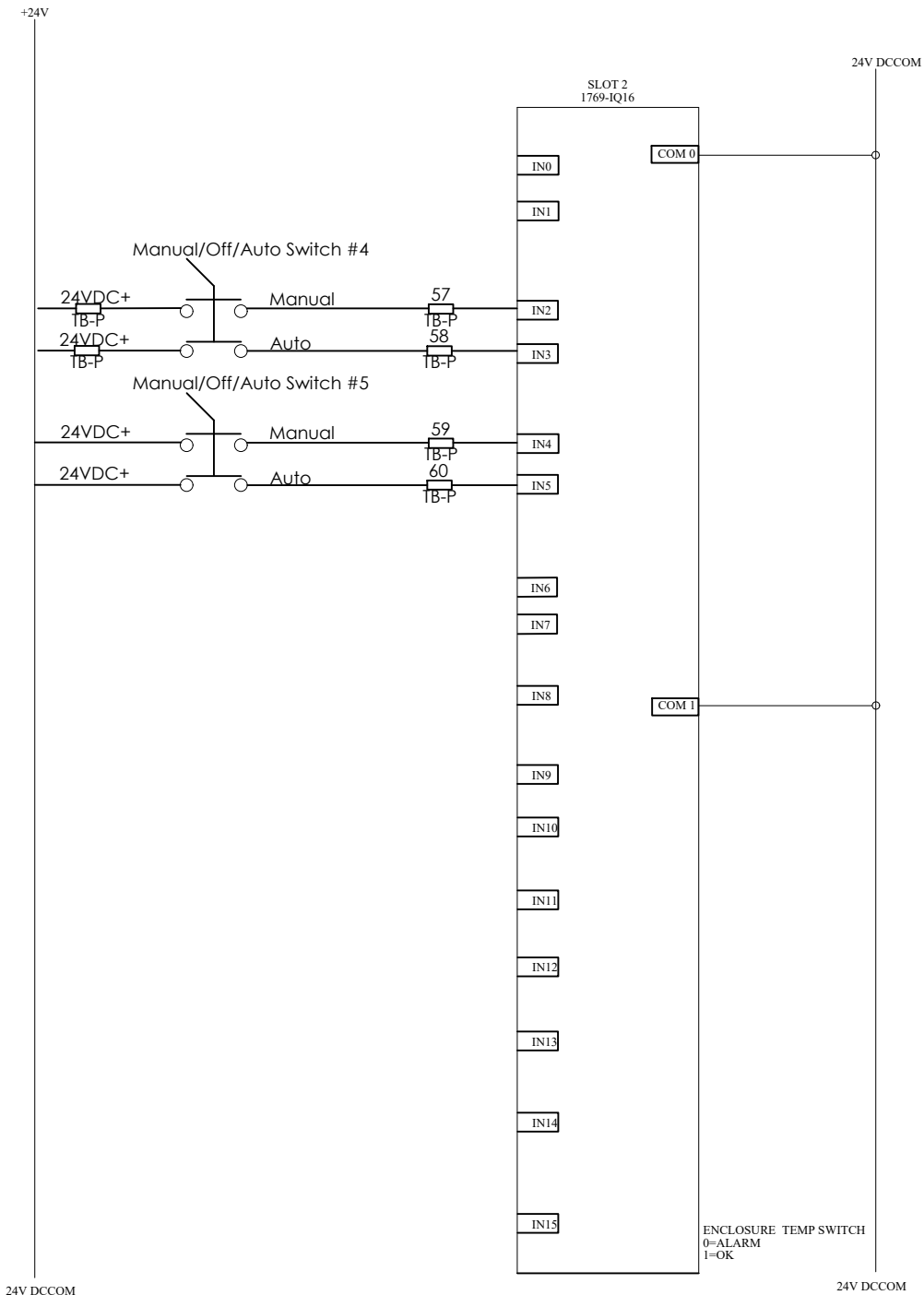
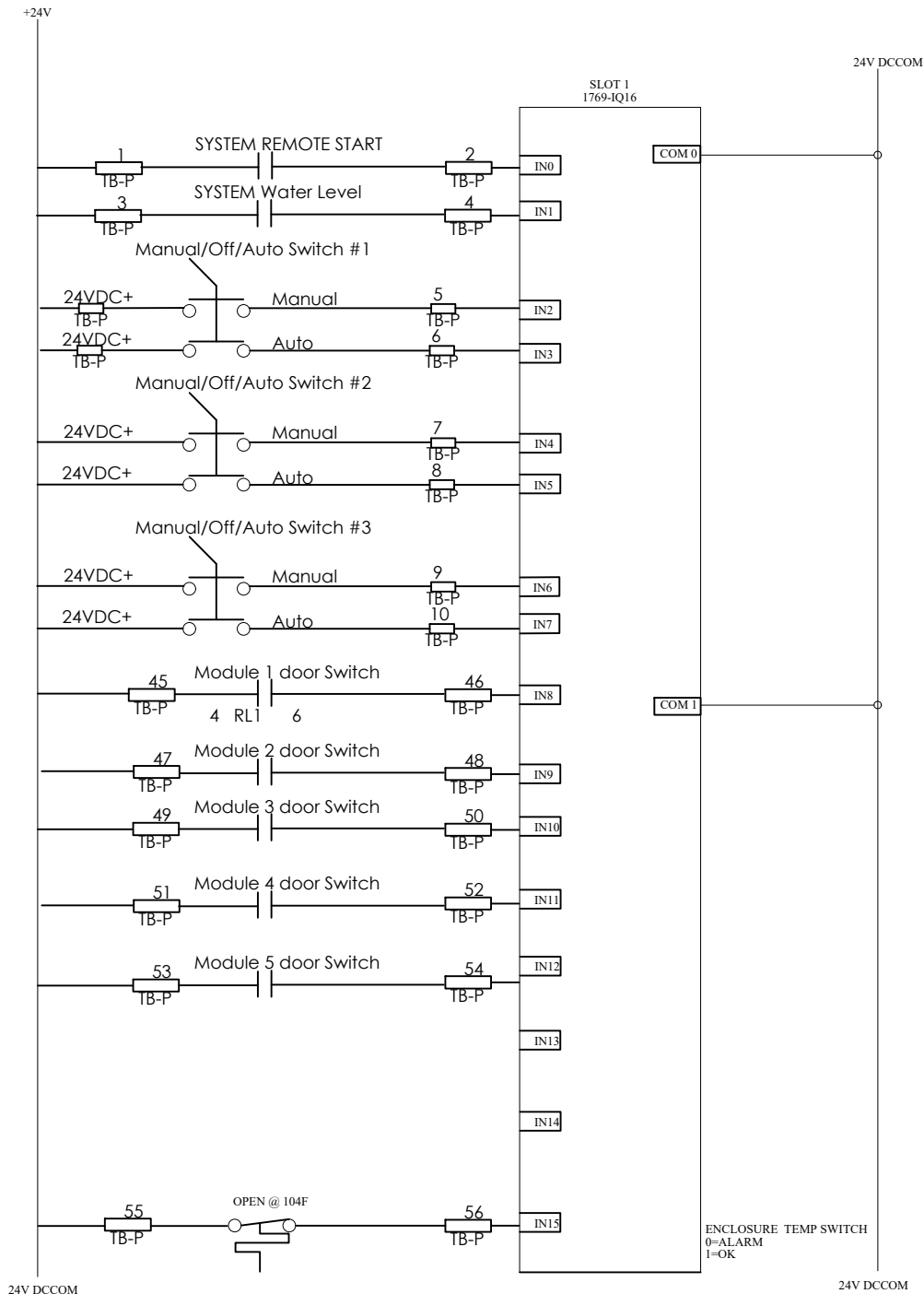
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PROJECT	INLAND BAYS	FINISH	N/A
TOLERANCES UNLESS OTHERWISE SPECIFIED		MATERIAL	N/A
SIZE		DWN	NL
XX = ± .030 XX = ± .015 XXX = ± .005 ANG = ± .1		06/18/2025	
DO NOT SCALE DRAWING	APVD		

GLASCO UV, LLC 126 Christie Ave Mahwah, NJ 07430 PH: 201-934-3348 FX: 201-934-3388		POWER SUPPLY	
SIZE	DWG. NO.	REV	
	VC-16-A800X5	1	
SCALE	NTS	SHEET	1 OF 1

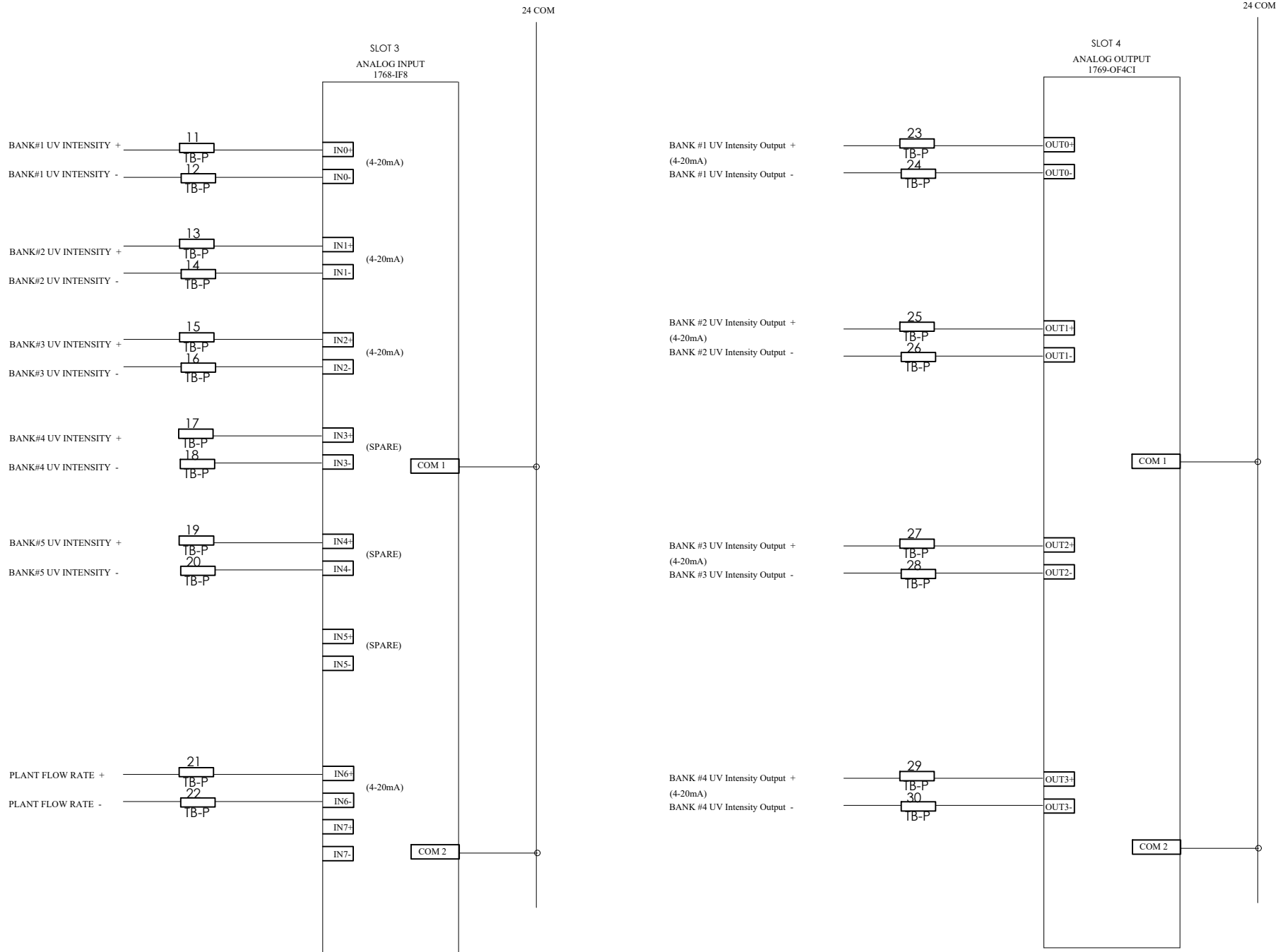


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PROJECT INLAND BAYS	FINISH N/A	TITLE PLC CONNECTIONS	
TOLERANCES UNLESS OTHERWISE SPECIFIED X = ± .030 XX = ± .015 XXX = ± .005 ANG = ± .1	MATERIAL N/A	SIZE D	DWG. NO. VC-16-A800X5
DO NOT SCALE DRAWING	APVD DWN NL 06/18/2025	SCALE NTS	REV -
		SHEET 2	OF 6

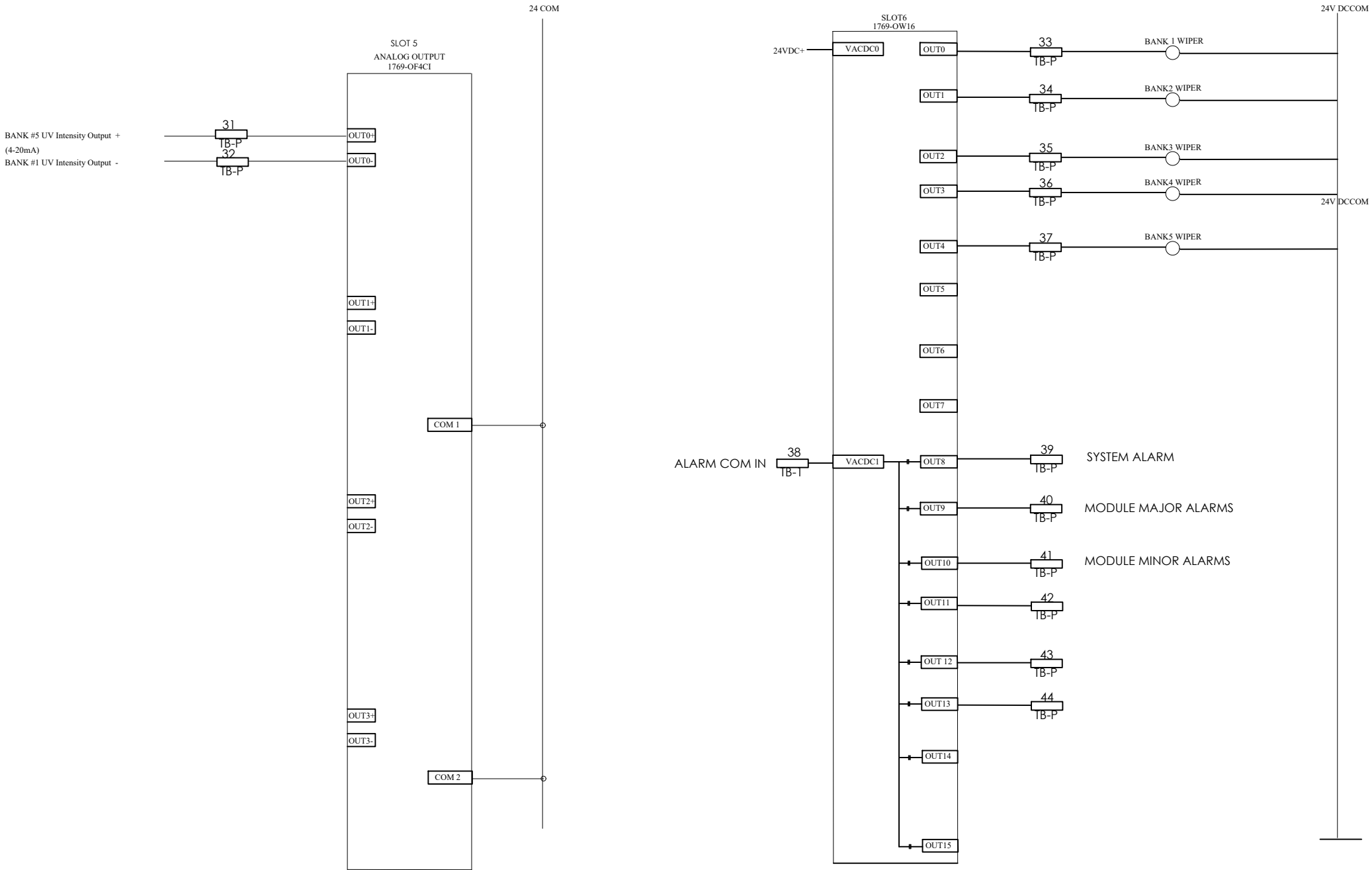


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PROJECT INLAND BAYS		FINISH N/A		TITLE PLC SLOTS 1 & 2			
TOLERANCES UNLESS OTHERWISE SPECIFIED X = ± .030 XX = ± .015 XXX = ± .005 ANG = ± .1		MATERIAL N/A		SIZE D	DWG. NO. VC-16-A800X5	REV -	
DO NOT SCALE DRAWING		APVD		SCALE NTS	SHEET 3	OF 6	

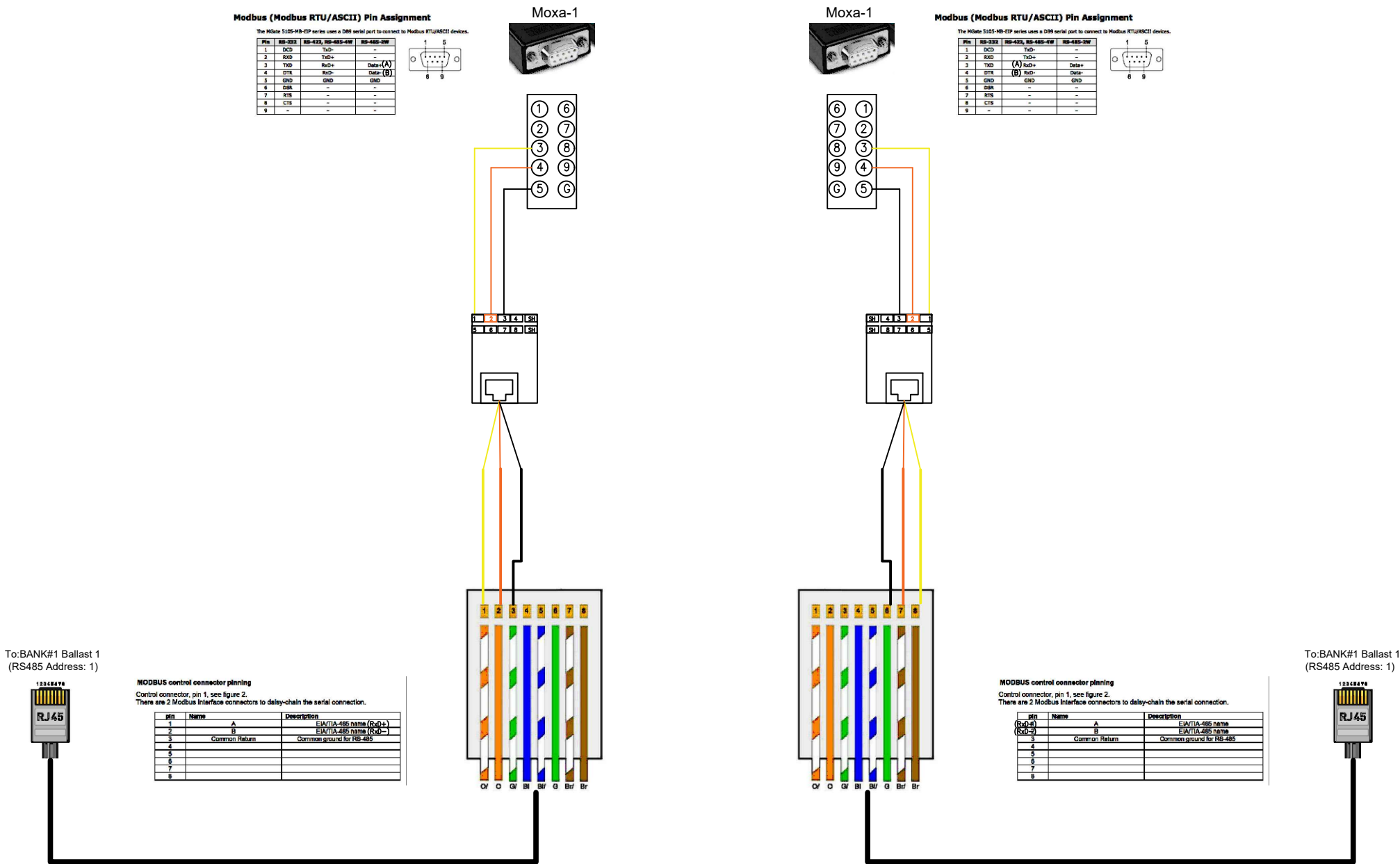




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PROJECT INLAND BAYS		FINISH N/A		TITLE PLC SLOTS 3 & 4			
TOLERANCES UNLESS OTHERWISE SPECIFIED X = ± .030 .XX = ± .015 .XXX = ± .005 ANG = ± .1		MATERIAL N/A		SIZE D	DWG. NO. VC-16-A800X5	REV -	
DO NOT SCALE DRAWING		APVD	DWN NL	06/18/2025		SCALE NTS	
				SHEET 4 OF 6			



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PROJECT INLAND BAYS		FINISH N/A		TITLE PLC SLOTS 5 & 6			
TOLERANCES UNLESS OTHERWISE SPECIFIED X = ± .030 XX = ± .015 XXX = ± .005 ANG = ± .1		MATERIAL N/A		SIZE D	DWG. NO. VC-16-A800X5	REV -	
DO NOT SCALE DRAWING		APVD	DWN NL	06/18/2025		SCALE NTS	
				SHEET 5 OF 6			



## RECOMMENDED SPARE PARTS

PART	QTY	PER PART	TOTAL	LIFE
UV LAMPS	8	\$270.00	\$2,160.00	16,000 HOURS
QUARTZ. 76" LONG	8	\$95.00	\$760.00	5-10 YEARS
BALLAST	4	\$900.00	\$3,600.00	5-10 YEARS
WIPER SS BRUSH	8	\$50.0	\$400.00	2-5 YEARS
WIPER RUBBER RING	8	\$8.0	\$64.00	2 YEARS

## Reference List

### Glasco UV

1. Location: Gulfport, MS  
Plant type: Vertical wastewater  
Installed: 2023  
Flow rate: 18 MGD  
Contact: Daniel Garrett  
Phone: 228-860-1222
2. Location: Glens Falls, NY  
Plant type: Vertical wastewater  
Installed: 2023  
Flow rate: 20 MGD  
Contact: Jason Vilander  
Phone: 518-361-1923
3. Location: Readington Lebanon, NJ  
Plant type: Vertical Wastewater  
Installed: 2022  
Flow Rate: 2 MGD  
Contact: Tori Klaus  
Phone: 908-534-6171  
Email: tklaus@rlsa-nj.com
4. Location: Jordan Basin, UT  
Plant type: Vertical wastewater  
Installed: 2008  
Flow rate: 10 MGD  
Contact: Jerry Lindemann  
Phone: 801-819-9626
5. Location: Blue Springs, MO  
Plant type: Vertical wastewater  
Installed: 2013  
Flow rate: 32 MGD  
Contact: Jeff “Butch” Butner  
Phone: 816-935-2730  
Email: bbutner@bluespringsgov.com

## ALGAE PREVENTION

In our previous installations, we have successfully mitigated biological growth and debris accumulation through the use of steel plates along the channel, the incorporation of bar screens, and the implementation of air scouring systems. While these components are not currently included in our scope of supply, we have seen their effectiveness in enhancing long-term system performance and reliability. We would be happy to discuss these optional enhancements further should the customer wish to explore their inclusion based on specific operational preferences or site conditions.



Sussex County, DE  
Filtration Equipment for the Inland Bays  
RWF Expansion Project  
Cd43066.03

# TECHNICAL PROPOSAL

Proposal for Design,  
Supply and  
Commissioning of  
Nexom's Mita Filter

July 11, 2025

Pictured: Cuma Plant  
Naples Italy

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# Bid Communications

Nexom Regional Sales Manager	Product Manager, Filtration	Manufacturer’s Rep
Nicolas Lauziere Regional Sales Manager nicolas.lauziere@nexom.com 450-531-6901	CJ Strain, PE cj.strain@nexom.com 208-618-2227	Tom Rainier Riordon Materials trainier@riordonmat.com 410-440-4411

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# TAB B –Scope of Work and Services

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## Equipment Price

<b>\$683,800 USD</b>	<b>Base Bid Filter Components</b>
<b>\$98,600 USD</b>	<b>Nexom Standard Control Panel</b>
<b>\$15,900 USD</b>	<b>Spares</b>
<b>\$798,300 USD</b>	<b>Total Equipment Price</b>

Currency is USD. Shipping CIP job site. Taxes extra.

All prices are subject to final design review.

The quote being provided will be in effect only for a period of 30 days. Should the company be awarded a purchase order during that 30-day period, it is understood that shipment of the product will be allowed within a period of 190 days from the date of the purchase order. Should the goods not be required to be delivered until after that time horizon, the company reserves the right to adjust pricing to reflect inflationary changes incurred and expected until the shipment date is reached. A freight surcharge will be added based on any increases in freight charges or packing materials from the quoted value provided herein to the actual value at the time of shipment.

### *Proposed Payment Schedule*

With PO 5%; Submittal Approval & Notice to Proceed 20%; with Equipment Delivery 70%; Commissioning 5%.

## Summary of Nexom Scope

In general, the following major components are included within the equipment scope of supply:

- Cloth Media Filter system
- Filter instrumentation
- System controls.

Included in overall scope of supply:

- System process design, complete with detailed shop drawings
- Process design calculations and full technical submittal
- Installation support for any equipment supplied by Nexom and installed by others
- Operation & Maintenance Manuals complete with as-built drawings
- Startup and commissioning services.

# Warranty Statement

Seller warrants any goods provided hereunder to be free from nonconformity to any attached specifications, and free of defects in materials and workmanship, appearing within twelve (12) months after substantial completion or twenty-four (24) months after delivery, whichever occurs first. If within such period any such goods shall be proved to be defective, the affected part will be repaired or replaced free of charge or Seller will refund the purchase price of the affected part. Any parts repaired or replaced under this warranty are warranted only for the balance of the warranty period on the part that was repaired or replaced.

## Scope of Equipment Supply

### *Cloth Media Filters in concrete tanks (tanks by Others)*

- Two (2) cloth disk filter unit, model MSF 14/70 PEC 304 stainless complete factory assembled units, each with:
  - Basin support weldments
  - Filter frame, factory-installed motor mounts and take-up assemblies, 304 stainless
  - Stainless center tube assembly, v-ring effluent port seal
  - Access ladder and platforms with non-slip FRP grating for maintaining cloth media assemblies
  - Drive motor and reducers, factory mounted, 3/4 HP Sicei IP68 submersible with Rossi gearbox
  - HDPE disk segment assemblies, removable cloth, HDPE vacuum cleaning heads, stainless hardware and composite materials
    - 53.8 ft<sup>2</sup> per disk, 14 disks per filter
  - Installed cloth media, CA Title 22 Approved, 5 µm
  - Vacuum shoe assemblies
  - Four (4) factory-installed submersible backwash pumps, integrated and pre-plumbed, 3 HP Ebara
  - One (1) sludge collection pump, 3 HP Ebara, factory assembled.
  - One (1) factory-assembled backwash header, each including check valves, Bourdon tube gauges, with isolation valve and recirculation port.

### *Instrumentation*

- Two (2) level transmitters
- Two (2) level switches
- Two (2) vacuum transmitters

### *Equipment Spares*

- Forty-two (42) filter frame and cloth segments (equivalent to one complete disk)
- One (1) spare backwash pump.

### *Nexom Standard Controls System*

- Two (2) UL NEMA 4X stainless 304 filter control panel for mounting to the filter
  - Allen Bradley Compact Logics PLC
  - PanelView Plus, Maple System, or equal HMI
  - FVNR motor starters for backwash and sludge pumps
  - VFD motor drive for gearmotor
  - I/O as required for full automated functionality
  - 460V, 3ph, 60hz power.

### *Services*

- Nexom system process design, CAD drawings and specifications, and O&M manuals
- Equipment inspection, start-up, commissioning, and training
  - Allowance of two (2) trips including up to six (6) days onsite for inspection and commissioning.
  - Allowance of one (1) trip including up to two (2) days onsite for in-person training.

## Exclusions

### **GENERAL**

- Receiving/off-loading and secure on-site storage of all equipment and materials.
- Site preparation, building and all civil work required for equipment installation.
- Weather protection beyond Nexom's detailed scope.
- Interconnecting wiring/control wiring of all supplied components and equipment.

### **EQUIPMENT**

- All piping external to the filter tanks including effluent piping, influent feed, backwash handling and disposal, and all associated fittings and valves not listed in Nexom scope.

## Schedule of Procurement, Contract Times & FATs

<sup>1</sup> Milestone	Weeks from Award	Date (est.)
Project initiation	1	TBD
Submittal delivery	6	TBD
Submittal approval, fabrication release (estimated)	TBD	TBD
Fabrication following approvals	+20	TBD
Function hold point (internal) following approvals	+20	TBD
Customer FAT – Control Systems following approvals	+21	TBD
Customer FAT – Mechanical Systems (filters, pumps, motors) following approvals	+21	TBD
Equipment onsite following approvals	+25	TBD

1. Nexom has additional production hold points in its QA/QC process that can be detailed with submittals. Customers can participate if the production schedule is maintained.
2. Customers will be given the option to participate in FATs remotely or in-person. Nexom tries to maximize advance notice of readiness.

# TAB F – Standard Terms of Sale

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Axiom Water companies



## STANDARD TERMS & CONDITIONS

1. **Offer, Governing Provisions and Cancellation.** This document is an offer or counter-offer by Nexom ("Seller") to sell the goods and/or services described in it in accordance with these terms and conditions, is not an acceptance of any offer made by buyer, and is expressly conditioned upon buyer's assent to these Terms and Conditions of Sale. Seller objects to any additional or different terms contained in any request for proposal, purchase order, acknowledgement or other communication previously or hereafter provided by buyer to Seller. No such additional or different terms or conditions will be of any force or effect. The terms contained in or incorporated into this document will be the entire agreement between Seller and buyer on the subject of the transaction described herein; there are no conditions to that agreement that are not so contained or incorporated. **THIS OFFER AND THAT AGREEMENT WILL BE GOVERNED BY AND CONSTRUED ACCORDING TO THE LAWS OF THE STATE OR PROVINCE IN WHICH THE OFFICE OF THE SELLER THAT ISSUED THIS OFFER IS LOCATED (WITHOUT REFERENCE TO PRINCIPLES OF CONFLICTS OF LAWS). THE RIGHTS AND OBLIGATIONS OF THE PARTIES HEREUNDER WILL NOT BE GOVERNED BY THE 1980 U.N. CONVENTION ON CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS.**

No accepted offer may be cancelled or altered by buyer except upon terms and conditions accepted by Seller in writing, and no changes to this document will be binding unless set forth in writing and manually signed by Seller. This offer may be revoked by Seller at any time before it is accepted by buyer, and will automatically expire 30 calendar days after its date if buyer has not accepted it before then. Neither buyer's acceptance of this offer nor any conduct by Seller (including but not limited to shipment of goods) will oblige Seller to sell to buyer any quantity of goods in excess of the quantity that buyer has committed to purchase from Seller at the time of such acceptance or conduct.

2. **Credit Approval; Payment Terms; Storage.** All payment terms set forth in this document are subject to Seller's approval of buyer's credit, in Seller's discretion; if such approval is withheld, payment will be due in advance of Seller's performance. Except as otherwise provided on the face of this document or in the preceding sentence, payment is due upon buyer's receipt of Seller's invoice following shipment. Interest will be charged at the lesser of (i) 18% per year, or (ii) the highest rate permitted by applicable law, on accounts more than 30 calendar days past due. If production or shipment of completed goods, or other Seller performance, is delayed by buyer, Seller may immediately invoice, and buyer will pay, the percentage of the purchase price corresponding to the percentage of completion; in addition, buyer will compensate Seller for storage of completed goods or work in process during any such delay, whether stored at Seller's facility or an independent storage company's facilities.

3. **Delivery, Claims and Force Majeure.** Unless otherwise provided on the face of this document, goods shall be delivered to buyer F.O.B. Seller's loading dock or, for ultimate destinations outside of the U.S., EXW Seller's loading dock (as the latter shipping term is defined in *Incoterms 2010*). Delivery of products to the carrier will constitute delivery to buyer, and regardless of shipping terms or freight payment, buyer will bear all risk of loss or damage in transit. Seller reserves the right to make delivery in installments, unless otherwise expressly stipulated herein; all such installments to be separately invoiced and paid for when due per invoice, without regard to subsequent deliveries. Delay in delivery of any installment will not relieve buyer of its obligations to accept remaining deliveries.

Claims for shortages or other errors in delivery must be made in writing to Seller within 10 calendar days after receipt of shipment, and failure to give such notice will constitute unqualified acceptance and a waiver of all such claims for such shortages or delivery errors by buyer. Claims for loss of or damage to goods in transit must be made to the carrier, and not to Seller.

All delivery dates are approximate. Seller will not be liable for any losses or damages as a result of any delay or failure to deliver due to any cause beyond Seller's reasonable control, including but not limited to any act of God, act of buyer, embargo or other governmental act, regulation or request, fire, accident, strike, slowdown, war, act of terrorism, riot, delay in transportation, or inability to obtain necessary labor, materials or manufacturing facilities. In the event of any such delay, the date of delivery will be extended for a period equal to the time lost because of the delay. Buyer's exclusive remedy for other delays, and for Seller's inability to deliver for any reason, will be rescission of its agreement to purchase.

4. **Warranties.** Seller warrants any goods provided hereunder to be free from nonconformity to any attached specifications, and free of defects in materials and workmanship, appearing within twelve (12) months after substantial completion or eighteen (18) months after delivery, whichever occurs first. If within such period any such goods shall be proved to Seller's satisfaction to be defective, the affected part will be repaired or replaced free of charge, F.O.B. Seller's loading dock or, for customers outside of the U.S., EXW Seller's loading dock (as the latter shipping term is defined in *Incoterms 2010*, for purposes of which definition buyer will have the responsibilities of the "seller"), or Seller will refund the purchase price of the affected part. Such repair, replacement or refund (whichever Seller determines, in its discretion, to provide) will be Seller's sole obligation and buyer's exclusive remedy for any deficiency in goods furnished hereunder, and will be conditioned upon buyer's return of such goods to Seller, F.O.B. Seller's loading dock or, for customers outside of the U.S., DDP Seller's loading dock (as the latter shipping term is defined in *Incoterms 2010*, for purposes of which definition buyer will have the responsibilities of the "seller"). Any parts repaired or replaced under this warranty are warranted only for the balance of the warranty period on the part that was repaired or replaced.

This warranty shall not apply to prime movers, starting products, electrical apparatus, parts, material and any other products not manufactured by Seller; such products are sold **AS IS**, except that the warranties, if any, of the respective manufacturers of such products, parts or material shall be assigned by Seller to Buyer. Seller has no liability for products installed by anyone other than it or its authorized agent. Decomposition by chemical action and wear caused by the presence of abrasive materials shall not constitute defects under the foregoing warranty, nor shall Seller have any responsibility hereunder with respect to products which have been repaired or altered by others without Seller's written consent.

Seller warrants that any services it provides hereunder will be performed in a manner consistent with customary practice in its industry. Should a failure to conform to this warranty appear within thirty (30) calendar days after completion of any services, Seller will, if promptly notified thereof in writing, either perform the services again, properly and without charge, or refund the price charged for such services. Such reperformance or refund (whichever Seller determines, in its discretion, to provide) will be the buyer's exclusive remedy and the Seller's sole liability with respect to any deficiency in services furnished hereunder.

**THE ABOVE WARRANTIES ARE EXCLUSIVE AND IN LIEU OF ALL OTHER REPRESENTATIONS AND WARRANTIES, EXPRESS OR IMPLIED. SELLER EXPRESSLY DISCLAIMS AND EXCLUDES ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE, AND ANY WARRANTIES ARISING FROM COURSE OF DEALING OR USAGE OF TRADE.**

Any description of the products, whether in writing or made orally by Seller or its agents, specifications, samples, models, bulletins, drawings, diagrams, engineering sheets or similar materials used in connection with Buyer's order are for the sole purpose of identifying the products and shall not be construed as an express warranty. Any suggestions by Seller or Seller's agents regarding use, application or suitability of the products shall not be construed as an express warranty unless confirmed to be such in writing by Seller.

5. **Patents, Trademarks and Copyrights.** Seller will, at its own expense, defend any suits that may be instituted by anyone against buyer for alleged infringement of any patent, trademark or copyright relating to goods or services provided by Seller, and will pay any final damage award therein, provided buyer has made all payments then due hereunder, will give Seller immediate notice in writing of any such suit, will transmit to Seller immediately upon receipt all processes and papers served upon buyer, and will permit Seller, through its counsel, to defend or settle the same, either in the name of buyer or in the name of Seller, giving Seller all needed information, assistance and authority to enable Seller to do so. Further, if the result of any such suit is a determination or acknowledgement of infringement, Seller will, at Seller's option (a) obtain for buyer the right to continue to use the goods, or the products of the services purchased from Seller, or (b) replace the same with non-infringing goods or services, or (c) modify such goods or services so that they are non-infringing, or (d) remove such goods or products of services and refund to buyer the undepreciated portion of the purchase price, determined on the basis of a five-year useful life.

To the extent that any goods or services that Seller furnishes to buyer are manufactured in accordance with drawings, designs or specifications proposed or furnished by buyer, Seller will not be liable, and buyer will indemnify and hold harmless Seller from and against any and all losses, liabilities, damages, claims and expenses (including but not limited to Seller's reasonable attorneys' fees and other costs of defense) incurred by Seller as a result of any claim of patent, trademark, copyright or trade secret infringement, or infringement or any other proprietary rights of third parties.

6. **Consequential Damages and Other Liability.** Seller's liability with respect to the goods or services sold hereunder will be limited to the remedy and indemnity provided in sections 4 and 5 of these Terms and Conditions of Sale and, with respect to any other breaches of its contract with buyer, will be limited to the contract price of the affected goods. **SELLER WILL NOT BE SUBJECT TO ANY OTHER OBLIGATIONS OR LIABILITIES, WHETHER ARISING OUT OF BREACH OF CONTRACT, WARRANTY, TORT (INCLUDING NEGLIGENCE AND STRICT LIABILITY), OR UNDER OTHER THEORIES OF LAW OR EQUITY, WITH RESPECT TO GOODS OR SERVICES SOLD BY SELLER, OR ANY UNDERTAKINGS, ACTS OR OMISSIONS RELATING THERETO.** Without limiting the generality of the foregoing, Seller specifically disclaims any liability for property damages, penalties, special or punitive damages, damages for lost profits or revenues, down-time, lost good will, cost of capital, cost of substitute goods or services, or for any other types of economic loss, or for claims of buyer's customers or any third party for any such damages, costs or losses. **SELLER WILL NOT BE LIABLE FOR, AND DISCLAIMS, ALL CONSEQUENTIAL, INCIDENTAL, INDIRECT AND CONTINGENT DAMAGES WHATSOEVER.**

7. **Buyer's Indemnity.** **BUYER WILL INDEMNIFY AND HOLD HARMLESS SELLER FROM AND AGAINST ANY AND ALL LOSSES, LIABILITIES, DAMAGES AND EXPENSES (INCLUDING BUT NOT LIMITED TO ATTORNEYS FEES AND OTHER COSTS OF DEFENSE) THAT SELLER MAY INCUR AS A RESULT OF ANY CLAIM, OTHER THAN A CLAIM FOR THE REMEDIES PROVIDED IN SECTIONS 4 AND 5 OF THESE TERMS AND CONDITIONS OF SALE, BY BUYER OR BUYER'S CUSTOMERS OR BY ANY THIRD PARTY ARISING OUT OF OR RELATING TO THE GOODS OR SERVICES SOLD HEREUNDER, INCLUDING BUT NOT LIMITED TO ANY SUCH CLAIM BASED UPON THE NEGLIGENCE OF SELLER IN DESIGNING, MANUFACTURING, PERFORMING AND/OR SELLING SUCH GOODS OR SERVICES, UNLESS SUCH LOSSES, LIABILITIES, DAMAGES OR EXPENSES ARE ULTIMATELY DETERMINED TO BE ATTRIBUTABLE SOLELY TO THE WILLFUL MISCONDUCT OF SELLER.**

8. **Taxes and Other Charges.** Any manufacturer's tax, occupation tax, use tax, sales tax, excise tax, value added tax, duty, custom, inspection or testing fee, or any other tax, fee, interest or charge of any nature whatsoever imposed by any governmental authority on or measured by the transaction between Seller and buyer will be paid by buyer in addition to the prices quoted or invoiced. In the event Seller is required to pay any such taxes or other charges, buyer will reimburse Seller therefor on demand.

9. **Changes.** Seller may at any time make such changes in design and construction of products, components or parts as Seller deems appropriate, without notice to buyer. Seller may furnish suitable substitutes for materials unobtainable because of priorities or regulations established by governmental authority, or non-availability of materials from suppliers.

10. **Technical Information.** Any sketches, models or samples submitted by Seller will remain the property of Seller, and will be treated as confidential information unless Seller has in writing indicated a contrary intent. No use or disclosure of such sketches, models or samples, or any design or production techniques revealed thereby, will be made without the express, prior written consent of Seller.

11. **Designs and Tools.** Any design work performed by Seller, and any dies, molds, jigs or other tools that Seller manufactures or acquires, in connection with its performance hereunder will be and remain the sole property of Seller, notwithstanding any charges to buyer therefore. Any such charges convey to buyer the right to have the designs, dies, molds, jigs and/or other tools used by Seller for performance hereunder, but do not convey title or right of possession or any other right.

12. **Permits.** The Buyer shall have full responsibility for securing the requisite permits and compliance with all health and sanitation laws, ordinances and regulations pertaining to the installation of the products involved in a sewage treatment plant or other products sold by Seller.

13. **Special condition:** NOTE: This quotation is prepared based on the usual duty-free import under the USMCA agreement. Should import duty be levied in reaction to US imposing import duty on Canadian exports to the US, the import duty will be added to the contract value.

UV				
Manufacturer	Cost		System Type	Power Consumption
Trojan Technologies	Total with custom controls but without installed additional capacity	\$443,460	Inline	50.5 kW at peak
	Total with custom controls and with 10% installed additional capacity	\$489,985		59 kW at peak
Nuvonic	Total	\$655,216	Closed vessel	216 kW at peak
	Total with master PLC	\$662,716		
Glasco	Total with standard controls and 10% installed additional capacity	\$415,000	Vertical	64 kW at peak

Filtration				
Manufacturer	Cost		Hydraulic Loading Peak Flow	Filter Area
Nexom	Subtotal (standard controls)	\$782,400	5.3 gpm/sf	1506.4 ft2
	Total including 25% spare parts and standard controls	\$798,300		
	Total including 25% spare parts and custom controls	\$850,400		
Evoqua	Total including 25% spare parts and custom controls	\$1,250,000	5.2 gpm/sf	1620 ft2
AquaAerobics	Subtotal (custom controls)	\$784,460	6.35 gpm/sf	1291.2 ft2
	Total including 25% spare parts and custom controls	\$807,880		

Lamp Info	Head Loss	Arrangement Compatibility	Maintenance Accessibility
Total of 48 lamps 1000 W each	~ 12 inches	Fits into existing structure with minimal changes	Easy to access; platform over adjacent channel; routine maintenance can be performed while banks are in the channel, but when needed banks can be raised with the push of a button
Total of 56 lamps 1000 W each			
Total of 36 lamps 6000 W each	~ 50 inches	Very high headloss is an issue	System is enclosed in pipes, tank has to be drained for access
Total of 80 lamps 800 W each	~ 12 inches	Fits into existing structure with minimal changes	Easy to access; vertical orientation means lamps can be removed quickly; there is a spreader bar with hinges for removing the system from the channel

Disc Info	Head Loss	Arrangement Compatibility	Maintenance Accessibility
14 discs per unit Cloth media Outside-In	~18 inches	Fits into existing structure with minimal changes	Easy to access; walkway between filters, hatches to lift out filter segments
18 discs per unit Stainless Steel media Inside-Out	~9 inches	Fits into existing structure with minimal changes	Easy to access; walkway between filters, hatches to lift out filter segments
12 discs per unit Cloth media Outside-In	~17 inches	Requires additional area for backwash pumps- requires holes in concrete walls	Filters are entirely submerged; access requires draining the tank

## ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.  
ASSISTANT COUNTY ENGINEER

(302) 855-7370 T  
(302) 854-5391 F  
mark.parker@sussexcountyde.gov



# Sussex County

DELAWARE  
sussexcountyde.gov

TO: Sussex County Council  
The Honorable Douglas B. Hudson, President  
The Honorable John L. Rieley, Vice President  
The Honorable Jane Gruenebaum  
The Honorable Matt R. Lloyd  
The Honorable Steve C. McCarron

FROM: J. Mark Parker, P.E., Assistant County Engineer

RE: Heronwood Road Improvements – Chapter 96 Sussex Community Improvements  
*A. Introduction of Resolution to Hold Election*

DATE: July 15, 2025

Heronwood is a community consisting of twenty-nine (29) assessable parcels located off Cave Neck Road, southeast of the Town of Milton. The community by letter dated June 14, 2024, requested assistance from the County to repair and improve their existing roads through the Sussex Community Improvement (SCI) Program as defined in Chapter 96 of Sussex County Code.

Following the provisions of the Code, the Engineering Department to date has performed the following actions:

- Determined that the community meets eligibility criteria as defined in the Code;
- Petitioned all assessable property owners within the Community regarding inclusion in the SCI Program
- Provided a preliminary cost estimate for road repair and improvements
- Provided the approximate costs to property owners in both lump sum and 10-year repayment options
- Provided advance notification and conducted a community meeting to discuss and receive comments regarding the SCI Program, estimated project costs, and subsequent election process necessary for project implementation

The Engineering Department has prepared a Resolution establishing a date, time, place and judge for an official Election to be held to consider the proposed Chapter 96 SCI Project for the Heronwood community. Subject to official reading of the Resolution, the Engineering Department recommends approval of the Resolution which will trigger actions necessary to conduct an official Election with the assessable property owners within the community.



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ESTABLISHING A DATE, TIME, PLACE AND JUDGE FOR AN ELECTION  
TO BE HELD TO CONSIDER THE HERONWOOD CHAPTER 96  
SUSSEX COMMUNITY IMPROVEMENT PROJECT**

**WHEREAS**, Chapter 96 of the Sussex County Code, Sussex Community Improvements, provides for a Sussex County Program to facilitate the improvements of streets, roadways, and other community amenities designated by the County Engineer that will, upon completion, benefit or serve the entire community and which are controlled by a private subdivision Property Owners Association, to be implemented by the Sussex County Engineering Department; and

**WHEREAS**, the subdivision known as Heronwood, as represented on Sussex County **Tax Map 235 - 22.00 Parcels 425.00 - 430.00, 430.01, 431.00 - 437.00, 467.00 - 480.00**, and on Recorder of Deeds Plot Book 29 - Page 298, Plot Book 34 -Page 13, and Plot Book 42 – Page 146; located off Cave Neck Road, south of Milton, DE, within the Broadkill Hundred, requested petition forms be provided from the Sussex County Engineering Department to determine if there was adequate interest in their community to obtain an estimate of costs and charges for proposed improvements, and if so, to submit the question of establishing a Chapter 96 Sussex Community Improvement project for the community of Heronwood to an election, in accordance with the provisions of Sussex County Code, Chapter 96, Sussex Community Improvements; and

**WHEREAS**, it was determined by the Sussex County Engineering Department that Heronwood meets all criteria as defined by Sussex County Code Chapter 96 and thereby provided by direct mail the requested petition form to each property owner of record within Heronwood on October 11, 2024 in accordance with the Sussex County Code, along with a project boundary map and project preliminary cost estimate, with estimated charges to each property owner; and

**WHEREAS**, an adequate number of valid petition forms were returned to the Sussex County Engineering Department and verified to represent greater than fifty percent (50%) representation from assessable properties within the proposed project as requirement in § 96-5 of the Sussex County Code; and

**WHEREAS**, on March 18, 2025, the Sussex County Engineering Department mailed to all Heronwood property owners of record within the proposed project area a Notice of a Public Meeting to be held at the Milton Library in the Town of Milton on May 12, 2025; as required by § 96-5 of the Sussex County Code; and

**WHEREAS**, Sussex County Engineering Department held the Public Meeting on May 12, 2025 to discuss the Chapter 96 community improvements proposal and receive comments, at the Milton Library with Heronwood property owners, affirming the project boundary and estimated charges to each property owner in accordance with Sussex County Code.

**NOW, THEREFORE,**

**BE IT RESOLVED**, Sussex County Council hereby formally accepts the community of Heronwood into the Sussex County Chapter 96 Sussex Community Improvement Program; and

**BE IT FURTHER RESOLVED**, that Sussex County Council approves for Heronwood proposed Chapter 96 Sussex Community Improvement project, an estimated annual billing rate of \$1,162.00 for a ten (10) year time period, or an estimated lump sum payment cost of \$8,756.00 for each assessable property located within the boundary of the Heronwood proposed Chapter 96 project, as determined by the Sussex County Engineering and Finance Departments; and

**BE IT FURTHER RESOLVED**, that Sussex County Council does establish Tuesday August 26, 2025 from 10 am to 4 pm., on the third floor of the Sussex County Administration Building located at 2 The Circle, Georgetown, DE 19947, as the date, time, and place for the Election to determine whether the property owners of Heronwood are in favor of proceeding with improvements under the proposed Chapter 96 Project, as presented at the May 12, 2025 Public Meeting. A provision for Absentee Ballots shall also be provided as part of the Election process; and

**BE IT FURTHER RESOLVED**, that Sussex County Council appoints J. Mark Parker, P.E., of the Sussex County Engineering Department, or his designee, to be the judge of said official Election; and

**BE IT FURTHER RESOLVED**, that Sussex County Council directs the Sussex County Engineering Department to provide notice to all assessable property owners of record in the Heronwood proposed Chapter 96 Project, of the date, time, and place of the Election, including estimated costs and charges to property owners, as required by §96-5 of the Sussex County Code, and to provide proper notification of any necessary changes to date, time and location of the Election.

J. Mark Parker, P.E.  
Assistant County Engineer  
July 15, 2025

## ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.  
ASSISTANT COUNTY ENGINEER

(302) 855-7370 T  
(302) 854-5391 F  
mark.parker@sussexcountype.gov



# Sussex County

DELAWARE  
sussexcountype.gov

July 17, 2025

**RE: Heronwood – Proposed Chapter 96  
Sussex Community Improvement (SCI) Project  
ELECTION – August 26, 2025**

Dear Heronwood Property Owner:

Please find enclosed a **Notice of Election** for the proposed SCI Project referenced.

On July 15, 2025 the results of the project Petition for your community were presented to our Sussex County Council. By official resolution, Council directed that an Election be held on August 26, 2025 to consider the Heronwood SCI Project. The Resolution included a provision to change the Election date, time and place as necessary. In accordance with Chapter 96 Code, direct notification at least twenty (20) days prior to an Election is provided herein and a public posting of at least two places within your community will occur accordingly.

An election is scheduled for **Tuesday, August 26, 2025** at the Engineering Administration Office, located on the 3<sup>rd</sup> Floor of the Sussex County Administration Building, at **2 The Circle, Georgetown, Delaware** between the hours of **10:00 AM and 4:00 PM** for the purpose of voting for or against the proposed SCI Project. Please be sure to bring current photo identification to the Election. You will **NOT** be permitted to vote without proper identification.

If you are unable to attend the scheduled Election, you may vote by **absentee ballot** as follows:

1. Visit the County Administrative Offices – Engineering Administration during business hours, 8:30 AM to 4:30 PM, with photo identification prior to noon on Monday, August 25, 2025. A notary will be available to execute the required absentee affidavit - appointments are preferred. Please contact me or Sharon Smith at 302-855-7706 for scheduling.



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 589  
GEORGETOWN, DELAWARE 19947



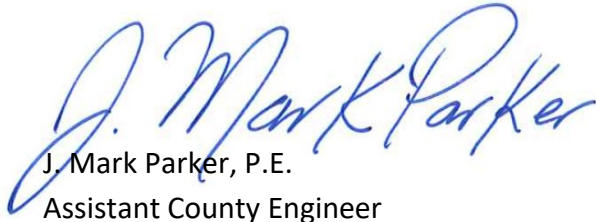
2. Request an absentee affidavit and ballot package be sent to you by mail. All required information detailed in the mailing must be completed, notarized and returned to my attention at the County Administrative Offices – Engineering Administration prior to noon on Monday, August 25, 2025. You may request the absentee package by Sharon Smith at 302-855-7706. The deadline to request an absentee package to be mailed is Tuesday, August 19, 2025.

Estimated project costs have been updated since the Petition Phase based on verification of existing conditions and well as adjustments to unit prices and contingencies. Also enclosed is a table of the project's assessable properties, current owners and financing projection.

Per County Code §96-6, the results of the Election (i.e, in favor or against) will be based on the **actual votes** cast during the Election. If you have any questions or need additional information prior to the Election, please feel free to contact me at 302-855-7382.

Sincerely,

SUSSEX COUNTY ENGINEERING DEPARTMENT



J. Mark Parker, P.E.  
Assistant County Engineer

Enclosures

cc: Mike Harmer, P.E., County Engineer  
Gina Jennings, Finance Director/C.O.O.



## NOTICE OF ELECTION

### HERONWOOD

### PROPOSED CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT (SCI) PROJECT

Notice is hereby given that Sussex County Council will hold an **Election** on **Tuesday, August 26, 2025 from 10:00 am until 4:00 pm** at the Engineering Administration Office, located on the 3<sup>rd</sup> Floor of the Sussex County Administration Building, at 2 The Circle, Georgetown, Delaware, in accordance with Chapter 96 of the Sussex County Code to determine whether a **majority** of the Heronwood real property owners are in favor of Sussex County Council financing the construction of community improvements consisting of street pavement repairs and improvements. The project boundary for Heronwood is represented by Sussex County Tax Map 235 - 22.00 Parcels 425.00 - 430.00, 430.01, 431.00 - 437.00, 467.00 - 480.00.

**The annual billing is estimated to be \$1,162.00 per year for a ten (10) year time period for each of the 29 assessable tax parcels** within the Heronwood subdivision project boundaries, as defined by Chapter 96 of the Sussex County Code. There will also be an option to pay off the total amount owed in a one-time lump sum payment, estimated as **\$8,756.00**. Estimates are based on a pavement milling and overlay operation, minor street base patching & repair, driveway tie-ins, utility adjustments, minor striping/signage application, site restoration, Sussex County administrative costs, and 5.5% finance rate.

Each assessable tax parcel or lot within Heronwood subdivision, as defined by Chapter 96 of the Sussex County Code is entitled to **one and only (1) vote in the election**, regardless of whether the property is owned jointly, severally, by tenants-in-common, corporately, or by an artificial entity.

**Eligible voters who are unable to attend the election in person may cast a vote by absentee ballot.** An absentee ballot can be obtained from Sussex County Engineering Department by contacting me at the number provided below. All original absentee ballot forms must be **executed, notarized, and received** by Sussex County Engineering Department on or before **12:00 Noon, Monday, August 25, 2025**, preceding the scheduled Election. Appointments are also available to visit and complete absentee ballots in person at our office prior to the referenced absentee ballot deadline.

Any questions regarding this Election, or the Sussex County Chapter 96 Sussex Community Improvement Program may be directed to me at **(302) 855-7382**, between the hours of 8:30 am and 4:30 pm Monday through Friday.

By: J. Mark Parker, P.E.  
Assistant County Engineer



**PRELIMINARY COST ESTIMATE**


**Updated 07/10/2025**

**Heronwood**

ITEM	ITEM DESCRIPTION	UNIT	QTY	UNIT COST	ITEM COST
<b>1</b>	<b>Preliminary Design Cost</b>				
1.1	Misc Permits	LS	N/A	\$ -	\$ -
1.2	DNREC NOI (not needed)	LS	N/A	\$ -	\$ -
1.3	SCD Design Review/Inspection Fees (none by SCD, project inspection by County forces)	LS	N/A	\$ -	\$ -
1.4	DeIDOT Safety Permit (by County - separate Entrance Permit not needed)	LS	N/A	\$ -	\$ -
1.5	Design Survey (none needed)	LS	N/A	\$ -	\$ -
<b>Subtotal Preliminary Design Cost</b>					<b>\$ -</b>
<b>2</b>	<b>Preliminary Construction Cost</b>				
2.1	Mobilization	LS	1	\$ 7,945.88	<b>\$ 7,946.00</b>
2.2	Pavement Milling, 1-1/4" Depth	SY	9320	\$ 2.75	<b>\$ 25,630.00</b>
2.3	Pavement Milling, Variable Depth	SY	80	\$ 14.00	<b>\$ 1,120.00</b>
2.4	Pavement Patching	CY	30	\$ 150.00	<b>\$ 4,500.00</b>
2.5	Hot-Mix Type C Superpave, PG 64-22, 9.5 mm mix	TON	1078	\$ 120.00	<b>\$ 129,360.00</b>
2.6	Hot-Mix Type B Superpave, PG 64-22, 19 mm mix	TON	70	\$ 155.00	<b>\$ 10,850.00</b>
2.7	Hot-Mix Type C Superpave, PG 64-22, Wedge	TON	45	\$ 160.00	<b>\$ 7,200.00</b>
2.8	Driveway Tie-in, Hot-Mix	EA	20	\$ 275.00	<b>\$ 5,500.00</b>
2.9	Adjust Storm Manhole	EA	1	\$ 1,000.00	<b>\$ 1,000.00</b>
2.10	Adjust Sanitary Manhole	EA	10	\$ 1,100.00	<b>\$ 11,000.00</b>
2.11	Adjust Sewer Valve	EA	1	\$ 600.00	<b>\$ 600.00</b>
2.12	Topsoil, Seed & Mulch (Edge Stabilization and Misc. Application)	SY	350	\$ 15.00	<b>\$ 5,250.00</b>
2.13	Maintenance of Traffic	LS	1	\$ 8,080.40	<b>\$ 8,080.00</b>
2.14	Pavement Striping/Traffic Sign (at entrance to Cave Neck Road)	LS	1	\$ 1,800.00	<b>\$ 1,800.00</b>
	Pipe Culvert Repair (joint failure at entrance in ROW - assume DeIDOT will repair)				<b>\$ -</b>
<b>Subtotal Preliminary Construction Cost</b>					<b>\$ 219,836.00</b>
<b>Subtotal Preliminary Design &amp; Construction Cost</b>					<b>\$ 219,836.00</b>

Project Engineer: Mark Parker

Approved by County Engineer:

 Date: 07/10/2025

Approved by Finance Director:

 Date: 07/10/2025

**COST ESTIMATE SUMMARY**

Subtotal Prelim Design & Construction Cost	\$	219,836.00
5% Project Contingency		\$10,992.00
Total Prelim Design & Construction Cost	\$	230,828.00
10% County Administration Fee		\$23,083.00
<b>HOA Contributed Funds</b>		
Total Project Cost	\$	253,911.00
Total Parcels		29
Interest Rate (10 yr. payment period)		5.50%
Lump Sum Repayment Cost Option	\$	8,756
10 Year Repayment Period Cost Option (per year, per parcel)	\$	1,162

**HERONWOOD**  
**PROPOSED CHAPTER 96 PROJECT – ASSESSABLE PROPERTIES**  
**ESTIMATED ANNUAL ASSESSMENT**

<b>TAX MAP</b>	<b>PARCEL NO.</b>	<b>LOT NO.</b>	<b>OWNER</b>	<b>EST. ANNUAL ASSESSMENT</b>
235-22.00	425	1	McCarty, Christine C.	\$1,162.00
235-22.00	426	2	Gonzalez, Rolando E. & Ercilia E.	\$1,162.00
235-22.00	427	3	Lu, Chenchao	\$1,162.00
235-22.00	428	4	Kruer, George R. & Florence R.	\$1,162.00
235-22.00	429	5	Abboud, Semaan	\$1,162.00
235-22.00	430	6	Zaworski, Andrea Lee	\$1,162.00
235-22.00	430.01	6A	Mulcahy, Gerard J.	\$1,162.00
235-22.00	431	8	Deckmann, Robert C. & Laura S.	\$1,162.00
235-22.00	432	7	Dupont, Stuart R.	\$1,162.00
235-22.00	433	9	Bastholm, Thomas G. & Nancy N.	\$1,162.00
235-22.00	434	10	Karsnitz, Craig A & Kathi A.	\$1,162.00
235-22.00	435	11	Gray, Benjamin & Sydney	\$1,162.00
235-22.00	436	12	Primarch, LLC	\$1,162.00
235-22.00	437	13	Giraffe, Viara	\$1,162.00
235-22.00	437.01	14	Defriest, Karen M.	\$1,162.00
235-22.00	467	20	Silk, Timothy P. & Christine L.	\$1,162.00
235-22.00	468	21	Mitchell, Charles M.	\$1,162.00
235-22.00	469	22	Skocypec, Wayne J. & Jean P.	\$1,162.00
235-22.00	470	23	Haldar, Joydeep Maria V.	\$1,162.00
235-22.00	471	24	Willey, San John	\$1,162.00
235-22.00	472	25	Randazzo, Giuseppe & Gretchen	\$1,162.00
235-22.00	473	26	Rudo, Mark R. & Kay S.	\$1,162.00
235-22.00	474	27	Evans, John E. & Joanne Dean	\$1,162.00
235-22.00	475	28	David, William O. & Joanna M.	\$1,162.00
235-22.00	476	15	Llave, Norma A.	\$1,162.00
235-22.00	477	16	Monroe, Paul & Ashley	\$1,162.00

TAX MAP	PARCEL NO.	LOT NO.	OWNER	EST. ANNUAL ASSESSMENT
235-22.00	478	17	Smith, Gary A. & Carol Mertes	\$1,162.00
235-22.00	479	18	Gardoski, Ruth Ann & Lee M.	\$1,162.00
235-22.00	480	19	Malakis, Norene Broadhurst	\$1,162.00

Notes: Parcel owners and estimated Annual Assessment are current as of **07/01/2025**.

Approved by County Engineer: 

Date: 07/10/2025

Approved by Finance Director: 

Date: 07/10/2025



## ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.  
ASSISTANT COUNTY ENGINEER

(302) 855-7370 T  
(302) 854-5391 F  
mark.parker@sussexcountyde.gov



# Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

TO: Sussex County Council  
The Honorable Douglas B. Hudson, President  
The Honorable John L. Rieley, Vice President  
The Honorable Jane Gruenebaum  
The Honorable Matt R. Lloyd  
The Honorable Steve C. McCarron

FROM: J. Mark Parker, P.E., Assistant County Engineer

RE: ***Stormwater BMP O&M On-Call Contract***  
***A. Final Balancing Change Order & Contract Close-out***

DATE: July 15, 2025

Maintenance services are solicited each year, often on multiple occasions, to supplement the routine upkeep of Sussex County owned properties. This occurs since total costs exceed the requirements for nonprofessional service procurement, as per Delaware Code which the County follows. Several County properties include various types of stormwater management controls and/or Best Management Practices (BMPs), designed and constructed in accordance with approved Stormwater Facility plans. Maintenance of these facilities can include more specialized knowledge, equipment, and licensing versus current mowing and landscaping contracts.

Therefore, the Engineering Department prepared specifications for various types of on-call maintenance work with the proposal evaluation identified as a best value basis using three defined factors: Price, Experience/Qualifications of Bidder and Equipment and Labor Availability. Upon public advertisement and direct notification to qualified contractors specialized in Stormwater BMP operation and maintenance, eight (8) contractors were acknowledged as plan-holders. Three bids were received on March 14, 2024; however, one bid was submitted after the deadline and public opening, and therefore disqualified.

The Engineering Department reviewed the two proposals and determined the best value bid was submitted by Tributaries, LLC, with a total bid price of \$254,000.00. On April 9, 2024 based on Engineering Department recommendation, Council awarded the contract to Tributaries, LLC in the amount of \$254,000.00, with the option to renew up to two (2) additional years in accordance with contract specifications. Funding was allocated between FY 24 and FY 25 budgets based on anticipated use of Contract resources.





Currently this contract covers vegetation management for all county-owned and managed BMPs. During several field meetings with the Contractor at the onset of the Contract, additional work items were identified that would be necessary to maintain compliance with the Delaware Sediment & Stormwater Regulations. These items include storm debris removal, erosion repairs, trash rack repairs, minor outfall device modifications, slope stabilization and channel stabilization. At the Engineering Department's request, the Contractor has provided a unit price of \$400 per hour for a 3-person crew to cover the necessary additional work items. We estimate 120 hours will be needed over the Contract term to accomplish this work, which equates to **\$48,000.00** in labor. In addition to the unit price work, an increase of **\$16,000.00** to the material allowance included in the original Contract is needed to cover the necessary materials related to completing the additional work items. Based on the Engineering Department's recommendation, Council approved Change Order No. 1 on October 15, 2024 in the not-to-exceed amount of \$64,000.00

With the initial year of the on-call Contract coming to a close, an overrun on materials needed to perform some of the repairs and routine maintenance on various BMPs became evident in reviewing final invoice documentation. The overage amount on these materials sums to \$19,437.08 based on a final summary provided by Tributaries, LLC. To address this, and at the recommendation of the Engineering Department, Council approved Change Order No. 2 on June 24, 2025 increasing the lump sum Materials Allowance item by \$20,000.00, thereby increasing the overall contract amount to \$338,000.00.

Following this, final balancing of unit price bid items was performed to account for over and underruns of quantities used during the 1-year contract duration. Change Order No. 3 represents the final balancing of these quantities and all associated costs. **The Engineering Department recommends approval of Final Balancing Change Order No. 3 in the deduct amount of \$124,757.40, thereby reducing the overall Contract amount to \$213,242.60. The Engineering Department also recommend approval of Contract close-out.**



**SUSSEX COUNTY  
CHANGE ORDER REQUEST**

**A. ADMINISTRATIVE:**

1. Project Name: **Stormwater BMP Maintenance On-Call Contract**
2. Sussex County Project No. RFP
3. Change Order No. 3
4. Date Change Order Initiated 7/15/25
5.
  - a. Original Contract Sum \$254,000.00
  - b. Net Change by Previous Change Orders \$ 84,000.00
  - c. Contract Sum Prior to Change Order \$338,000.00
  - d. Requested Change \$-124,757.40
  - e. Net Change (No. of days) 0
  - f. New Contract Amount \$213,242.60
6. Contact Person: Mark Parker, P.E.  
Telephone No. (302) 855-7370

**B. REASON FOR CHANGE ORDER (CHECK ONE)**

- ☐ 1. Differing Site Conditions
- ☐ 2. Errors and Omissions in Construction Drawings and Specifications
- ☐ 3. Changes Instituted by Regulatory Requirements
- ☐ 4. Design Change
- ☐ 5. Overrun/Underrun in Quantity

\_\_\_ 6. Factors Affecting Time of Completion

X 7. Other (explain below):

**C. BRIEF DESCRIPTION OF CHANGE ORDER:**

Balancing change order for the completion of the project.

**D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?**

Yes X No \_\_\_\_\_

**E. APPROVALS**

1. Burr Monroe, President

Burr Monroe 07/10/2025  
Signature Date

Burr Monroe  
Representative's Name in Block Letters

2. Assistant County Engineer

[Signature] 11 July 2025  
Signature Date

3. Sussex County Council President

\_\_\_\_\_  
Signature Date



## Memorandum

To: Sussex County Council  
The Honorable Douglas B. Hudson  
The Honorable Jane Gruenebaum  
The Honorable Matt Lloyd  
The Honorable Steve McCarron  
The Honorable John L. Rieley

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

CC: Everett Moore, County Attorney

Date: July 10, 2025

RE: County Council Report for C/U 2557 filed on behalf of Stockley Materials, LLC

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The Planning and Zoning Department received an application (C/U 2557 filed on behalf of Stockley Materials, LLC) for a Conditional Use for the preparation, processing and storage of material in relation to an existing borrow pit, to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 133-3.00-6.00. The property is located on the east side of Cedar Lane (SCR 318) and the west side of Peterkins Road (SCR 317), approximately 500 feet south of Governor Stockley Road (SCR 432). The parcel size is 82.32 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on April 16, 2025. At the meeting of May 21, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons and 13 recommended conditions of approval as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at its meeting on June 17, 2025. At the conclusion of the Public Hearing, action on the application was deferred for further consideration. Below is a link to the minutes of the June 17, 2025, County Council meeting.

[Link to the Minutes of the June 17, 2025 County Council Meeting](#)

Below are the minutes from the Planning & Zoning Commission meeting on April 16, 2025, and May 21, 2025.



Minutes of the April 16, 2025, Planning & Zoning Commission Meeting

**C/U 2557 Stockley Materials, LLC**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE PREPARATION, PROCESSING AND STORAGE OF MATERIAL IN RELATION TO AN EXISTING BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 82.32 ACRES, MORE OR LESS.** The property is lying on the east side of Cedar Lane (S.C.R. 318) and the west side of Peterkins Road (S.C.R. 317), approximately 500 feet south of Governor Stockley Road (S.C.R. 432). 911 Addresses: N/A. Tax Map Parcels: 133-3.00-6.00

Mr. Whitehouse advised the Commission that submitted into the record are the Applicant's conceptual site plan, the Applicant's exhibit booklet and exhibits, the Staff Analysis report, the DelDOT service level evaluation response letter, a letter received from the Sussex County Engineering Department Utility Planning division, and no comments.

The Commission found that Mr. David Hutt, Esq. was present on behalf of the Applicant, Stockley Materials, LLC, that also in attendance are Mr. Ken Adams, a principal of Stockley Materials and Mr. Mark Davidson, Principal Land Planner with the Pennoni Group.

Mr. Hutt stated that this application is for approximately a six-acre portion of an 82-acre site; that this Conditional Use seeks to allow wood, whether that's in the form of a tree, shrubbery, root mass, similar organics to be brought to this six-acre site to be recycled; that when clearing or site work in done, there is a need for a location to take those materials to be recycle; that there is currently a borrow pit on this property which was approved on April 21, 2009 – CU 1770 and Ordinance No. 2045; that the CU 1770 application was to expand a pre-existing Borrow Pit; that there are special requirements for a Borrow Pit and one is that no material may be brought from off the site for processing, mixing or similar use; that this is a separate application because it proposes to allow materials to be brought to the site for processing and recycling; that the properties that surround this facility are all in the Low Density Area, except the property immediately to the north of that property which is in the Developing Area on the future land use map; that the Georgetown's wastewater treatment plant to the north is within the Developing Area; that this property and all the surrounding properties are zoned AR-1; that the same entrance to the borrow pit would be utilized for this conditional use; that it is approximately six acres back from the entrance; that the Applicant is proposing a 30-ft. wide landscaped buffer including a berm between this six-acre area and the four residential lots on Cedar Lane; that the Applicant proposes to surround the site with a reinforced silt fence to distinguish between the uses and make sure the recycling process stays within the six-acre area; that it is not in a flood zone area; that an on-site porta potty would be provided for employees; that water would be provided; that there is an irrigation system with water from the borrow pit which would be used to keep dust down; that in DelDOT's response to the service level request the impact on traffic would be diminutive, meaning less than 50 trips per day; that there is a screener on the site; that the screener has a volume of 85 decibels at 10 ft. which is about the same as a vacuum cleaner; that the noise diminishes over space and there is over 440 feet to the nearest dwelling; that a grinder is proposed for this conditional use but would be used on a limited basis and would operate less frequently than the screening machine; that this project is of a semi-public or public character because the service that Stockley Materials provides is a necessity; that under Delaware law several years ago, zero waste principles were adopted and then codified within the Delaware Code; that they are found in Title 7

and Chapter 60, and one of those sections is section 6056; that the goal is to keep things out of the landfill and have them processed so that they are reused and recycled; that the Applicant has to file an annual report stating the quantity of materials recycled; that the recycled materials are sold at the Stockley retail facility

The Commission found that there were no people present who spoke in support of the application and there were 28 people present in opposition to the application, with seven people speaking.

The Commission found that Mr. Larry Sheridan spoke in opposition to the Application.

Mr. Sheridan stated that he did not receive notice of this hearing; that he did not see the sign as it was not placed at the entrance to the property; and that he heard about this hearing from a neighbor.

The Commission found that Mr. Dave Rementer spoke in opposition to the Application. Mr. Rementer stated that his property is adjacent to the Borrow Pit; that he agrees with recycling, but the traffic is unbearable; that there is so much noise and abuse of the roads; and that the dust is bad, and the irrigation system does not work.

The Commission found that Mr. Gary Thompson spoke in opposition to the Application.

Mr. Thompson asked that the Commission not even consider recommending approval; that there were 21 conditions of approval for the original conditional use that the Applicant does not adhere to; that they have blocked the natural drainage from surrounding properties as all the waste from the screener is placed around the edge of the property; that he is concerned that the County allowing this to continue; that the complaints were submitted about this property before this application was submitted; that

The Commission found that Mr. Travis George spoke in opposition to the Application.

Mr. George stated that a traffic assessment should be completed because there are more trucks than you would think; that it will impact the community; that there is a drainage problem, and the road has been washed out; and that he has concerns about the contamination of the water supply.

The Commission found that Mr. John Farrace spoke in opposition to the Application.

Mr. Farrace stated that his home is getting sandblasted; that he has video of his windowsills covered in sand; that you can hear the machines; that its non-stop of the backhoes and now they want to add dump trucks and a grinder; and that there are recycling places in the area, Millville Organics, Blue Hen Organics, and Stockley on the highway.

The Commission found that Ms. Robin Fries spoke in opposition to the Application.

Ms. Fries stated that the Applicant is asking for six acres but that will grow in the future; that the dust storm that came across the neighborhood today was horrendous; that when she moved here nine years ago, it was barely visible from Peterkins Road, now it is becoming an eyesore; that there is no buffer; and that even if they planted trees today it would take 15-20 years for those to mature.

The Commission found that Mr. Bill Nieto spoke in opposition to the Application.

Mr. Nieto stated that he is the president of the Black Creek Cove Homeowners Association; that he is concerned about the dust issue when it is windy; that what is the definition of a buffer zone because it does not exist today; there is not even a fence; that there is a flooding issue; and that until the issues are corrected there should not be further growth of the borrow pit.

The Commission found that Mr. Ken Adams was present and spoke regarding the application.

Mr. Adams stated that they were required to build the buffer in phases as the borrow pit grew and that if they get stone or concrete in the load it is taken to another site to be crushed.

The Commission found that Mr. John Sheridan spoke in opposition to the Application.

Mr. Sheridan stated that the dust is not coming from the farm operations in the area and that the amount of traffic is not safe with school buses and schools in the area.

Mr. Whitehouse stated that 30 postcards were mailed to homes within 200 feet of the subject property; that any returned mail is scanned into the record; that to comply with Title 9, public hearings must be noticed in two newspapers within 15 days of the hearing; and that a large format sign was placed on the property; and that for the record, at no point in any of my telephone conversations with Mr. Thompson have I ever said that I'm going to push the application through for the Applicant..

Mr. Robertson noted that Mr. & Mrs. Sheridan's name was on the mailing list for this application in addition to others on Cedar Lane; that while not diminishing the issues that Mr. Thompson has with the previous ordinance, today's hearing is for the application before the Commission; that the County inspectors go down a checklist and make sure that the ordinance is being complied with; that there may be a condition to make sure that the current ordinance is being complied with before any new operations can happen on the site; that the Commission is being asked to amend or add to the prior conditional use, but there's really two issues; that there's one the enforcement side of the prior conditional use and all those conditions and dealing with not only the county requirements but also Sussex Conservation District; that the Commission has to decide whether it's appropriate to recommend approval of this particular ordinance to County Council because there will be another hearing at County Council;

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

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

In relation to C/U 2557 Stockley Materials, LLC. Motion by Ms. Wingate to defer action and leave the record open for County Staff to investigate if the current Conditional Use is in compliance with the conditions set forth and report back to the Commission, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

#### Minutes of the May 21, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since April 16, 2025.



Ms. Wingate moved the Commission to recommend approval of Conditional Use # 2557 STOCKLEY MATERIALS, LLC for an amendment to Conditional Use #1770 adopted as Ordinance # 2045 to allow the preparation, processing and storage of materials in relation to and part of an existing borrow pit based on the record made during the public hearing and for the following reasons:

1. This property was approved under Conditional Use #1770 and Ordinance #2045 “for a 53-acre expansion of an existing borrow pit on the same property”. This application seeks to allow organic material storage and recycling operations, soil screening and similar outdoor and landscaping items to be located on the subject property.
2. The property is currently used as a borrow pit. It is located just to the north of the Town of Georgetown wastewater treatment and disposal facility. This is an appropriate location for this use.
3. DelDOT has indicated that this additional use of the property will result in a “Diminutive” impact upon area roadways, which means that it will create less than 50 vehicle trips per day.
4. This use will occur within the borrow pit property and will use the existing borrow pit entrance on Cedar Lane.
5. The recycling of soil and wood, including trees, shrubs, root mass and similar organics, is in furtherance of the State’s “Zero Waste Principles” and keeps these organic materials out of landfills. Pursuant to Title 7, Chapter 60 of the Delaware Code, the Applicant is also required to provide an annual report of its recycling activity to DNREC.
6. During the public hearing, there were concerns stated about the applicant’s compliance with the existing conditions of approval for Ordinance # 2045. As a result, the Commission requested an inspection of the site to determine whether it complies with the established conditions of approval. The inspection occurred and a report was issued on April 29, 2025, that confirms that the conditions of approval have been complied with, including the establishment of required berms and buffers and dust control measures, with the possible exception of a fully compliant berm area near the entrance to the site. Also, fuel tanks that were previously located on the site had been removed. However, as a condition of this approval, regular inspections by county staff will be required to verify compliance with the prior conditions as well as those imposed by this recommendation.
7. The County is in receipt of 26 letters of support for this Conditional Use.
8. The proposed use with the conditions imposed upon it provides a location that is part of an existing borrow pit for the storage and recycling which meets the general purpose of the Zoning Code as a public or semi-public use that is essential and desirable for the general convenience and welfare, orderly growth, prosperity and convenience of Sussex County.
9. This recommendation is subject to the following conditions:
  - A. All of the conditions of approval of Ordinance # 2045 shall remain in effect for the property that is the subject of this Conditional Use unless specifically modified by these conditions. The berm area at the entrance area to the site required by Ordinance # 2045 shall be improved to ensure compliance with that Ordinance.
  - B. This Conditional Use shall allow the six acres depicted on the Preliminary Site Plan (as subsequently confirmed on the Final Site Plan) to be used for the storage, processing, recycling and grinding of wood including trees, shrubs, root mass and similar organics and for the screening and mixing of soil. No other materials or processing shall occur on the site. No mulch shall be dyed on the site. The area where these activities will occur shall be surrounded by a reinforced site fence.

- C. No concrete, asphalt, stone or similar materials shall be brought onto the site for storage, processing, recycling, grinding or similar purposes.
- D. No retail sales shall occur from this site or the larger property that is the subject of Ordinance #2045.
- E. A 30-foot-wide vegetated buffer shall of native species trees with a berm that is at least three feet in height shall be installed by the Applicant between the area of this Conditional Use and the lots along Cedar Lane. These plantings (including the size, type and location of them) shall be shown on the Final Site Plan and be subject to the approval of Sussex County Planning & Zoning Staff followed by the Planning & Zoning Commission as part of the Final Site plan review and approval process. This berm and the plantings shall be installed and verified by County staff before any storage or recycling of materials occurs on the site. There shall not be any storage of materials on or within the berms at any time.
- F. Water or a water truck shall be available and used to control dust from the storage and processing of the permitted materials on the site.
- G. The entrance to this Conditional Use area shall be the existing entrance to the borrow pit. No additional entrances shall be permitted. The entrance shall be secured at all times that the borrow pit operations and the processing of materials are not occurring.
- H. Any additional roadway or entrance improvements required by DelDOT shall be completed by the Applicant.
- I. The hours of operation for the recycling, grinding and screening activities shall be the same as the hours approved by Ordinance #2045: 6:30am until 6:00 pm Monday through Friday and 6:3 am until noon on Saturdays. No Sunday hours shall be permitted.
- J. The Applicant shall comply with all State and County erosion and sedimentation control requirements.
- K. In addition to the existing five-year reporting requirements of Condition #17 of Ordinance #2045, County staff shall periodically inspect the entire site, including the borrow pit operations, for compliance with these conditions of approval as well as those imposed by Ordinance #2045 that are not modified by this approval. Staff shall provide a report describing the results of these inspections to the Planning & Zoning Commission during the first meeting of May of each year for consideration under the “Other Business” category of agenda items.
- L. A violation of these conditions or the conditions of Ordinance #2045 may result in the termination of both Conditional Uses.
- M. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend APPROVAL of C/U 2557 Stockley Materials, LLC, for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

## PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN  
HOLLY J. WINGATE, VICE-CHAIRMAN  
SCOTT COLLINS  
J. BRUCE MEARS  
BRIAN BUTLER



## Sussex County

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

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: April 16, 2025

Application: C/U 2557 Stockley Materials, LLC

Applicant: Stockley Materials, LLC  
25154 DuPont Boulevard  
Georgetown, DE 19947

Owner: Stockley Materials, LLC  
25154 DuPont Boulevard  
Georgetown, DE 19947

Site Location: The property is lying on the east side of Cedar Lane (S.C.R. 318) and the west side of Peterkins Road (S.C.R. 317), approximately 500 feet south of Governor Stockley Road (S.C.R. 432).

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

Proposed Use: Preparation, processing & material storage relating to the existing borrow pit

Comprehensive Land  
Use Plan Reference: Low Density Area

Councilmanic District: District 5 – Mr. John Rieley

School District: Indian River School District

Fire District: Georgetown Fire Department

Sewer: Private Septic

Water: Private Well

Site Area: 6.0 acres +/-

Tax Map ID.: 133-3.00-6.00



## PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN  
HOLLY J. WINGATE, VICE-CHAIRMAN  
J. BRUCE MEARS  
GREGORY SCOTT COLLINS  
BRIAN BUTLER



## Sussex County

DELAWARE  
SUSSEXCOUNTYDE.GOV  
302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR

# Memorandum

To: Sussex County Planning Commission Members  
From: Ann Lepore, Planner I  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: March 20, 2025  
RE: Staff Analysis for C/U 2557 Stockley Materials, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2557 Stockley Materials, LLC to be reviewed during the April 16, 2025, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

**Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.**

**Tax Parcel ID:** 133-3.00-6.00 (P/O)

**Proposal:** The request is for a Conditional Use for Tax Parcel 133-3.00-6.00 (P/O) to allow for a preparation, processing, and storage of material business on a parcel lying on the east side of Cedar Lane (S.C.R. 318) and the west side of Peterkins Road (S.C.R. 317). The parcel is comprised of 82.32 acres +/-.

**Zoning:** The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the east, north, west, and south are zoned Agricultural Residential (AR-1) District.

**Future Land Use Map Designation w/in Comprehensive Plan:** Low Density Area

**Applicability to Comprehensive Plan:** The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property is designated as a Rural Area and has a land use designation of "Low Density Area." All surrounding properties to the north, south, east, and west of the subject site contain the Future Land Use Map designation of "Low Density Area".

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as "a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property" (Sussex County Comprehensive Plan, 4-18).

The Plan also notes that commercial uses "should be limited in their location, size and hours of operation" and "more intense commercial uses should be avoided" and commercial uses "may be appropriate depending on surrounding uses" (Sussex County Comprehensive Plan, 4-19).



### Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcel is not within the Henlopen Transportation Improvement District.
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The parcel is in an area of fair and poor Groundwater Recharge Potential area.

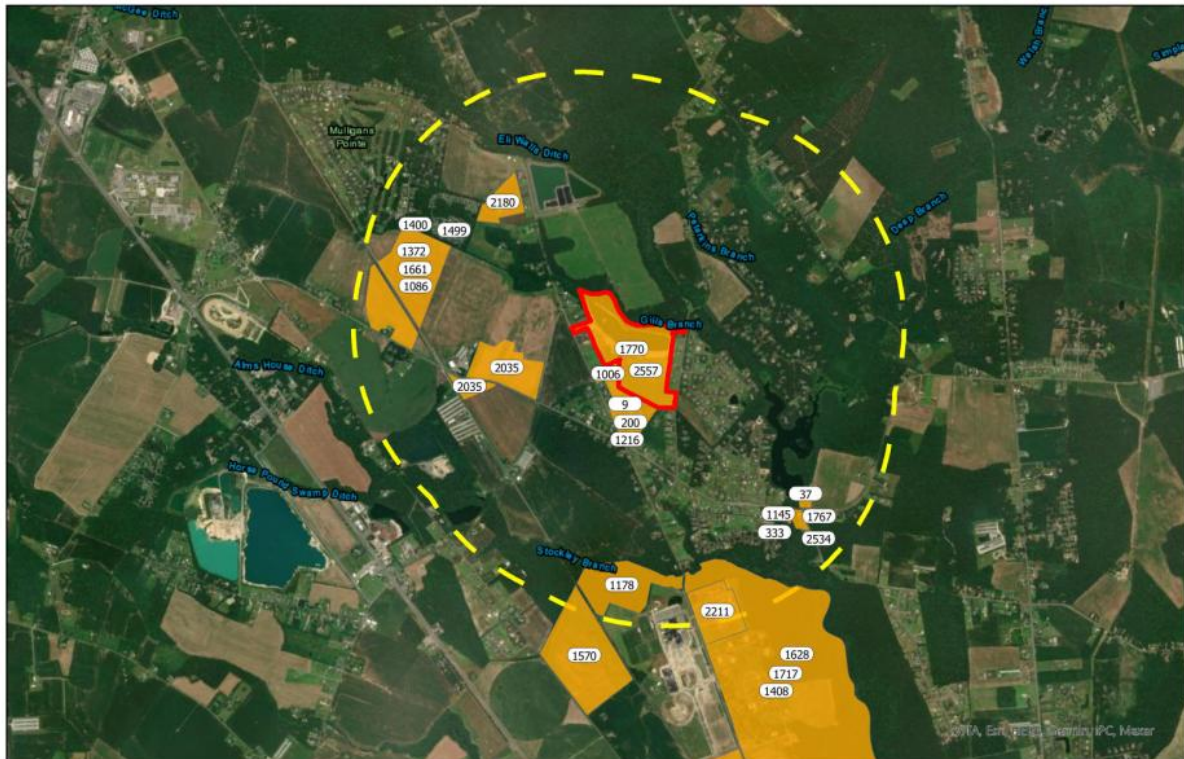
Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a preparation, processing, and storage of material business, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

**Existing Conditional Uses within the Vicinity of the Subject Site:** There have been twenty-four (24) Conditional Use applications within a 1-mile radius of the application site.




CU	APPLICANT	Tax Parcel #	Zoning	Proposed Use	CC Date	CC Decision	Ord. No.
9	R Dale Short	133-7.00-13.00	AR-1	Manufactured home park/Fish Hook	4/27/1971	Approved	N/A
37	Merrill G Calloway	234-20.00-1.00	AR-1	Manufactured home park	1/4/1972	Approved	N/A
200	R Dale Short	133-7.00-13.00	AR-1	Extend Manufactured Home Park	4/9/1974	Approved	N/A
333	Preston L. McIlvaine Inc.	133-7.00-15.01	AR-1	Office Warehouse & Retail Sales	4/13/1976	Approved	N/A
1006	Briggs Enterprises, Inc.	133-7.00-13.00	AR-1	14 Lot Expansion of Existing MHP	8/17/1992	Approved	852
1086	Wheelabrator Clean Water Systems	133-2.00-54.00	AR-1	Land application of treated sludge	9/13/1994	Approved	984
1145	Preson Louis McIlvaine	133-7.00-15.01	AR-1	Professional services & repairs	2/13/1996	Approved	1078
1178	Delaware Commission of Veterans Affairs	133-7.00-8.00	AR-1	Cemetery	5/13/1997	Approved	1134
1216	Briggs Family Enterprises	133-7.00-13.00	AR-1	25 Lot Expansion to MHP	12/30/1997	Approved	1200
1372	Synagro-WWT, Inc.	133-2.00-54.00	AR-1	Sludge application	1/2/2001	Approved	1423
1400	Synagro-WFT Inc.	133-2.00-54.00	AR-1	Wastewater Treatment Biosolids	6/5/2001	Approved	1466
1408	Indian River School District (Stockley Site)	133-7.00-8.00	AR-1	Public school	7/24/2001	Approved	1481



1499	Synagro-WWT, Inc.	133-2.00-54.00	AR-1	Amend CU 1372 & 1400	8/26/2003	Approved	1629
1570	Mountaire (Colony Tract)	133-7.00-7.00	AR-1	Biosolids from wastewater treatment		Withdrawn	
1628	State of Delaware	133-7.00-8.00	AR-1	Government Building	6/14/2005	Approved	1782
1661	Synagro-WWT, Inc.	133-2.00-54.00	AR-1	Sludge application	7/18/2006	Approved	1862
1717	State of Delaware Division of Facilities	133-7.00-8.00	AR-1	State Health Care Facility	12/5/2006	Approved	1880
1767	Advanced Fiberglass Tech.	234-20.00-9.03	AR-1	Boat Repair	2/10/2009	Approved	2030
1770	Stockley Materials, LLC	133-3.00-6.00	AR-1	Borrow Pit Expansion	4/21/2009	Approved	2045
2035	Synagro Central, LLC	133-3.00-4.00	AR-1	Land application of bio-solids as agricultural fertilizer	12/15/2015	Approved	2433
2180	Robert Palmer & Laura Hudson	133-3.00-1.00	AR-1	Professional office	8/13/2019	Approved	2675
2211	Indian River School District	133-7.00-8.01	AR-1	Special Needs School	3/17/2020	Approved	2711
2534	Hardscapes Jiminez, LLC	234-20.00-11.01 & 9.01	GR	Small Business with Office, Showroom, Commercial Inventory & Parking		Pending	
2557	Stockley Materials, LLC	133-3.00-6.00	AR-1	Preparation, Processing & Material Storage in relation to the existing borrow pit		Pending	



**CU2557 Stockley Materials, LLC**  
**CU Vicinity Map**  
**TM#133-3.00-6.00**


 CU 2557 Stockley Materials  
 CU 2557 CU Vicinity Map  
 CU 2557 1-mile radius

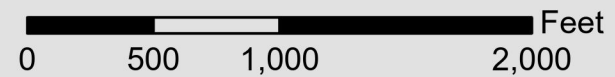






**CU 2557 Stockley Materials, LLC**  
**Aerial Map**  
**TM# 133-3.00-6.00**


 CU 2557 Stockley  
Materials







**CU 2557 Stockley Materials, LLC**  
**Street Map**  
**TM# 133-3.00-6.00**

 **CU 2557 Stockley**  
**Materials**



0 500 1,000 2,000 Feet





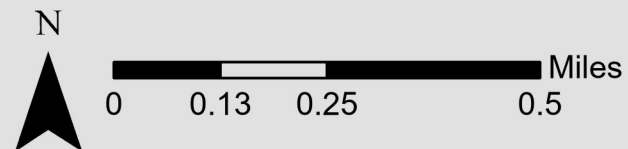
VITA, Esri, HERE, Garmin, IPC, Maxar

## Zoning

-  Agricultural Residential - AR-1
-  Agricultural Residential - AR-2
-  Medium Residential - MR
-  General Residential - GR
-  High Density Residential - HR-1
-  High Density Residential - HR-2
-  Vacation, Retire, Resident - VRP
-  Commercial Residential - CR-1
-  Institutional - I-1
-  Marine - M
-  Limited Industrial - LI-1
-  Light Industrial - LI-2
-  Heavy Industrial - HI-1
-  C1: General Commercial
-  C2: Medium Commercial
-  C3: Heavy Commercial
-  C4: Planned Commercial
-  C5: Service/Limited Manufacturing
-  B-1: Neighborhood Business
-  B-2: Business Community District
-  B-3: Business Research

**CU 2557 Stockley Materials, LLC**  
**Zoning Map**  
**TM# 133-3.00-6.00**

 CU 2557 Stockley  
 Materials



**Introduced: 3/25/25**

**Council District 5: Mr. Rieley  
Tax I.D. No.: 133-3.00-6.00 (P/O)  
911 Address: N/A**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE PREPARATION, PROCESSING AND STORAGE OF MATERIAL IN RELATION TO AN EXISTING BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 82.32 ACRES, MORE OR LESS**

**WHEREAS, on the 4<sup>th</sup> day of October 2024, a Conditional Use application, denominated Conditional Use No. 2557 was filed on behalf of Stockley Materials, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2557 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2557 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece, or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the east side of Cedar Lane (S.C.R. 318) and the west side of Peterkins Road (S.C.R. 317), approximately 500 feet south of Governor Stockley Road (S.C.R. 432) and being more particularly described in the attached legal description prepared by Moore & Rutt said parcel containing 82.32 acres, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**



## Memorandum

To: Sussex County Council  
The Honorable Douglas B. Hudson  
The Honorable Jane Gruenebaum  
The Honorable Matt Lloyd  
The Honorable Steve McCarron  
The Honorable John L. Rieley

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

CC: Everett Moore, County Attorney

Date: July 10, 2025

RE: County Council Report for C/Z 2017 filed on behalf of Gulfstream Glen Cove

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The Planning and Zoning Department received an application (C/Z 2017 filed on behalf of Gulfstream Glen Cove) for a Change of Zone from an AR-1 Agricultural Residential Zoning District to an MR Medium Density Residential Zoning District at Tax Parcels 134-12.00-374.01, 374.02, 375.00, & 3445.00 - 3460.00. The property is located at 30835, 30839, 30845, 30853, 30873, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View. The parcel size is 12.32 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on March 5, 2025. At the meeting of March 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 6 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on March 5, 2025 and March 19, 2025.

### Minutes of the March 5, 2025, Planning & Zoning Commission Meeting

Chairman Wheatley stated for the record that C/Z 2017 Gulfstream Glen Cove and C/U 2462 Gulfstream Glen Cove would be heard as one case for presentation purposes, as they are in relation to each other.

### C/Z 2017 Gulfstream Glen Cove

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND**





**LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS.** The properties are lying on the north side of Burbage Road (S.C.R. 353) approximately 475 ft. west of Windmill Drive (S.C.R. 352). 911 Addresses: 30835, 30839, 30845, 30853, 30873, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View Tax Parcel No.: 134-12.00-374.01, 374.02, 375.00, & 3445.00 - 3460.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicant's exhibit booklet, a copy of the applicant's conceptual site plan, a copy of the applicant's chapter 99-9C response, a copy of the applicant's Drainage Assessment Report and the resource buffer management plan, a copy of the applicants Environmental Assessments and Public Facilities Evaluation Reports, a copy of the proposed bylaws and declarations for the development, a copy of the PLUS response and we're also in receipt of technical advisory comments, including comments from Delaware Electric Co-Op, the State Division of Watershed Stewardship, the State Fire Marshall and County Engineering, the DelDOT area wide study fee memo and a copy of the DelDOT SLER letter, a letter from the Sussex County Engineering Department Utility Planning Division, and one comment.

Ms. Mackenzie Peet, Esq., of Saul Ewing, LLP, spoke on behalf of the Applicant that they are seeking to rezone from an AR-1 district to MR district and then do a Conditional Use to allow for forty-six (46) single family detached dwellings in a multifamily arrangement; that the parcels, excluding parcel 375, were approved as a major subdivision known as Glen Cove, intended for single family detached homes on individual lots, however that project was never realized due to unfavorable market conditions at the time; that the area has since developed significantly with multifamily dwellings and this represents a classic infill development; that the Applicant seeks to rezone from AR-1 to MR and nearby properties are zoned AR-1, MR, C-1 and CR-1; that the site is located within the coastal area, which in Chapter 4 of the Comprehensive Plan is defined by it is one of the most desirable locations for new housing in the County and the coastal area encompasses ecologically important and sensitive characteristics; that the Comprehensive Plan explains that coastal area designation accommodates development provided that specific environmental concerns are addressed, a diverse range of housing types are also permitted within this area, including single family homes on individual lots, townhouses and multi family; that the Applicant is proposing single family detached dwellings and a multifamily arrangement which would be permitted in the County and within the coastal area; that the project will benefit from central water and sewer, the County will provide sewer services to the project and Tidewater will provide water to the project; that the proximity to nearby commercial uses and employment centers such as those within the Town of Millville, the Town of Ocean View and nearby on Route 26, enhances the project's viability and accessibility; that the proposal also aligns with the existing character of the area, particularly with established development such as Bishops Landing nearby and this area has demonstrated a clear demand for multifamily housing, as evidenced by developments nearby; that by introducing additional single family detached homes in a multifamily regime this project contributes to the diversity of housing options in Sussex County; that the plan includes approximately 8.12 acres of open space or approximately 66% of the site, supporting the preservation of natural resources and proposing perimeter and resource buffers with on site wetlands to remain undeveloped; that there are tax ditches and right of ways that wrap around and are located on the property; that there may be an additional need for an amendment to accommodate an installation of a culvert between the wetland area and then into the larger pond to provide connection; that an average 30 foot resource buffer has been proposed, resulting in a total resource buffer of approximately 0.37 acres; that that buffer area varies in width from 15 feet up to 50.1 feet; that at its narrowest point, it's 15 feet due to the presence of the tax ditch, which abuts that buffer; that the site

will be accessed from Burbage Road within a 50 foot right of way through the Windmill subdivision, with an alternate entrance considered however, DelDOT confirmed, that this entrance violated certain sections of DelDOT's Coordination Manual, specifically DCM 1.6.1 regarding entrance locations and a deceleration lane; that the existing right turn lane for the adjacent site did not meet the required spacing of 250 feet for a major collector as defined in DCM figure 1.5.1; that as a result the entrance was relocated per DelDOT; that according to DelDOT's response to the applicant's service level evaluation request dated August 19, 2024, the project is expected to generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day, determining the traffic impact to be negligible qualifying this project for an area wide study rather than a TIS; that additional improvements will include a 10 foot wide multimodal path; that the public expressed concerns about endangered species living amongst the woods of the property and the Applicant had a investigation done and determined there was no endangered species found to be living here; that the developer will follow best management practices, in that if a nest is encountered during the construction they will not disturb it; that there are two (2) stormwater management areas that all surface runoff will be directed with discharge flowing into the existing tax ditch system; that the amenities will include five (5) foot wide sidewalks along one (1) side of all internal streets, a pool and pool house; and that the Applicant's proposal to rezone from AR-1 to MR is appropriate for the following reasons:

1. The site's proximity to existing MR zoned developments
2. The zoning change will align with existing land use patterns and the character of the surrounding area.
3. MR zoning is consistent with the Comprehensive Plan within a coastal area.

The Applicant's proposal of Conditional Use is appropriate for the following reasons:

1. The single family detached dwellings in a multifamily regime meets the purpose of a conditional use.
2. The demand for housing in the area will provide a housing option compatible with existing developments.
3. Establishment of a resource buffer around the wetlands.
4. Contribute to the preservation of natural resources.
5. The proposed development is located within a growth area next to a town's growth area.

Ms. Wingate asked about the alternative access to the subdivision for emergency access only and where that access will be located on the plan; that it is a requirement for all subdivisions and does not have to go through DelDOT as it does not have to be a paved roadway; and that that access will need to be shown on the final site plan if approved.

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

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

In relation to C/Z 2017 Gulfstream Glen Cove. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the March 19, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since March 5, 2025.

Mr. Mears moved the Commission to recommend approval of C/Z 2017 GULFSTREAM GLEN COVE, for a change in zone from AR-1 to MR based upon the record made during the public hearing and for the following reasons:

1. This application seeks a change in zone from AR-1 to MR. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer are available. Both central water and central sewer are available at this site. The purpose of the MR Zoning District is satisfied with this Application.
2. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. MR Zoning is appropriate in this Area according to the Plan. The Plan states that the Coastal Area is appropriate for a “wide range of housing types . . . including single family homes, townhouses, and multi-family units.”
3. This property is surrounded by the boundaries of the town of Millville with existing development that is very similar to what is permitted in Sussex County’s MR Zoning District. MR zoning is appropriate in this location where these other uses and zoning districts already exist.
4. DelDOT has stated that the proposed rezoning and the resulting residential use will have a “negligible” impact on the local area roadways and that the Applicant will be required to pay an “Area-Wide Study Fee” in lieu of a Traffic Impact Study.
5. The proposed MR Zoning meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
6. For all of these reasons, MR zoning is appropriate for this site.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend APPROVAL of C/Z 2017 Gulfstream Glen Cove for the reasons and the conditions stated in the motion. Motion carried 5-0.

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



**PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN  
BRIAN BUTLER  
GREGORY SCOTT COLLINS  
J. BRUCE MEARS  
HOLLY WINGATE



**Sussex County**

DELAWARE  
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(302) 855-7878 T  
(302) 854-5079 F

JAMIE WHITEHOUSE  
DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**

Planning Commission Public Hearing Date: March 5<sup>th</sup>, 2025

Sussex County Council Public Hearing Date: May 13<sup>th</sup>, 2025

Application: C/Z 2017 Gulfstream Glen Cove

Applicant: Gulfstream Glen Cove, LLC  
27 Atlantic Avenue  
Ocean View, DE 19970

Owner: Gulfstream Glen Cove, LLC  
OT Collins Family Limited Partnership  
27 Atlantic Avenue / 30782 Cedar Neck Road  
Ocean View, DE 19970

Site Location: The Parcels are lying on the north side of Burbage Road (S.C.R. 353) approximately 475 ft. west of Windmill Drive (S.C.R. 352)

Current Zoning: AR-1 (Agricultural Residential)

Proposed Zoning: MR (Medium-Density Residential)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire Company

Sewer: Public – Sussex County

Water: Tidewater

Site Area: 12.32 acres +/-

Tax Map ID(s): 134-12.00-374.01, 374.02, 375.00, & 3445.00 through 3460.00





## Memorandum

To: Sussex County Planning Commission Members  
From: Mr. Michael Lowrey, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: February 14<sup>th</sup>, 2025  
RE: Staff Analysis for C/Z 2017 Gulfstream Glen Cove

This memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of application C/Z 2017 Gulfstream Glen Cove to be reviewed during the March 5<sup>th</sup>, 2025 Planning & Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

**Tax Parcel ID:** 134-12.00-374.01, 374.02, 375.00, & 3445.00 through 3460.00

**Proposal:** The request is for a Change of Zone for Tax Parcels: 134-12.00-374.01, 374.02, 375.00, & 3445.00-3460.00 from Agricultural Residential (AR-1) Zoning District to Medium Density (MR) Zoning District. The Parcels are located on the north side of Burbage Road (S.C.R. 353) approximately 475 ft. west of Windmill Drive (S.C.R. 352) and comprised of a total of 12.32 acres +/-

Staff note that a related Application (C/U 2462 Gulfstream Glen Cove) requesting a Conditional Use to allow for multifamily use (Single-family detached condominiums – 50 Units) accompanies this Application.

**Zoning:** The Parcels are zoned Agricultural Residential (AR-1) Zoning District with the boundary with the Town of Millville immediately adjacent to the north and west of the Parcels and just beyond the adjacent properties to the east and south as well.

In terms of permitted residential density, if this Change of Zone to Medium Density (MR) Zoning District and the accompanying (CU 2462) were to be approved, the proposed density of  $\approx$  (4.1) dwelling units per acre would comply with the County Code requirements for multifamily improvement in an (MR) District which allows up to (12) multifamily dwelling units per acre when serviced by a central sewer system (§115-Attachment 2 – Table II)(§115-31).

**Future Land Use Map Designation - (Comprehensive Plan):** Coastal Area

**Applicability to Comprehensive Plan:** The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of “Coastal Area” with all adjacent parcels also categorized under the Future Land Use Map designation of “Coastal Area” or “Municipalities” with the boundary of the jurisdiction of the Town of Millville bordering immediately to the west and south of the site.



As outlined within the 2018 Sussex County Comprehensive Plan, *Coastal Areas* are growth areas that the County encourages only the appropriate forms of concentrated new development, especially when environmental features are in play. The *Coastal Area* designation is intended to recognize the characteristics of both anticipated growth and ecologically important and sensitive characteristics. The Plan notes, “this region contains ecologically important and sensitive characteristics as well as other coastal lands which help to absorb floodwaters and provide extensive habitat for native flora and fauna. This area also has significant impact upon water quality within the adjacent bays and inlets as well as upon natural the region’s various habitats. And, these factors are themselves part of the reason that this Area is so desirable - making the protection of them important to both the environment and the economy” (2018 Sussex County Comprehensive Plan, 4-15).

In terms of residential/dwelling improvements, the Plan notes, “A range of housing types should be permitted in *Coastal Areas*, including single-family homes, townhouses, and multi-family units” (2018 Sussex County Comprehensive Plan, 4-15). In terms of density the Plan notes:

Medium and higher density could be supported in areas:

- Where there is central water and sewer
- Near sufficient commercial uses and employment centers
- Where it is in keeping with the character of the area
- Where it is along a main road or at/or near a major intersection
- Where there is adequate Level of Service
- Or where other considerations exist that are relevant to the requested project and density (2018 Sussex County Comprehensive Plan, 4-16).

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the proposed zoning of Medium Commercial (MR) in an applicable Zoning Districts within the “Coastal Area” Future Land Use Map Designation.

### **Site Considerations**

- **Density:** In terms of permitted residential density, if this Conditional Use for multifamily use and the accompanying Change of Zone (C/Z 2017 AR-1 to MR) were to be approved, the proposed density of  $\approx$  (4.1) dwelling units per acre would comply with the County Code requirements for multifamily improvement in an (MR) District which allows up to (12) multifamily dwelling units per acre when serviced by a central sewer system (§115-Attachment 2 – Table II)(§115-31).
- **Open Space Provisions:** The proposed plan includes (8.13) acres +/- (out of a total of (12.32) acres) of open space which equates to approximately (65%) of the project site.
- **Agricultural Areas:** N/A
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** N/A

- **Forested Areas:** Staff note that majority of the area within the Parcels contains trees with very little appearing to be unforested outside of TM# 134-12.00-375.00. Staff appreciate efforts to conserve as many mature trees as possible on the project site. Staff note that any buffers which may be required as part of this plan are required to be exclusive of “stormwater management areas or facilities, wastewater treatment and/or disposal facilities” (§99-5 FORESTED AND/OR LANDSCAPED BUFFER) & (§115-193(C)(18)). Staff note that any Plan submitted will require a design ensuring the location of stormwater management basins are exclusive of the required wetland resource buffers (if applicable) or any screening or vegetative buffers which may be required as part of any conditions of approval if approved.
- **Wetlands Buffers/Waterways:** County data indicates the presence of jurisdictional Nonidal Wetlands areas on a portion of the rear of Parcel #134-12.00-375.00 which were required to meet the Resource Buffer Protection Section of the Zoning Code (§115-193). Staff note that the jurisdictional wetlands within the Tax Ditch ROWs on the other Parcels at the site are not required to meet the County Resource Protection Code as these resources are managed by DNREC. Staff have concerns regarding the wetland areas at the rear of TM#134-12.00-375.00 as the design may not meet the required (30) foot buffer required for Nontidal Wetlands (§ 115-193A(4) Table 1).

Staff note that the Applicant submitted a Drainage Assessment Report (DAR) as required under (§115-193F) and the submission was reviewed by SCED, with all of SCED’s comments addressed.

- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The Parcels are located within Flood Zones “X” and Staff note there are no Wellhead Protection Areas on the site. The Parcel is classified as within areas of “Good”, “Fair” in terms of Groundwater Recharge Potential on the site per data from the State of Delaware. Staff note that any Tax Ditch crossing will require permitting through DNREC prior to Final Site Plan approval. Additionally, any revisions to the Tax Ditch ROWs will be required to show documentation of any Court Order Change (COC) which approves any revision to the Tax Ditch ROWs on the site.

Based on the analysis provided, the application to allow for a change of zone from an Agricultural Residential (AR-1) zoning district to a Medium Density (MR) zoning district in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

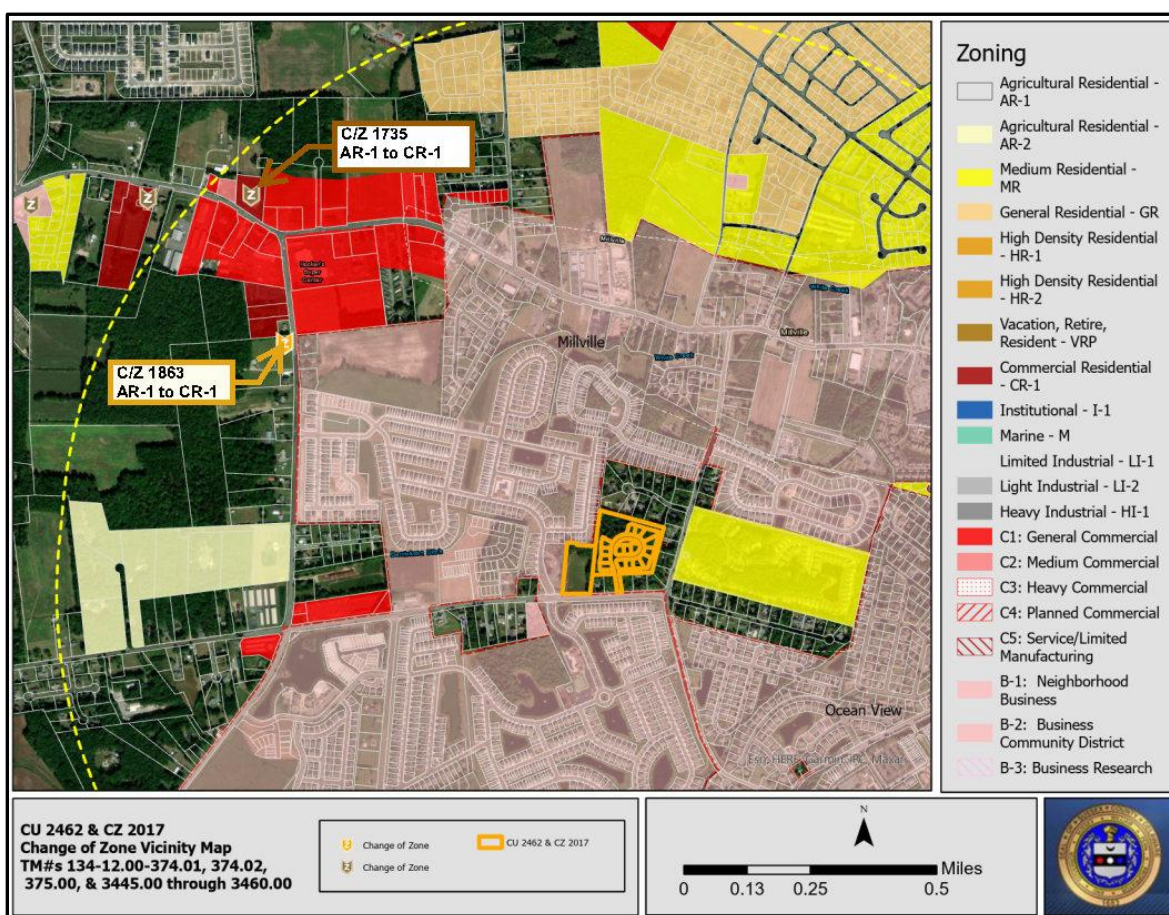
**Existing Changes of Zone within the Vicinity of the Subject Site:** There have been (2) historic Changes of Zone within a 1-mile radius of the site.

### **Change of Zone Applications**

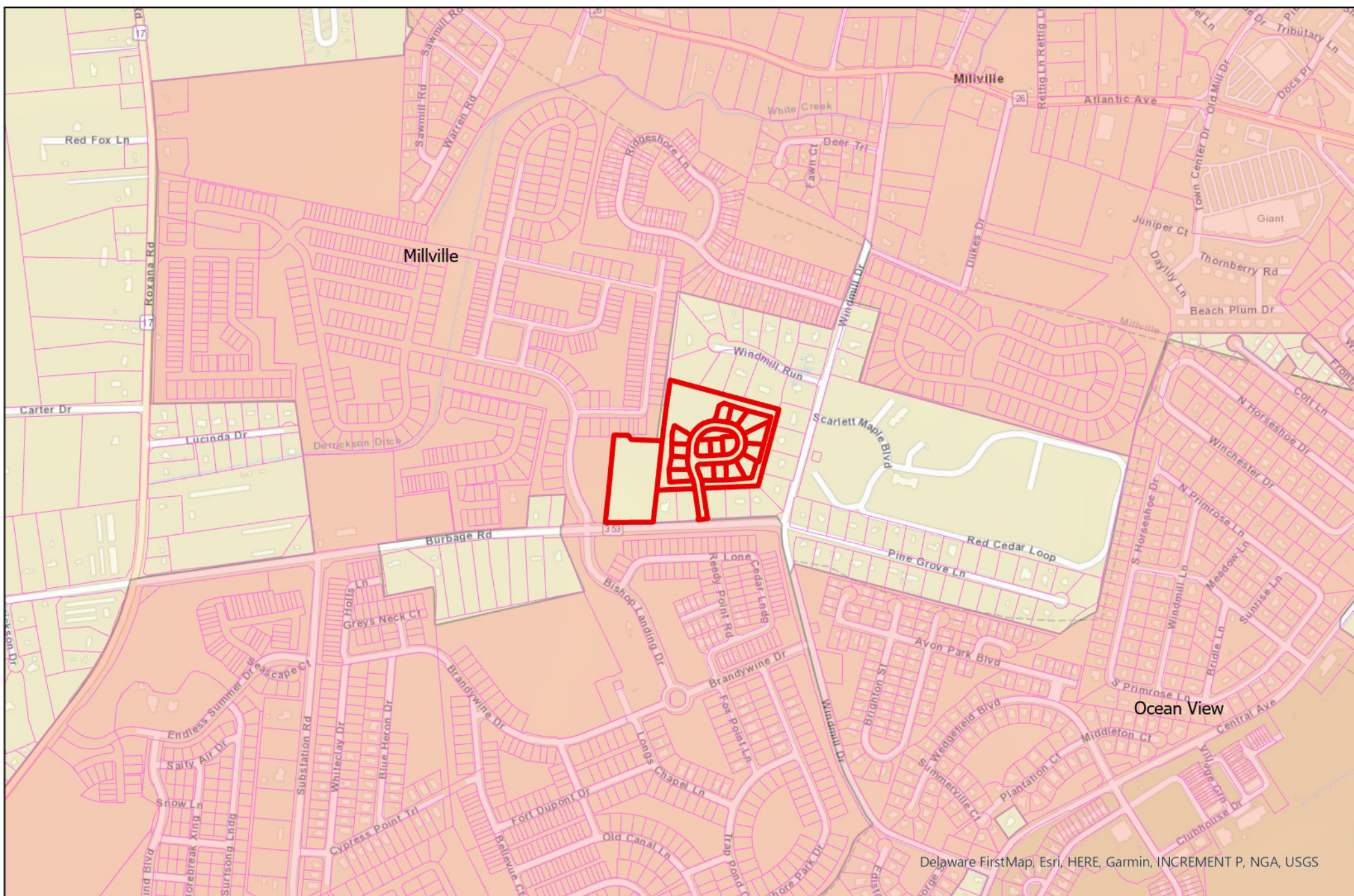
**(Within a 1-mile radius of the subject site – Since 2011)**



Application CZ Number	Application Name	Zoning District	Proposed Zoning	CC Decision	CC Decision Date	Ordinance Number
#1735	Holt's Dispensary, Inc.	AR-1	CR-1	APPROVED	9/24/2013	2321
#1863	Triumpf I, LLC c/o Fulton Jeffers	AR-1	CR-1	APPROVED	1/8/2019	2624







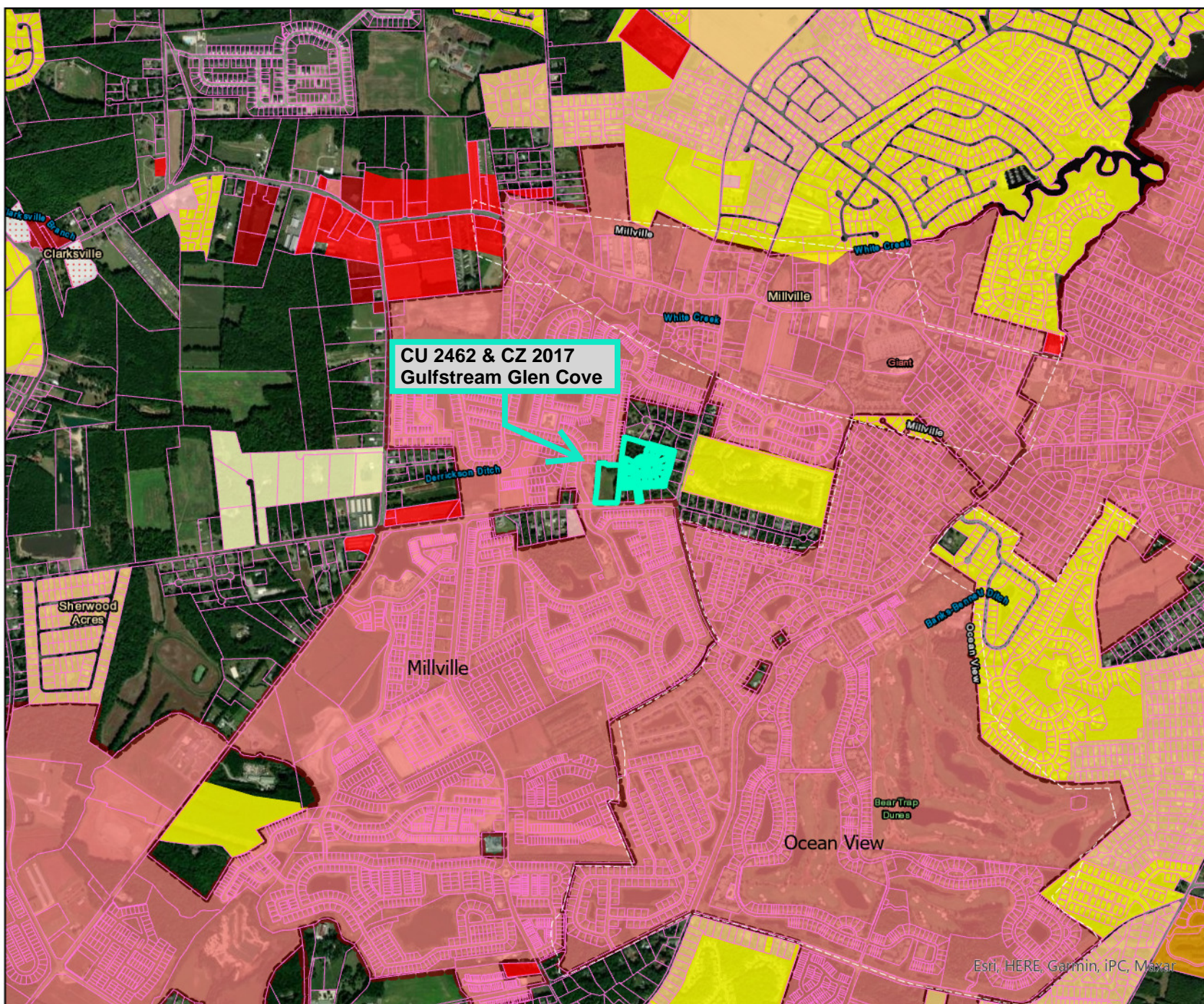
**CU 2462 & CZ 2017- Gulfstream Glen Cove, LLC**  
**Street Map**  
**TM#s 134-12.00-374.01, 374.02, 375.00, &**  
**3445.00 through 3460.00**

**CU 2462 & CZ 2017**  
**Gulfstream**

N

0 500 1,000 Feet



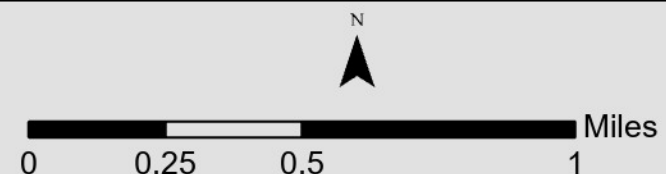


## Zoning

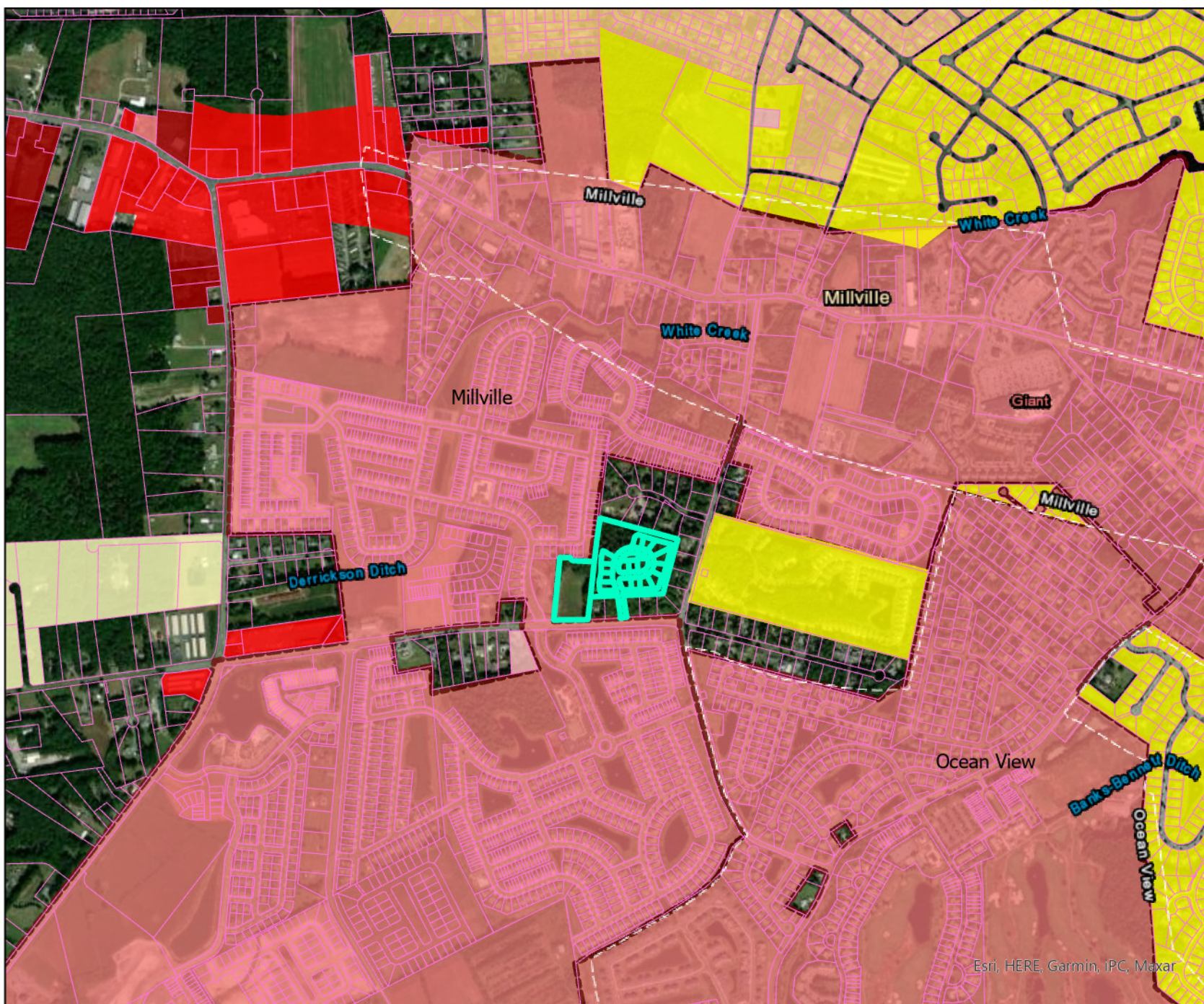
- Agricultural Residential - AR-1
- Agricultural Residential - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1
- High Density Residential - HR-2
- Vacation, Retire, Resident - VRP
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1
- C1: General Commercial
- C2: Medium Commercial
- C3: Heavy Commercial
- C4: Planned Commercial
- C5: Service/Limited Manufacturing
- B-1: Neighborhood Business
- B-2: Business Community District
- B-3: Business Research

**CU 2462 & CZ 2017- Gulfstream Glen Cove, LLC**  
**Zoning Map**  
**TM#s 134-12.00-374.01, 374.02, 375.00, & 3445.00 through 3460.00**

- CU 2462 & CZ 2017 Gulfstream
- Municipal Boundaries








## Zoning


-  Agricultural Residential - AR-1
-  Agricultural Residential - AR-2
-  Medium Residential - MR
-  General Residential - GR
-  High Density Residential - HR-1
-  High Density Residential - HR-2
-  Vacation, Retire, Resident - VRP
-  Commercial Residential - CR-1
-  Institutional - I-1
-  Marine - M
-  Limited Industrial - LI-1
-  Light Industrial - LI-2
-  Heavy Industrial - HI-1
-  C1: General Commercial
-  C2: Medium Commercial
-  C3: Heavy Commercial
-  C4: Planned Commercial
-  C5: Service/Limited Manufacturing
-  B-1: Neighborhood Business
-  B-2: Business Community District
-  B-3: Business Research

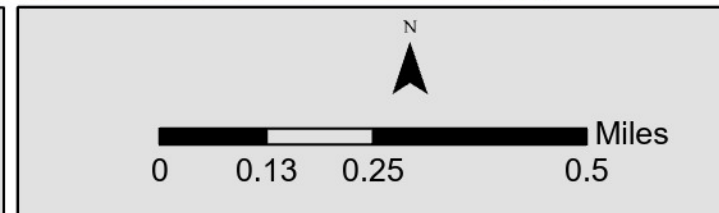
**CU 2462 & CZ 2017- Gulfstream Glen Cove, LLC**

**Zoning Map**

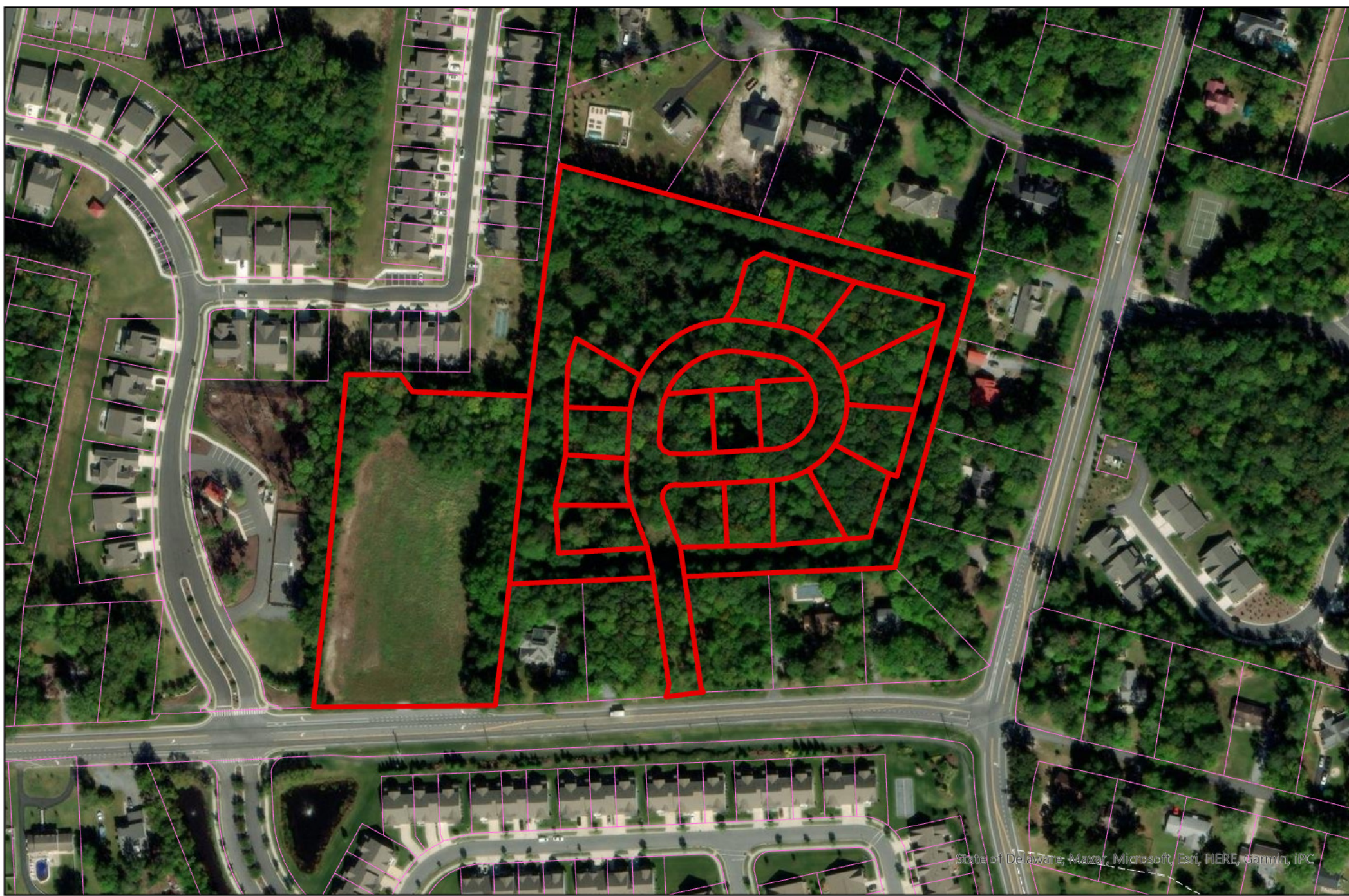
**TM#s 134-12.00-374.01, 374.02, 375.00, & 3445.00 through 3460.00**

 CU 2462 & CZ 2017 Gulfstream

 Municipal Boundaries







State of Delaware, Maxar, Microsoft, Esri, HERE, Garmin, IPC

**CU 2462 & CZ 2017- Gulfstream Glen Cove, LLC**  
**Aerial Map**  
**TM#s 134-12.00-374.01, 374.02, 375.00, &**  
**3445.00 through 3460.00**



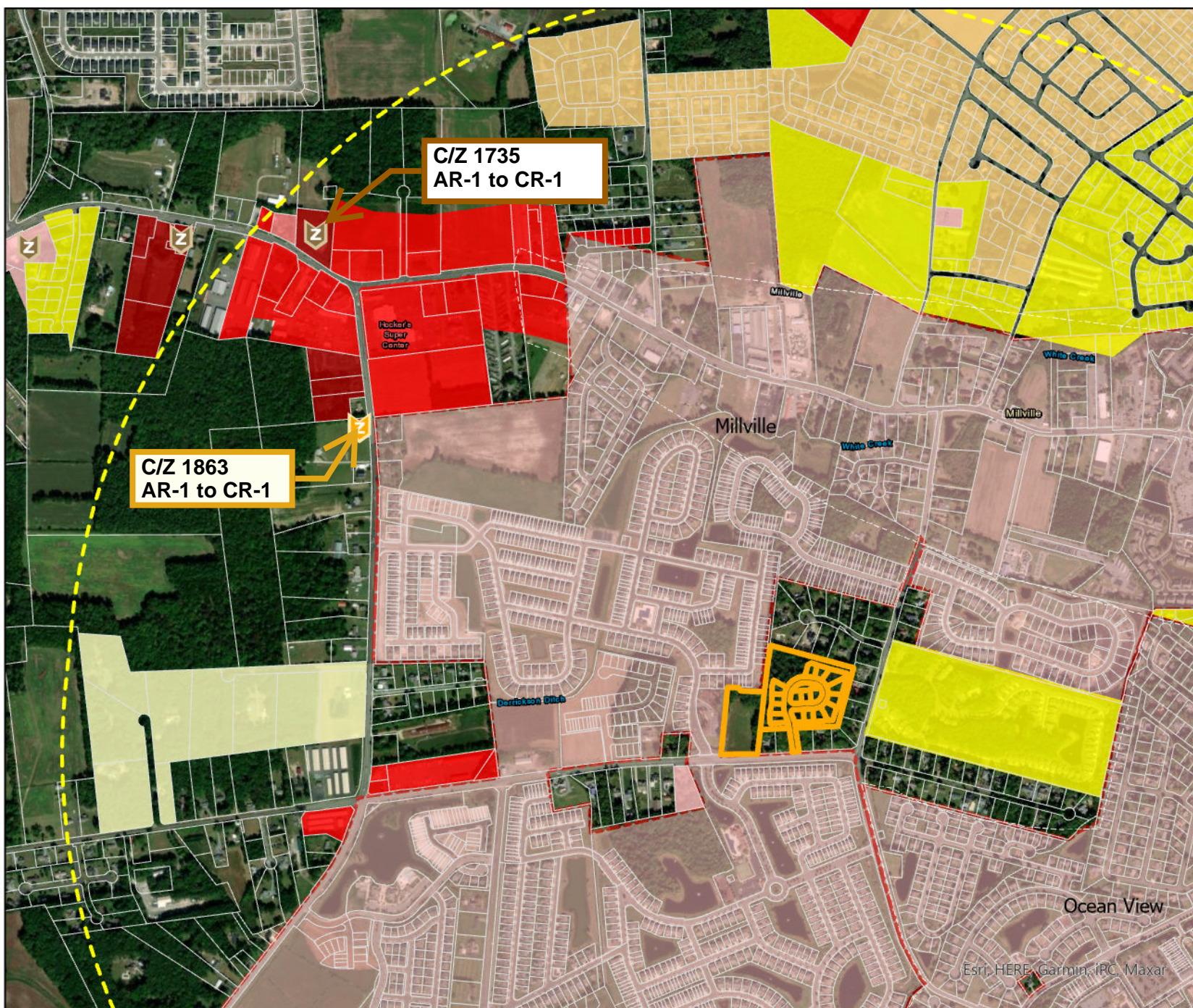
**CU 2462 & CZ 2017**  
**Gulfstream**



0 150 300 Feet







## Zoning

- Agricultural Residential - AR-1
- Agricultural Residential - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1
- High Density Residential - HR-2
- Vacation, Retire, Resident - VRP
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1
- C1: General Commercial
- C2: Medium Commercial
- C3: Heavy Commercial
- C4: Planned Commercial
- C5: Service/Limited Manufacturing
- B-1: Neighborhood Business
- B-2: Business Community District
- B-3: Business Research

**CU 2462 & CZ 2017**  
**Change of Zone Vicinity Map**  
**TM#s 134-12.00-374.01, 374.02,**  
**375.00, & 3445.00 through 3460.00**



Change of Zone



CU 2462 & CZ 2017



Change of Zone

N



0 0.13 0.25 0.5 Miles





**Introduced: 1/7/25**

**Council District 4: Mr. Hudson**

**Tax I.D. No.: 134-12.00-374.01, 374.02, 375.00, & 3445.00 through 3460.00**

**911 Addresses: 30835, 30839, 30845, 30853, 3083, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS**

**WHEREAS, on the 5<sup>th</sup> day of July 2023, a zoning application, denominated Change of Zone No. 2017 was filed on behalf of Gulfstream Glen Cove, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2017 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation MR Medium Density Residential District as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcels of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the north side of Burbage Road (S.C.R. 353) approximately 475 ft. west of Windmill Drive (S.C.R. 352), and being more particularly described in the attached legal description prepared by Civil Engineering Associates said parcels containing 12.32 acres, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**



## Memorandum

To: Sussex County Council  
The Honorable Douglas B. Hudson  
The Honorable Jane Gruenebaum  
The Honorable Matt Lloyd  
The Honorable Steve McCarron  
The Honorable John L. Rieley

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

CC: Everett Moore, County Attorney

Date: July 10, 2025

RE: County Council Report for C/U 2462 filed on behalf of Gulfstream Glen Cove

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The Planning and Zoning Department received an application (C/U 2462 filed on behalf of Gulfstream Glen Cove) for a multi-family dwellings (50 units) to be located in an MR Medium Density Residential Zoning District at Tax Parcel 134-12.00-374.01, 374.02, 375.00, & 3445.00 - 3460.00. The property is located at 30835, 30839, 30845, 30853, 30873, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View. The parcel size is 12.32 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on March 5, 2025. At the meeting of March 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 9 reasons stated and subject to the 17 recommended conditions as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at its meeting on May 13, 2025. At the conclusion of the Public Hearing, action on the application was deferred for further consideration. Below is a link to the minutes of the May 13, 2025, County Council meeting.

[Link to the Minutes of the May 13, 2025, County Council meeting](#)

Below are the minutes from the Planning & Zoning Commission meeting on March 5, 2025, and March 19, 2025.

[Minutes of the March 5, 2025, Planning & Zoning Commission Meeting](#)

**C/U 2462 Gulfstream Glen Cove**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM**



**DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (50 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS.** The properties are lying on the north side of Burbage Road (S.C.R. 353) approximately 475 ft. west of Windmill Drive (S.C.R. 352). 911 Addresses: 30835, 30839, 30845, 30853, 30873, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View. Tax Parcel No.: 134-12.00-374.01, 374.02, 375.00, & 3445.00 - 3460.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicant's exhibit booklet, a copy of the applicant's conceptual site plan, a copy of the applicant's chapter 99-9C response, a copy of the applicant's Drainage Assessment Report and the resource buffer management plan, a copy of the applicants Environmental Assessments and Public Facilities Evaluation Reports, a copy of the proposed bylaws and declarations for the development, a copy of the PLUS response and we're also in receipt of technical advisory comments, including comments from Delaware Electric Co-Op, the State Division of Watershed Stewardship, the State Fire Marshall and County Engineering, the DelDOT area wide study fee memo and a copy of the DelDOT SLER letter, a letter from the Sussex County Engineering Department Utility Planning Division, and one comment.

Ms. Mackenzie Peet, Esq., of Saul Ewing, LLP, spoke on behalf of the Applicant that they are seeking to rezone from an AR-1 district to MR district and then do a Conditional Use to allow for forty-six (46) single family detached dwellings in a multifamily arrangement; that the parcels, excluding parcel 375, were approved as a major subdivision known as Glen Cove, intended for single family detached homes on individual lots, however that project was never realized due to unfavorable market conditions at the time; that the area has since developed significantly with multifamily dwellings and this represents a classic infill development; that the Applicant seeks to rezone from AR-1 to MR and nearby properties are zoned AR-1, MR, C-1 and CR-1; that the site is located within the coastal area, which in Chapter 4 of the Comprehensive Plan is defined by it is one of the most desirable locations for new housing in the County and the coastal area encompasses ecologically important and sensitive characteristics; that the Comprehensive Plan explains that coastal area designation accommodates development provided that specific environmental concerns are addressed, a diverse range of housing types are also permitted within this area, including single family homes on individual lots, townhouses and multi family; that the Applicant is proposing single family detached dwellings and a multifamily arrangement which would be permitted in the County and within the coastal area; that the project will benefit from central water and sewer, the County will provide sewer services to the project and Tidewater will provide water to the project; that the proximity to nearby commercial uses and employment centers such as those within the Town of Millville, the Town of Ocean View and nearby on Route 26, enhances the project's viability and accessibility; that the proposal also aligns with the existing character of the area, particularly with established development such as Bishops Landing nearby and this area has demonstrated a clear demand for multifamily housing, as evidenced by developments nearby; that by introducing additional single family detached homes in a multifamily regime this project contributes to the diversity of housing options in Sussex County; that the plan includes approximately 8.12 acres of open space or approximately 66% of the site, supporting the preservation of natural resources and proposing perimeter and resource buffers with on-site wetlands to remain undeveloped; that there are tax ditches and right of ways that wrap around and are located on the property; that there may be an additional need for an amendment to accommodate an installation of a culvert between the wetland area and then into the larger pond to provide connection;



that an average 30 foot resource buffer has been proposed, resulting in a total resource buffer of approximately 0.37 acres; that that buffer area varies in width from 15 feet up to 50.1 feet; that at its narrowest point, it's 15 feet due to the presence of the tax ditch, which abuts that buffer; that the site will be accessed from Burbage Road within a 50 foot right of way through the Windmill subdivision, with an alternate entrance considered however, DelDOT confirmed, that this entrance violated certain sections of DelDOT's Coordination Manual, specifically DCM 1.6.1 regarding entrance locations and a deceleration lane; that the existing right turn lane for the adjacent site did not meet the required spacing of 250 for a major collector as defined in DCM figure 1.5.1; that as a result the entrance was relocated per DelDOT; that according to DelDOT's response to the applicant's service level evaluation request dated August 19, 2024, the project is expected to generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day, determining the traffic impact to be negligible qualifying this project for an area wide study rather than a TIS; that additional improvements will include a 10 foot wide multimodal path; that the public expressed concerns about endangered species living amongst the woods of the property and the Applicant had an investigation done and determined there was no endangered species found to be living here; that the developer will follow best management practices, in that if a nest is encountered during the construction they will not disturb it; that there are two (2) stormwater management areas that all surface runoff will be directed with discharge flowing into the existing tax ditch system; that the amenities will include five (5) foot wide sidewalks along one (1) side of all internal streets, and a pool and pool house; that the Applicant's proposal to rezone from AR-1 to MR is appropriate for the following reasons:

1. The site's proximity to existing MR zoned developments
2. The zoning change will align with existing land use patterns and the character of the surrounding area.
3. MR zoning is consistent with the Comprehensive Plan within a coastal area.

The Applicant's proposal of Conditional Use is appropriate for the following reasons:

1. The single family detached dwellings in a multifamily regime meets the purpose of a conditional use.
2. The demand for housing in the area will provide a housing option compatible with existing developments.
3. Establishment of a resource buffer around the wetlands.
4. Contribute to the preservation of natural resources.
5. The proposed development is located within a growth area next to a town's growth area.

Ms. Wingate asked about the alternative access to the subdivision for emergency access only and where that access will be located on the plan; that it is a requirement for all subdivisions and does not have to go through DelDOT as it does not have to be a paved roadway; and that that access will need to be shown on the final site plan if approved.

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

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

In relation to C/U 2462 Gulfstream Glen Cove. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the March 19, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since March 5, 2025.

Mr. Mears requested that Mr. Roberston read the motion on his behalf.

Mr. Mears moved the Commission to recommend the approval of C/U 2462 GULFSTREAM GLEN COVE, for 46 Multi-Family Dwellings based upon the record made during the public hearing and for the following reasons:

1. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer are available. This conditional use application for multi-family units appearing as single-family structures is in compliance with the purposes of the MR zone.
2. Both central water and central sewer will be available to this site.
3. This property is surrounded by the boundaries of the town of Millville, with existing development that is very similar to what is permitted in Sussex County's MR Zoning District. MR zoning is appropriate in this location where these other uses and zoning districts exist.
4. DelDOT has reviewed the proposed project and has determined that the development's traffic impact will be "Negligible". When DelDOT determines that traffic impact will be "Negligible", a project is eligible to pay an Area Wide Study Fee instead of obtaining a Traffic Impact Study. Paying this fee does not eliminate the developer's obligation to construct or pay for offsite road improvements that are required by DelDOT.
5. The conditional use meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
6. The conditional use is consistent with the County's Comprehensive Land Use Plan. It is in the Coastal Area according to the Plan, which is a Growth Area. The Plan states that medium and higher densities can be appropriate where, like here, there are features such as central water and sewer and nearby commercial uses and employment centers. The Plan also states that a range of housing types should be permitted in the Coastal Area, including single family homes, townhouses and multifamily units.
7. The project creates residential housing options at an appropriate density in an area: (1) That is served by Sussex County sewer and central water; (2) That is near a significant number of commercial uses and employment centers; (3) that is surrounded by the Town of Millville municipal boundaries; and (4) That is in keeping with the character of the area. All of these factors are consistent with the purpose of both the MR District in the Zoning Code and the Coastal Area designation in the Comprehensive Plan.
8. A Buffer Management Plan as required by Section 115-193 of the Sussex County Zoning Code has been supplied by the Applicant.
9. There was no opposition to the application and no evidence that this project will adversely affect the neighboring properties, area roadways or community facilities.
10. This recommendation is subject to the following conditions:
  - A. There shall be no more than 46 Multi-Family Units within the development.

- B. All entrances, intersections, roadways and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination.
- C. The developer shall form a condominium association that shall be responsible for the perpetual maintenance of streets, roads, buffers, stormwater management facilities, erosion and sedimentation control facilities, amenities, and other common areas.
- D. Central sewer shall be provided to the development by Sussex County. The developer shall comply with all requirements and specifications of the Sussex County Engineering Department.
- E. The development shall be served by a central water system providing adequate drinking water and fire protection as required.
- F. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices when maintaining these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- G. Interior street design shall comply with or exceed Sussex County standards. In addition, there shall be sidewalks on at least one side of all streets within the development.
- H. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.
- I. The Applicant shall consult with the local school district's transportation manager to determine if a school bus stop is appropriate. The location of such a bus stop shall be shown on the Final Site Plan.
- J. There shall be a Resource Buffer that is an average of 30 feet wide from all Resources within this development as defined by the County Code. Where trees currently exist in the buffer area, stump removal or construction activities that disturb the existing grade of the area within the buffer shall be prohibited, except for activities that are permitted in Ordinance No. 2852, Table 2 (Resource Buffer Activities by Zone). All silt fencing shall be located upland of these buffer areas to avoid disturbance. The Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of these buffers and there shall be permanent signage every 100 feet identifying the Resource Buffer boundary and designating it as a "non-disturbance area."
- K. There shall be a vegetated or forested buffer of at least 20 feet in width along the perimeter of this development. As shown on the preliminary plan, where a tax ditch right of way is present, this buffer will be located along the internal edge of that tax ditch right of way. Furthermore, and as shown on the preliminary plan, in areas where the tax ditch right of way does not apply, the buffer will be located along the perimeter of this development adjacent to lands of other ownership. This buffer shall utilize existing forest or similar vegetation if it exists in the buffer area. All silt fencing shall be located along the interior limit of the buffer area (the edge of the buffer nearest the interior development) and the Final Site Plan shall identify the "Limit of Disturbance" to prevent disturbance of the buffer area.
- L. Approximately 8.12 acres or 66% of the site shall remain as open space.
- M. Construction, site work, and deliveries shall only occur on the site between the hours of 8:00 a.m. through 5:00 p.m., Monday through Friday and between 8:00 a.m. and 4:00 p.m. on Saturday. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.

- N. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas and the woodlands that must be preserved.
- O. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
- P. The Final Site Plan shall include a Grading Plan for the site. No building permits shall be issued until an individual lot grading plan has been supplied to and approved by Sussex County. No certificate of occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.
- Q. The Final Site Plan shall depict or note these conditions of approval, and it shall be subject to the review and approval of the Sussex Planning & Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend the APPROVAL of C/U 2462 Gulfstream Glen Cove for the reasons and the conditions stated in the motion. Motion carried 5-0.

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

**Introduced: 1/7/25**

**Council District 4: Mr. Hudson**

**Tax I.D. No.: 134-12.00-374.01, 374.02, 375.00, & 3445.00 through 3460.00**

**911 Addresses: 30835, 30839, 30845, 30853, 3083, 30879, 30885, 30889, 30895, 30899, 30903, 30911, 30910, 30896 Winfield Lane, Ocean View**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (50 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 12.32 ACRES, MORE OR LESS**

**WHEREAS, on the 5<sup>th</sup> day of July 2023, a Conditional Use Application, denominated Conditional Use No. 2462 was filed on behalf of Gulfstream Glen Cove, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2462 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2462 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcels of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the north side of Burbage Road (S.C.R. 353) approximately 475 ft. west of Windmill Drive (S.C.R. 352), and being more particularly described in the attached legal description prepared by Civil Engineering Associates said parcels containing 12.32 acres, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**

Casey Hall

Rieley.

**From:** notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE  
<notifications@d3forms.com>  
**Sent:** Thursday, May 8, 2025 3:08 PM  
**To:** Casey Hall  
**Subject:** Form submission from: Council Grant Form

**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.

### ***Council Grant Form***

<b>Legal Name of Agency/Organization</b>	Town of Millsboro
<b>Project Name</b>	Police Department Acquisition of K-9 Unit
<b>Federal Tax ID</b>	51-6000390
<b>Non-Profit</b>	Yes
<b>Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)</b>	No
<b>Organization's Mission</b>	The Millsboro Police Department is committed to enhancing the quality of life by creating a safe environment in partnership with the community we serve. Members of the Millsboro Police Department will act with integrity to reduce fear and crime while treating all with respect, compassion, and fairness.
<b>Address</b>	120 W. Railroad Avenue
<b>City</b>	Millsboro
<b>State</b>	DE



<b>Zip Code</b>	19966
<b>Contact Person</b>	Ashleigh Sander
<b>Contact Title</b>	Assistant Town Manager
<b>Contact Phone Number</b>	302-934-8171
<b>Contact Email Address</b>	<a href="mailto:ashleighs@millsboro.org">ashleighs@millsboro.org</a>
<b>Total Funding Request</b>	10,436
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	Yes
<b>If YES, how much was received in the last 12 months?</b>	7000
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	Yes
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	71
<b>Program Category (choose all that apply)</b>	Other

<b>Program Category Other</b>	Public Safety and Education
<b>Primary Beneficiary Category</b>	Other
<b>Beneficiary Category Other</b>	All of the above
<b>Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program</b>	150000
<b>Scope</b>	<p>To acquire a trained K9 for the purposes of drug detection, and community relations. Our department recognizes the significant value of a K9 unit in improving our operational capabilities, and we are seeking a partnership to obtain funding to help initiate this program. By creating a program that supports and complements surrounding agencies, Millsboro could become a leader in addressing drug abuse, with a focus on proactive and community-driven solutions. If the K-9 unit program is successful, it should also serve as a model for other towns facing similar challenges.</p> <p>Additionally, this K-9 program will be focused on community outreach and positive engagement to build trust between law enforcement and the public, while also promoting safety. By having a dog that isn't trained to bite, can reduce the intimidation factor and allow people to approach and interact with the K-9 more comfortably.</p> <p>In terms of community outreach, our agency will organize events like meet-and-greets at local parks, schools, or community centers, where residents can see the K-9 in action, learn about its training, and ask questions. This could also help demystify the role of K-9 units in law enforcement and build positive relationships. Additionally, featuring the K-9 at local events or even having it take part in educational programs about drug awareness could</p>

further connect it with the community. This K-9 would be available for use by other agencies within Sussex County as well.

**Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)**

0.00

**Description** K-9 Police Vehicle Partition

**Amount** 3,439.00

**Description** Police K-9 (Labrador)

**Amount** 7,000.00

**Description** Veterinary (year 1)

**Amount** 1,000.00

**Description** Dog Food (year 1)

**Amount** 1,000.00

**Description** Supplies (leashes, vests, toys, crate, etc)

**Amount** 1,200.00

**Description** Initial K9 Training Transportation

**Amount** 1,000.00

**TOTAL EXPENDITURES** 14,639.00

**TOTAL DEFICIT FOR  
PROJECT OR  
ORGANIZATION**      -14,639.00

**Name of Organization**      Town of Millsboro

**Applicant/Authorized  
Official**      Ashleigh Sander

**Date**      05/08/2025

**Affidavit  
Acknowledgement**      Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.  
Please feel free to email [clientservices@d3corp.com](mailto:clientservices@d3corp.com) with any questions.

**To Be Introduced: 7/15/25**

**Council District 4: Mr. Hudson**

**Tax I.D. No.: 134-15.00-15.01, 15.02, 17.12, 17.16, 17.17 & 17.18**

**911 Address: 34311 Horse Play Way and 33736 & 33737 Jeans Alley, Frankford, DE 19945**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR-RPC MEDIUM-DENSITY RESIDENTIAL - RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 94.7 ACRES, MORE OR LESS**

**WHEREAS, on the 14<sup>th</sup> day of November 2023, a zoning application, denominated Change of Zone No. 2024 was filed on behalf of The Christopher Companies; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2024 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County, and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation MR-RPC Medium-Density Residential – Residential Planned Community as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece, or parcel of land, lying and being situate in Sussex County, Delaware, and lying on the north and south side of Jeans Alley, on the south side of the intersection of Jeans Alley and Burton Farm Road (S.C.R. 373), and to the west side of Horse Play Way, accessed from the west side of Roxanna Road (Rt. 17), approximately 0.48 mile south of Peppers Corner Road (S.C.R. 365), and being more particularly described in the attached legal description prepared by David W. Baker, Esq., P.A. and D. Stephen Parsons, P.A. said parcels containing 94.7 acres, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**

**To Be Introduced: 7/15/25**

**Council District 3: Ms. Gruenebaum**

**Tax I.D. No.: 334-5.00-171.00**

**911 Address: 30486 Lewes Georgetown Highway, Lewes**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ON-PREMISES ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 5.91 ACRES, MORE OR LESS**

**WHEREAS, on the 26<sup>th</sup> day of November 2024, a Conditional Use application, denominated Conditional Use No. 2568 was filed on behalf of the Unitarian Universalist Society of Southern Delaware; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County, and said Planning and Zoning Commission recommended that Conditional Use No. 2568 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2568 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece, or parcel of land, lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the south side of Lewes Georgetown Highway (Route 9), approximately 0.53 mile east of Dairy Farm Road (S.C.R. 261), and being more particularly described in the attached legal description prepared by Baird Mandalas Brockstedt said parcel containing 5.91 acres, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**





## Memorandum

To: Sussex County Council  
The Honorable Douglas B. Hudson  
The Honorable Jane Gruenebaum  
The Honorable Matt Lloyd  
The Honorable Steve McCarron  
The Honorable John L. Rieley

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

CC: Everett Moore, County Attorney

Date: July 10, 2025

RE: County Council Report for C/U 2581 filed on behalf of Zion Church Ventures, LLC

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The Planning and Zoning Department received an application (C/U 2581 filed on behalf of Zion Church Ventures, LLC) for storage/warehouse/office buildings and a car wash to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 533-11.00-23.00. The property is located at 36054 Zion Church Rd. The parcel size is 24.87 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on May 21, 2025. At the meeting of June 18, 2025, the Planning & Zoning Commission recommended approval of the application for the 9 reasons stated and subject to the 20 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings on May 21, 2025, and June 18, 2025.

### Minutes of the May 21, 2025, Planning & Zoning Commission Meeting

#### **C/U 2581 Zion Church Ventures, LLC**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE/OFFICE BUILDINGS AND A CAR WASH TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX COUNTY, CONTAINING 24.87 ACRES, MORE OR LESS.** The property is lying on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388) and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20). 911 Address: 36054 Zion Church Road, Frankford. Tax Map Parcel: 533-11.00-23.00.



Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's exhibits and maps, a copy of the Applicant's Conditional Use site plan, a copy of the DelDOT SLER letter, a copy of the PLUS comments for the property, a copy of the staff analysis, a copy of the prior Conditional Use approval C/U #2392, which was approved by County Council on April 9, 2024, which is Ordinance #2999 and we have received zero comments.

Ms. Mackenzie Peet, Esq., of Saul Ewing, LLP, spoke on behalf of the Applicant that the application is for a conditional use in an AR-1 (Agricultural Residential) zoning for approximately 180,500 square feet of storage, warehouse and office buildings and a 2,500 square foot car wash on approximately 24.866 acres; that this parcel was part of Conditional Use #2392, which was approved by County Council on April 9, 2024, for storage, warehouse buildings, a car wash, a clubhouse and swimming pool; that the Applicant is asking for a new Conditional Use to request office space that will function as an accessory to the main indoor storage and warehouses; that the Applicants are proposing a change in use and an expansion of the existing permitted use under the Conditional Use approval rather than merely amending the existing conditions different from the last application; that the purpose of this application is to establish climate controlled storage and workspace areas for individuals with boats, recreational vehicles, motorcycles, cars and collectibles; that this will provide a solution for those lacking sufficient space at home to store or work on these items; that the application names to create climate controlled storage and warehouse areas for businesses needing extra space for supplies, equipment and materials; that the proposal also includes a designated area for a car wash, recycling and disposal of automobile fluids and accessory office to support the primary storage workspace and warehousing functions; that the applicants eliminated the concept of the clubhouse and pool altogether and are seeking to expand the permitted uses to include accessory office to support the primary uses on site; that the site plan features nineteen (19) buildings, each measuring 9,500 square feet, located at the back of the property, consisting of 180,500 square feet of indoor, climate controlled storage, warehouse and workspace designed for individuals and businesses; that there will be a 2,500 square foot car wash, an accessory office may be included to support the primary storage, workspace and warehousing functions; that there will be respite, recycling and disposing areas for recycling and disposing of automobile fluids to support vehicle maintenance; that each unit will feature a standard door and large garage door for convenience, ensuring that all activities take place indoors; that each unit will be capable of being fitted out with a bathroom; that the development will accommodate those with boats, recreational vehicles, motorcycles, cars, and collectibles, providing a convenient solution for individuals lacking adequate space for storage or maintenance; that units used for personal rather than business uses are designed to function like Man Caves, allowing owners to personalize their spaces; that these units will cater to hobbyists, fostering a community where individuals with shared interests can connect; that the facility will create designated areas for businesses needing climate controlled storage and/or warehouse for excess supplies, equipment and related materials; that the property is located in an AR-1 (Agricultural Residential) zoning district and in the Coastal Area of the Comprehensive Plan, which is an area of growth; that DelDOT has determined the traffic impact to be minor with the traffic to be generated or anticipated by this facility to be low, stable and predictable, consistent with operational nature of storage facilities; that sewer and water will be provided by Artesian and Sussex County provides sewer; that the site will be secured with a fence around the perimeter with a gated entrance, downward screened security lighting and one lighted sign not exceeding 32 square feet; and that there are approximately 7.5 acres of wetlands on the property with all of the buildings surrounding it with a wetland buffer provided.

The Commission discussed the application and asked about the use of the storage units to operate businesses out of and the possibility of retail sales taking place.

Ms. Peet stated that the storage units will be used by businesses only to use as storage and possibly have a single desk for the owner/staff to perform administrative type work and there will be no retail sales happening on site at all.

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

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

In relation to C/U 2581 Zion Church Ventures, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

#### Minutes of the June 18, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application, which had been deferred since May 21, 2025.

Mr. Robertson read Mr. Mears' motion into the record per Mr. Mears' request.

Mr. Mears moved that the Commission recommend approval of C/U 2581 Zion Church Ventures, LLC for storage, warehouse, and office buildings and a car wash based upon the record made during the public hearing and for the following reasons:

1. This site was previously approved for a similar use, but without commercial or professional office space, on April 9, 2024, as Conditional Use # 2392. This is a new application for the site, keeping the main uses as indoor storage and warehouses, but adding office space as an accessory to the warehouse and storage uses. This recommendation allows the addition of office space, with limitations.
2. Like the prior Application, the purpose of this application is also to create climate-controlled storage and workspace areas for individuals with boats, recreational vehicles, motorcycles, cars and collectibles including an area for a car wash to serve the many individuals in the area who do not have room within their home and property to store or work on such items. This Application eliminates the pool and clubhouse amenity that was part of the prior application. It also reduces some of the land area included in the prior application.
3. The site is in the vicinity of several areas that have developed with commercially- and -residentially-zoned properties. This includes property in the area with HR-1 (High Density) Zoning, GR (General Residential) Zoning, AR-1 Zoning and multiple business and commercial Zoning districts. This use is compatible with the surrounding uses and Zoning.
4. Traffic generated by the proposed use will be minimal and will not have a negative impact on the neighboring properties or roadways. DelDOT has stated that the traffic generated by this use will be "minor."
5. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County.
6. The property is located in the Coastal and Developing Areas, which are both "Growth Areas" according to the Sussex County Comprehensive Plan. The conditional use is consistent with

- the Plan's guidelines for these Areas, since it will provide convenient areas for businesses, homeowners, and property owners in this area of Sussex County.
7. The site will be served by central water and sewer.
  8. There are wetlands that have been preliminarily delineated on the Property, and a 25-foot buffer is proposed from those wetlands except in two locations, which will be mitigated with approval from the Army Corps of Engineers.
  9. With conditions and limitations required as part of this recommendation, the conditional use will not adversely affect the neighboring and adjacent properties.
  10. This recommendation is subject to the following conditions:
    - A. This conditional use shall be limited to 180,500 square feet of warehouse/storage area, and a 2,500 square foot car wash area. The car wash shall be for the exclusive use of the owners and their families and guests; it shall not be operated commercially or used by persons not otherwise affiliated with the primary use of this project. No operations that primarily involve or are similar to the following uses shall be permitted: retail; gyms or fitness centers; breweries or brewpubs; or food service.
    - B. No unit or area within the conditional use shall be used as a dwelling or for housing. No overnight accommodation shall be allowed.
    - C. There shall not be any outside storage, including boats, materials, RVs, or equipment, within the site.
    - D. If a unit is used for business purposes, that business may only use the area for climate-controlled storage. The property shall not be used by a business for manufacturing or industrial purposes, and the office space shall not be isolated or walled off from the remainder of each unit. No unit shall be primarily used as an office. In addition, the property may not be used by a business for meeting customers, as a showroom, or as a "mail-drop" or pick up or delivery location for customers.
    - E. An oil and fluid recycling, and disposal facility shall be provided, and its location shall be shown on the Final Site Plan.
    - F. An RV sewer cleanout shall be provided on the property, and its location shall be shown on the Final Site Plan.
    - G. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
    - H. A fence shall be installed along the perimeter of this project. The location and type of fencing shall be shown on the Final Site Plan.
    - I. Any dumpsters must be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
    - J. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.
    - K. There shall be adequate parking as required by Code. The parking areas shall be clearly shown on the Final Site Plan and on the site itself. There shall be no parking within the property's setbacks.
    - L. One unlighted sign, not to exceed 32 square feet per side, shall be permitted along Zion Church Road.
    - M. The Applicant shall submit as part of the Final Site Plan a landscape plan showing all "Limits of Disturbance" within the Property. These "Limits of Disturbance" shall be clearly marked on the Property itself.
    - N. There shall be an on-site Management Office maintaining the property and the operation of it. It shall be open during regular business hours.

- O. The units shall only have bathrooms with a sink and a toilet. No showers or bathtub-type fixtures or plumbing connections shall be permitted.
- P. Any wetlands will be delineated on the Final Site Plan, and the plan shall also show a 25-foot buffer from those wetlands or a permit from the USACOE for mitigation (fill) in specific locations shown on the Final Site Plan.
- Q. The applicant, its successors and/or assigns, shall cause a condominium association to be formed to be responsible for the maintenance of the roads, parking areas, amenities, stormwater management facilities, and other common areas, and the compliance with these conditions, which shall be incorporated into the condominium documents.
- R. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- S. Any violation of these conditions may be grounds for termination of this conditional use.
- T. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Collins, and carried unanimously to recommend approval of C/U 2581 Zion Church Ventures, LLC, for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Ms. Wingate – yea, Mr. Mears – yea, Mr. Collins – yea, Chairman Wheatley – yea

## PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN  
HOLLY J. WINGATE, VICE-CHAIRMAN  
SCOTT COLLINS  
J. BRUCE MEARS  
BRIAN BUTLER



## Sussex County

DELAWARE  
sussexcountyde.gov  
302-855-7878

JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR OF PLANNING & ZONING

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: May 21<sup>st</sup>, 2025

Sussex County Council Public Hearing Date: July 15<sup>th</sup>, 2025

Application: C/U 2581 Zion Church Ventures, LLC

Applicant: Zion Church Ventures, LLC (c/o Bradley Absher)  
35322 Bayard Road  
Frankford, DE 19945

Owner: Zion Church Ventures, LLC (c/o Bradley Absher)  
35322 Bayard Road  
Frankford, DE 19945

Site Location: The property is located on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20) in Frankford, Delaware.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Storage/Warehouse/Office Buildings (180,500 square feet) and a car wash (2,500 square feet) in an AR-1 District.

Comprehensive Land  
Use Plan Reference: Coastal Area, Low Density and Developing Area

Councilmanic  
District: District 4 – Mr. Hudson

School District: Indian River School District

Fire District: Roxana Fire Company

Sewer: Sussex County

Water: Artesian

Site Area: 24.866-acre(s) +/-

Tax Map ID.: 533-11.00-23.00





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PLANNING & ZONING DIRECTOR  
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**Sussex County**

DELAWARE  
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## Memorandum

To: Sussex County Planning and Zoning Commission Members  
From: Ms. Lauren DeVore, AICP, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: April 15<sup>th</sup>, 2025  
RE: Staff Analysis for C/U 2581 Zion Church Ventures, LLC

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The purpose of this Memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application for C/U 2581 Zion Church Ventures, LLC. to be reviewed at the May 21<sup>st</sup>, 2025, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

**Please note that the following Staff Analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.**

**Tax Parcel ID:** 533-11.00-23.00

**Proposal:** The request is for a Conditional Use for Tax Parcel: 533-11.00-23.00 to allow for storage/warehouse/Office Buildings consisting of 180,500 square feet and a car wash to consist of 2,500 square feet to be located within an Agricultural Residential (AR-1) District on a 24.87-acre parcel of land lying on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20) in Frankford, Delaware.

**Staff note that this Application is a revision to a previous Application (Conditional Use No. 2392 Zion Church Ventures, LLC) which was for 19, 9,500 square foot climate-controlled buildings (180,500 square feet), one 2,500 square foot car wash building with parking and a 6,400 square foot clubhouse with pool and patio and related parking.**

**Conditional Use No. 2392 Zion Church Ventures, LLC was approved by the Sussex County Council at their meeting of Tuesday, April 9<sup>th</sup>, 2024, and the change was adopted through Ordinance No. 2999 subject to seventeen (17) Conditions of Approval.**

**Staff further note that the changes to the originally approved Conditional Use Site Plan include the addition of an ancillary Office, removal of the clubhouse and exclusion of a portion of Tax Parcel IDs: 533-11.00-23.00, 23.03 & 23.04.**

**Zoning:** The Parcel is zoned Agricultural Residential (AR-1) District. The surrounding parcels to the north, east and west of the subject properties on the north side of Deer Run Road (S.C.R. 388) and the southwest side of Zion Church Road (Route 20).



The property to the south of Deer Run Road (S.C.R. 388) consisting of the Deer Run Acres Subdivision and the Hampden Park Subdivision are zoned General Residential (GR) District. There is a single parcel to the south of Deer Run Road and Zion Church Road that is zoned Neighborhood Business (B-1 & B-2). There are also commercially zoned properties on the north side of Zion Church Road to the southwest of the subject properties.

**Future Land Use Map Designation w/in Comprehensive Plan:** Coastal Area, Developing Area and a small portion is Low Density Area

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcels have a Growth Area designation of “Coastal Area” and “Developing Area.”

The Comprehensive Plan notes that Coastal Areas are growth areas which “are areas that can accommodate development provided that special environmental concerns are addressed,” and “a range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes and multifamily units” (2018 Sussex County Comprehensive Plan, 4-15). The plan notes that “retail uses are appropriate” with “appropriate mixed-use development also [being] allowed” (2018 Sussex County Comprehensive Plan 4-15).

The Comprehensive Plan states that Developing Areas are “newer, emerging growth areas that demonstrate the characteristics of developmental pressures” (2018 Sussex County Comprehensive Plan, 4-14). The Plan further notes that, “a careful mixture of homes with light commercial uses can be appropriate to provide convenient services and allow people to work close to home” (2018 Sussex County Comprehensive Plan, 4-14).

### **Compliance with Comprehensive Plan**

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Agricultural Residential (AR-1) District is listed as an Applicable Zoning District within the Coastal Area, Developing Area and Low Density Area Future Land Use Map designations (Sussex County Comprehensive Plan, 4-25).

### **Further Site Considerations:**

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that aerial imagery indicates that the project site is within the vicinity of lands in active agricultural use. This includes the Parcels to the north.
- **Interconnectivity:** Staff appreciate efforts to provide interconnectivity in order to prevent one-way-in, one-way-out access only to the property in an event an emergency should occur

on the Parcel. Please add an easement or other means of providing alternative access to the property.

Staff note that §115-221 “Final Site Plan Requirements” notes that interconnectivity be provided where proposed development of “*business and office buildings, commercial buildings or industrial buildings*” is “*occurring or may occur in the future*” (§115-221(B)(16)).

- **Transportation Improvement District (TID):** The subject property is not located within any established Transportation Improvement Districts (TIDs).
- **Forested Areas:** Staff note that there is an existing forested area on the northeast portion of the subject property. Though not Conditional Use for single-family or multi-family dwellings, Staff request that a 30-ft buffer be provided in accordance with the recent approval of Ordinance No. 3038 “Perimeter Buffers Around Residential Developments” as the property is both adjacent and in proximity to existing residential uses (§115-218(E)).
- **Wetlands Buffers/Waterways:** Staff note per the County’s Online Mapping System that there appears to be a large area of lotic wetlands on the Property that also appear to exist in conjunction with the existing agricultural ditch which appears to bisect the property and run to the southeast of the property between Parcels 24.00, 23.03, 24.01 and 23.04. (This information has been included in a Supplemental Map for the Commission and Council’s review.)
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The Parcels are located within Flood Zones “X” – Areas determined to be outside the 1% annual chance flood. Staff note there are no Wellhead Protection Areas on the project site. The Parcel is classified as within an area of “Fair” Groundwater Recharge Potential on the site per data from the State of Delaware. Staff note that there are two (2) Tax Ditch Areas (the Batson Branch Tax Ditch Area and the Bear Hole Tax Ditch Area) and a related Tax Ditch Right-Of-Way (ROW) which runs along the northeast side (along Parcels 22.00 and 22.01) which is measured 80-ft from the centerline (CL) of the Tax Ditch and another Tax Ditch Right-Of-Way (ROW) which runs along the southeast side of the property which is measured 50-ft from the Top of Bank (TOB) of the Ditch which was reduced through Court Order Change No. 16. ((This information has been included in a Supplemental Map for the Commission and Council’s review.)

Based on the analysis provided, the Conditional Use to allow for the development of storage/warehouse/office buildings totaling 180,500 square feet and a car wash of 2,500 square feet at the site, could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

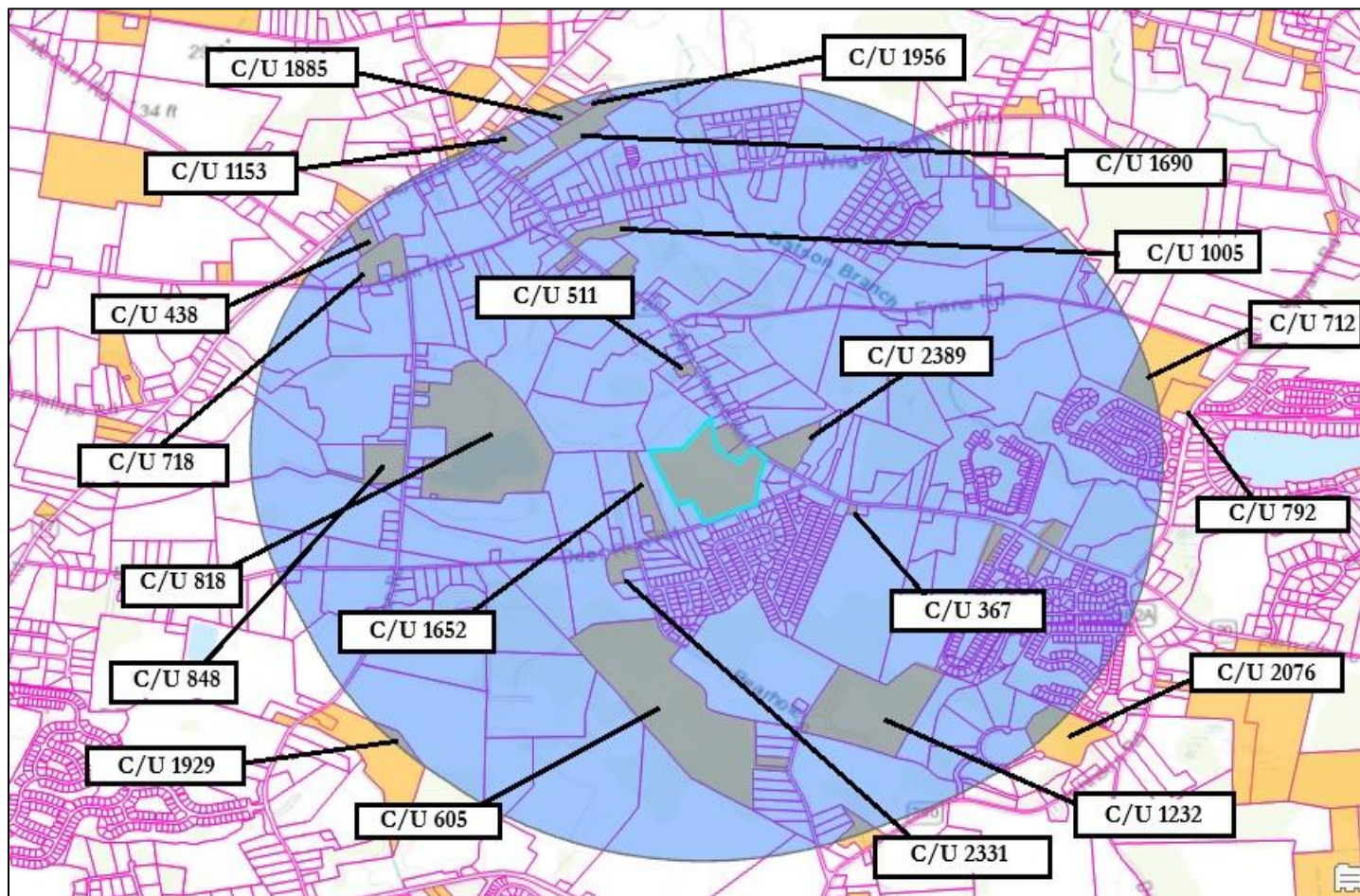
#### **Existing Conditional Uses within the Vicinity of the Subject Site:**

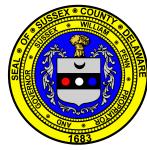
Staff notes there have been forty-one (41) Conditional Use Applications within a one (1) mile radius of the Application site. Four (4) Applications were denied, twenty-nine (29) were approved, six (6) were withdrawn and two (2) are Pending Public Hearings. A Data Table and Supplemental Map have been supplied to provide additional background regarding the approval status of Applications

in the area to include the location of all other Conditional Use Applications since 2011 that are less than 1 mile distance from the subject site.

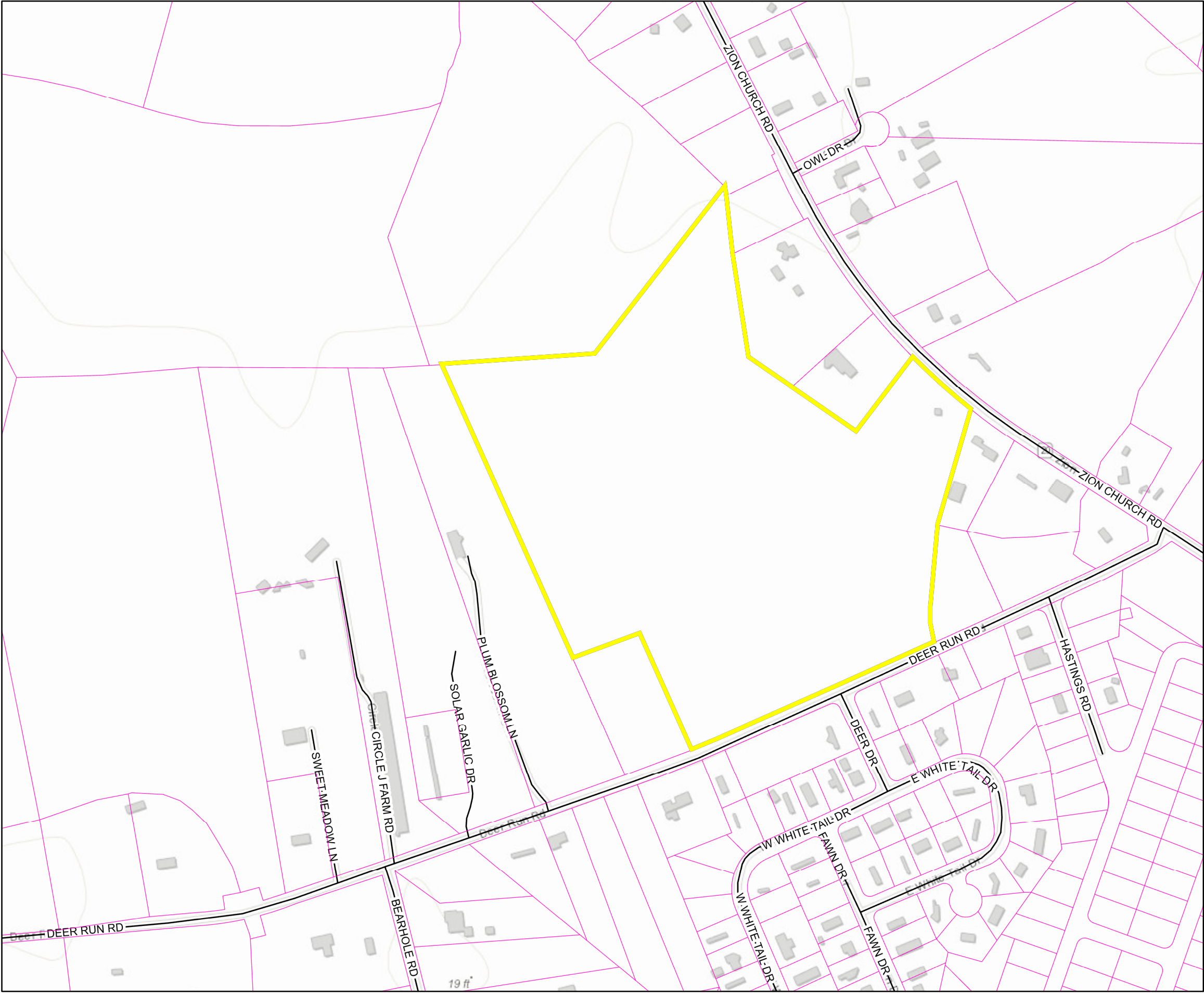
Conditional Use Applications (Within a 1-mile radius of the subject site)						
Conditional Use Number	APPLICANT	Zoning District	Proposed Use	CC Decision Date	CC Decision	Ordinance Number
12	Fenwick Properties	AR-1	manufactured home park	N/A	Approved	N/A
1929	Everett Dennis & David Harbin	AR-1	Farm Tractor and Auto Repair	6/5/2012	Approved	2258
605	Cee Bee, Inc.	AR-1	Borrow Pit	N/A	Approved	N/A
438	Jessie E Bivens	AR-1	poultry house on less than 5-acres	N/A	Approved	N/A
718	Hazel J. Lynch	AR-1	antique sales & storage shop	4/12/1983	Approved	N/A
367	George P. Fountain	GR	automobile & truck repair shop	N/A	Approved	N/A
1329	John & Mary Frey	AR-1	used car sales	4/11/2000	Denied	N/A
1232	William D. & Karen L. Simpson	AR-1	Recreational Vehicle Park/Campground & Boat Storage	3/17/1998	Approved	1222
848	Bruce G. & Mary Jane Bennett	AR-1	borrow pit	7/29/1986	Approved	372
1885	James Mershon	AR-1	Bait/tackle shop	4/12/2011	Approved	2187
1956	Mark A. Giblin	AR-1	Towing Service and Landscape Business	3/19/2013	Approved	2297
1804	Wayne Drywall	AR-1	office/warehousing	1/5/2010	Approved	2093
916	James W. Ward	AR-1	multi-family	10/9/1990	Denied	N/A
1153	Mark Beam & Keith Smith	AR-1	storage	N/A	Withdrawn	N/A
1641	Carroll & Diane Brasure	AR-1	service vehicles parking	3/28/2006	Approved	1838
1812	Roxana Preferred Properties	GR	Retail & Commercial w/20 Apartment Units	12/7/2009	Withdrawn	N/A
2088	Billy Banning Enterprises, LLC	AR-1	dance studio	N/A	Withdrawn	N/A
818	Cygnat Construction Corp	AR-1	borrow pit expansion	5/7/1985	Approved	246
1914	Steven Krebs & Barbara Krebs	AR-1	Barbeque Prep and Sales	1/17/2012	Approved	2233
1005	James E. Harrington	AR-1	Boat & Trailer Storage and Farm Equipment Repair	7/14/1992	Approved	843
426	Ronald Chandler & Kathleen	AR-1	repair & service all type of motor vehicles	N/A	Approved	N/A
511	Charles & Holly Carmack	AR-1	drywall contractor, building material sales & warehouse of building materials	N/A	Approved	N/A
1704	PMP Associates	GR	Health Care & Medical Offices	1/8/2008	Approved	1950
1273	Roxana Vol. Fire Company	AR-1	expansion of fire station	3/30/1999	Approved	1296
712	Harvey C. Becker, etux.	AR-1	manufactured home park	5/17/1983	Denied	N/A
1690	Delmar Plumbing, Inc.	AR-1	Plumbing	8/7/2007	Approved	1917
2087	John F. and Brenda L. Fegelein, Trustees	AR-1	Auto Repair Shop	8/22/2017	Approved	2517
1713	Keith Smith	AR-1	Commercial Storage Building	4/1/2008	Approved	1961
1652	Ken Gillam & Joan Gillam	AR-1	boat storage	6/5/2006	Withdrawn	N/A
2076	Joseph Mark Zdurienick	AR-1	event facility/center	6/13/2017	Approved	2504
156	Roxana Volunteer Fire Co	AR-1	Equipment Storage	8/21/1973	Approved	N/A
365	Gladys Swann	AR-1	Manufactured Home Park	9/7/1976	Denied	N/A
517	Cygnat Construction Corp.	AR-1	Borrow Pit	3/17/1981	Approved	N/A
808	Bruce G. & Mary J. Bennett	MR	Borrow Pit	N/A	Withdrawn	N/A
816	Bruce G. & Mary J. Bennett	MR	Borrow Pit	N/A	Withdrawn	N/A
1795	Steven Krebs (Kreative Garden Center)	B-1	Garden Center	11/10/2009	Approved	2087
1933	Mark A. Giblin	AR-1	Towing Service and Landscape Business	12/11/2012	Approved	2283
2331	Sweet Meadows Riding Academy	AR-1	Horse Riding Academy w. overnight accommodations	1/10/2023	Approved	2899
2389	AWH Properties, LLC	AR-1	Boat/RV Storage	4/9/2024	Approved	2998
2493	Rennie Hunt	AR-1	operation of a Site Development business office w/ employees	PENDING	PENDING	PENDING
2546	James Mershon	AR-1	Boat Storage	PENDING	PENDING	PENDING







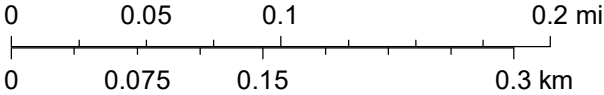
Sussex County



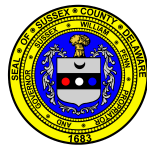
<b>PIN:</b>	533-11.00-23.00	
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<b>Book</b>	5467	
<b>Mailing Address</b>	35322 BAYARD RD	
<b>City</b>	FRANKFORD	
<b>State</b>	DE	
<b>Description</b>	N/ DEER RUN RD	
<b>Description 2</b>	PARCEL 1	
<b>Description 3</b>	N/A	
<b>Land Code</b>		

- Tax Parcels
- Streets
- County Boundaries
- Citations

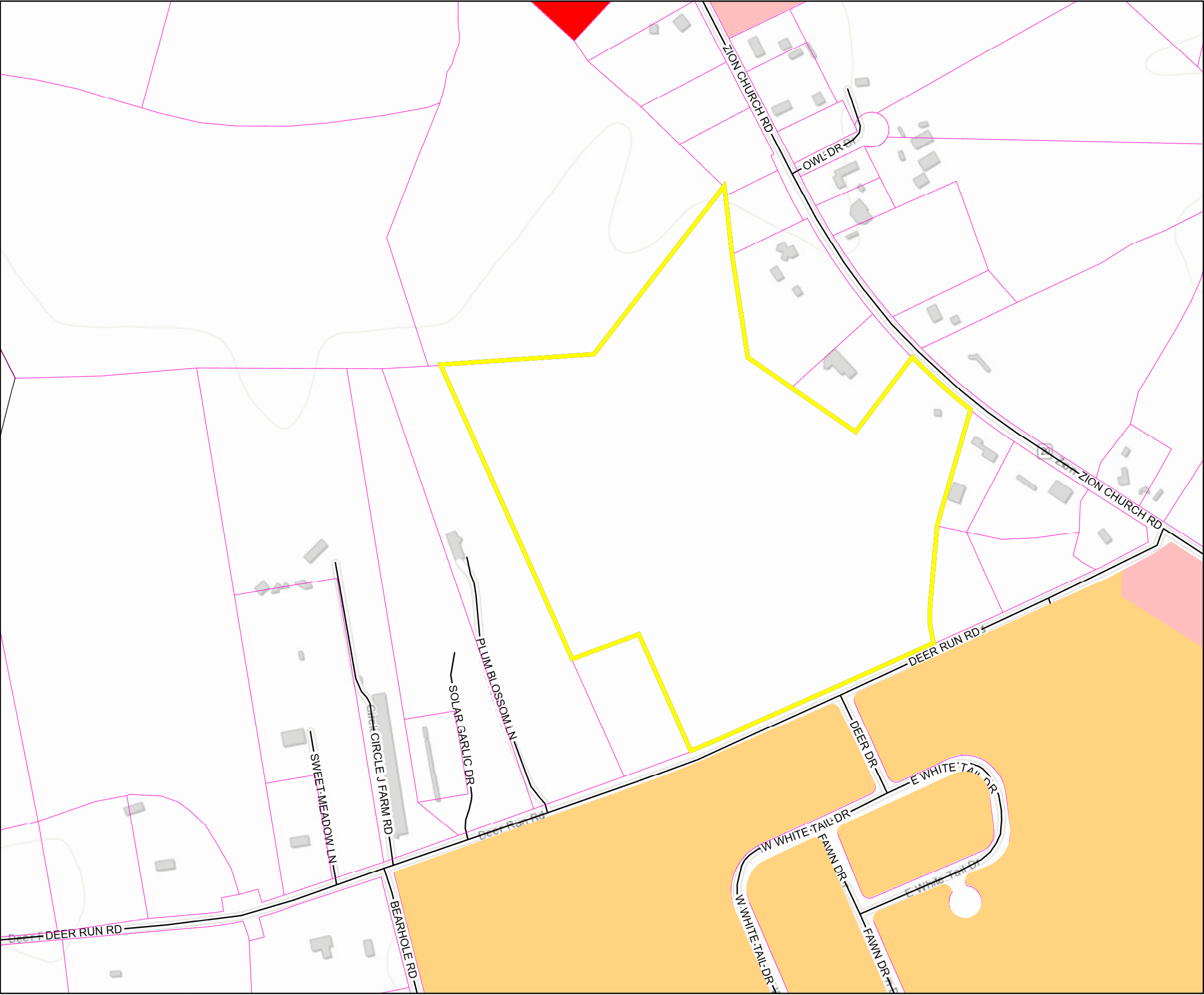
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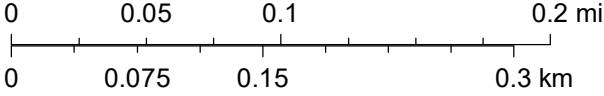
Sussex County



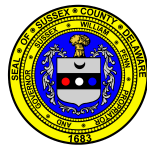
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- County Boundaries
- Citations

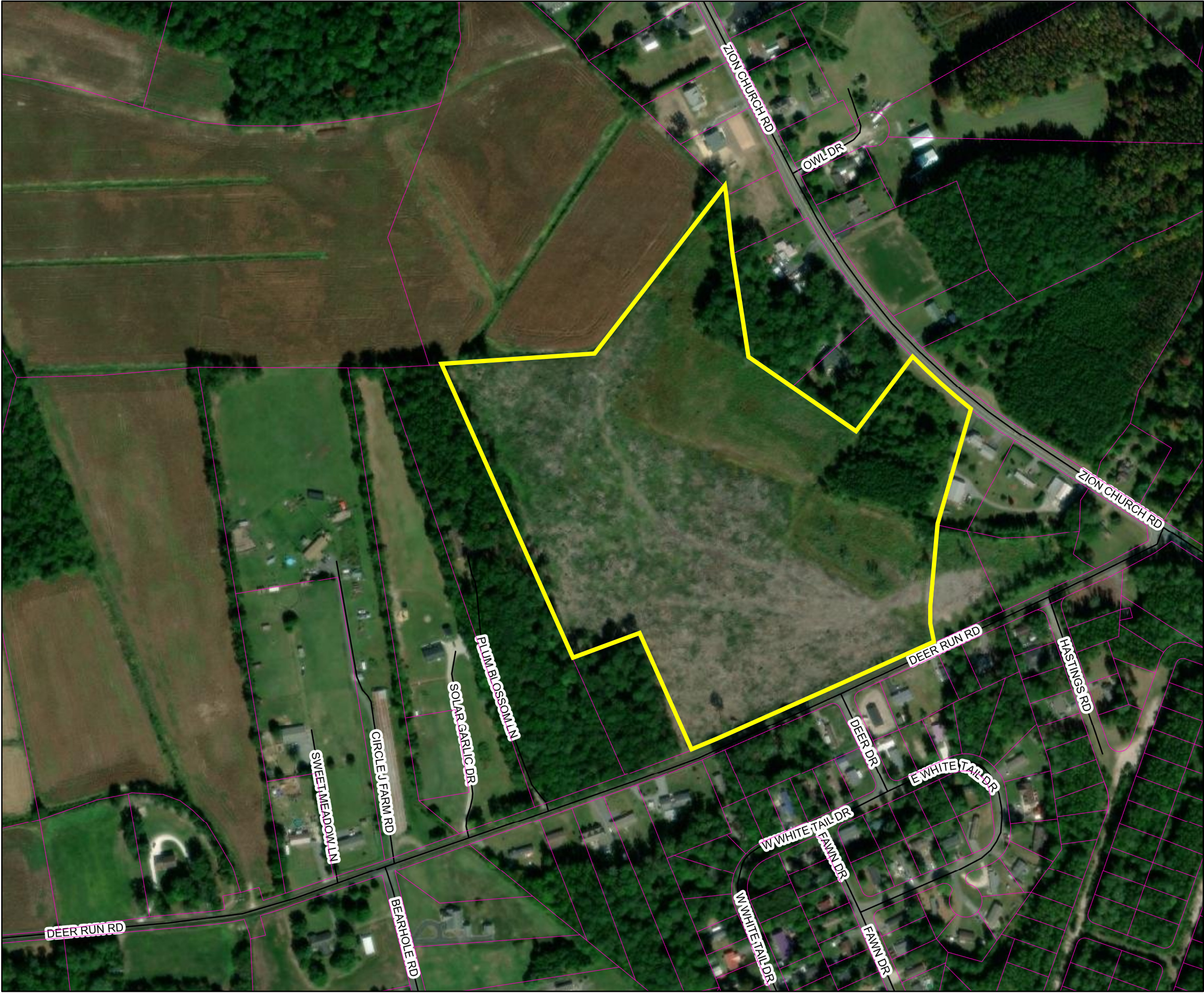
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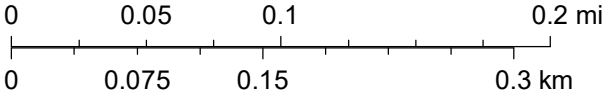
Sussex County



PIN:	533-11.00-23.00	
Owner Name	ZION	CHURCH VENTURES LLC
Book	5467	
Mailing Address	35322 BAYARD RD	
City	FRANKFORD	
State	DE	
Description	N/ DEER RUN RD	
Description 2	PARCEL 1	
Description 3	N/A	
Land Code		

- Tax Parcels
- Streets
- County Boundaries
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 1.2m Resolution Metadata

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**Introduced: 4/29/25**

**Council District 4: Mr. Hudson**

**Tax I.D. No. 533-11.00-23.00**

**911 Address: 36054 Zion Church Road, Frankford**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE/OFFICE BUILDINGS AND A CAR WASH TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 24.87 ACRES, MORE OR LESS**

**WHEREAS, on the 5<sup>th</sup> day of March 2025, a conditional use application, denominated Conditional Use No. 2581, was filed on behalf of Zion Church Ventures, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2581 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2581 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388) and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20) and being more particularly described in the attached legal description prepared by Parsons & Robinson, P.A., said parcel containing 24.87 acres, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**



## Memorandum

To: Sussex County Council  
The Honorable Douglas B. Hudson  
The Honorable Jane Gruenebaum  
The Honorable Matt Lloyd  
The Honorable Steve McCarron  
The Honorable John L. Rieley

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

CC: Everett Moore, County Attorney

Date: July 10, 2025

RE: County Council Report for C/U 2565 filed on behalf of Vazquez Concrete, LLC

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The Planning and Zoning Department received an application (C/U 2565 filed on behalf of Vazquez Concrete, LLC) for a concrete masonry business with construction industry retail sales, general office space, and storage for the recycling of aggregate products, including crushing operations, to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 230-13.00-36.00. The property is located at on the west side of Greentop Road (SCR 225, approximately 0.75 mile north of Fleatown Road (SCR 224). The parcel size is 32.95 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on May 21, 2025. At the meeting of July 2, 2025, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated and subject to the 15 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings on May 21, 2025, and July 2, 2025.

Minutes of the May 21, 2025, Planning & Zoning Commission Meeting

### **C/U 2565 F & N Vazquez Concrete, LLC**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL AND A GR GENERAL RESIDENTIAL DISTRICT FOR A CONCRETE AND MASONRY BUSINESS WITH CONSTRUCTION INDUSTRY RETAIL SALES, GENERAL OFFICE SPACE AND STORAGE FOR THE RECYCLING OF AGGREGATE PRODUCTS, INCLUDING CRUSHING OPERATIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SUSSEX**



**COUNTY, CONTAINING 32.95 ACRES, MORE OR LESS.** The property is lying on the west side of Greentop Road (S.C.R. 225), approximately 0.75 mile north of Fleatown Road (S.C.R. 224). 911 Address: N/A Tax Map Parcel: 230-13.00-36.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's exhibits and presentation, a copy of the Applicant's conceptual site plan, a copy of the DelDOT SLER letter, a copy of responses that have been received from the Technical Advisory Committee, including Sussex County Engineering Department Utility Planning Division, the State Historic Planning Office, or SHPO, Delaware Department of Transportation, the Delaware Electric Co-op, Delmarva Power, the State Fire Marshall Office, DNREC drainage program and we have received zero comments; that to provide background on the application this came about after the Applicant and DNREC reached out in relation to an air quality permit that was being sought for the crushing operations and then it was discovered that the Applicant needed the Conditional Use sought after today in order to avoid any violations going forward with such business.

Mr. David Hutt, Esq., of Morris James, LLP, spoke on behalf of the Applicant that the application came as a result of the need for a DNREC air quality permit from the crushing business that was happening on the site and that led to the question of the land use; that the Applicant met with the Planning & Zoning staff and it was recommended that they apply for a Conditional Use to continue the business as they want to run it without having any violations issued; that the application is for a 32.95 acre piece of land in which they:

1. Operate a concrete/masonry business
2. Storage, processing and grinding/recycling of aggregate products such as asphaltic concrete including the crushing operation
3. Handling and processing of non-metallic mineral products
4. Topsoil screening
5. Retail sales, public and private sales of stone, concrete, asphaltic construction products and products used for those construction materials

That there is an approved Conditional Use for this property from 1978 which is Conditional Use #492 for a borrow pit operation; that the Applicant purchased the property in 2021 and after many years of an active borrow pit being run on site; that there has been a lot of dumping on the property by various users over the years preceding the Applicant's ownership of it; that since he has owned it, there has been a lot of cleanup that has been occurring, trying to straighten out the property, trying to level some things off to make the area a little more usable and just generally sorting through the debris that are on the property, sending it to proper locations, if it's the landfill or wherever it needs to go; that there are currently large piles at the entrance of the property that are waste that has been screened and needs to be taken to the landfill; that the Applicant employs between 50-60 people with about 30-40 of them beginning their workday at this location; that approximately 3-4 people will remain on site throughout the day to receive materials and operate the equipment; that there is storage of materials on site for the concrete/masonry business, but the concrete crushing is the most questioned aspect of the Conditional Use being applied for; that the borrowing activities that have occurred on site are more active on the western side of the parcel, but between that and the woods on the eastern side, there are pits from where water has gathered from prior borrow activities that occurred on the site; that there are wetlands on the property extending along the Cedar Creek forming the Eastern boundary; that the wetlands and the AE Flood zone will be avoided through this Conditional Use and

the Applicant has proposed a fifty (50) foot buffer from the wetland line; that there is no need for a well on site as there are water trucks if needed and water exists within the existing borrow pits and divots on the property; that DelDOT stated that the traffic would be negligible, meaning less than fifty (50) vehicle trips in any hour and less than 500 vehicle trips per day; that the entrance is located off of Green Top Road with a sixty (60) foot wide access easement; that there are several storage bins near the entrance that will be utilized for the storage of materials associated with the concrete/masonry business; that the proposed buildings on the site plan are planned to be built in phases, but with this plan being a long term master plan as to avoid multiple trips before the Commission to add buildings later; that the Applicant is proposing a fifty (50) foot wide buffer around the northern boundary, down the western boundary, a fifty (50) foot buffer along the wetland line and a fifty (50) foot landscape buffer that surrounds this entire use on the property; that this property sits down lower by approximately fifteen (15) feet creating an embankment along the railroad or western side of the property, which when added to the fifty (50) foot landscape buffer will address any of the typical nuisances associated with this type of operation; that the concrete crusher will be placed a minimum of 250 feet from any of the property lines, with the closest dwelling being on the other side of the railroad tracks a little more than 750 feet away; that concrete crusher itself is a Rubble Master RM-90G0, with manufacturers specifications that state the machine, if standing right next it while crushing will have decibels of 102; that by increasing that distance from the machine to approximately 40-45 feet the decibels will drop down to the 55 decibel range; that with the closest dwelling being no less than 250 feet away, that noise will be indistinguishable; that there is no noise ordinance in Sussex County, but the Pennoni Group completed a study on the noise and dust created by the operation and it concluded that there was no noise disturbance and the dust was suppressed by the mechanisms of the machine; that the machine is intended to address noise and dust specifically which has an internal water dust suppression system to keep the dust down; and that the Applicant proffered proposed Conditions of Approval that were submitted to the Commission and into the Applicant's exhibit that can be found on our website.

The Commission discussed the application and voiced concerns over the location of the piles of stumps, trees and debris near the entrance and possibly moving the crusher further away from the property lines; and that the dumping at night can be disruptive to the neighbors and possibly changing the schedule of dumping operations.

Mr. Mark Sheppard, a construction manager for ADEL Construction, spoke in favor of the application that they provide a local service that is needed for the construction business and their product is much better quality than others around the area; and that this business is needed to keep construction companies from having to travel long distances to obtain the services that the Applicant offers.

Mr. Hamnar Lara, who owns the property to the North of the site, spoke in favor of the application that the dust is not a problem as the driveway has a buffer around it and that's primarily where the dust comes from, and the noise is not an issue.

Mr. Richard Comstock, who lives on the West side of the property, asked about the dust control and to put on the record that the noise of the current operation is not an issue.

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

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



In relation to C/U 2565 F & N Vazquez Concrete, LLC. Motion by Mr. Butler to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5-0.

Minutes of the July 2, 2025, Planning & Zoning Commission Meeting

The Commission discussed the application, which had been deferred since April 16<sup>th</sup>, 2025.

Mr. Collins moved that the Commission recommend approval of C/U 2565 F & N Vazquez Concrete, LLC for a concrete and masonry business with construction industry retail sales, general office space and storage for the recycling of aggregate products and crushing operations on land zoned AR-1 and GR based upon the record made during the public hearing and for the following reasons:

1. This application seeks a conditional use approval for the operation of a concrete/masonry business that includes the following uses: (a) the recycling of aggregate products such as concrete and asphaltic concrete; (b) a crushing operation that processes nonmetallic mineral products for private and public construction industries; (c) topsoil screening to separate materials delivered to the site; (d) construction industry retail sales; (e) an office; (f) the operation of a concrete and masonry business and (g) storage areas for the proposed uses and materials.
2. The property is the subject of Conditional Use No. 492 for a borrow pit. That Conditional Use remains in effect and will be supplemented by these additional uses.
3. The adjacent property to the north and east is a large, wooded property. The adjacent properties to the south and east are wooded along Cedar Creek, with the area beyond that used for agricultural purposes. The adjacent property to the west is a railroad, and the elevation of the railroad tracks is approximately 15 feet higher than the subject property, providing a berm-like screen from the residential properties on the other side of the railroad tracks. In addition, the Applicant has proposed a 50-foot-wide vegetated buffer of native species along the northern and western boundaries of the site, along with a 50-foot-wide buffer area along the rest of the property, including the southern and eastern boundaries where Cedar Creek and its associated wetlands are located. Under these circumstances, the proposed uses in addition to those permitted under the current borrow pit approval will not adversely impact neighboring properties, roadways, or the community.
4. The use as a recycling and crushing facility for concrete and similar materials will benefit the citizens and the environment of Sussex County. By recycling and reusing this material, there will be a reduction of materials going to the landfills.
5. The property is currently landlocked and is accessed via a recorded easement. This current easement is utilized for the borrow pit operations and will continue to be used for these additional operations on the site.
6. DelDOT has determined that the proposed conditional use will have a “negligible” impact on area roadways and traffic.
7. The property is primarily located in the Low-Density Area according to the Future Land Use Map within the Sussex County Comprehensive Plan. A small portion of the site is located within the Existing Development Area according to the Plan. This Conditional Use is consistent with these Area designations, since the use provides a location to recycle aggregate and asphaltic concrete materials with a minimal need for infrastructure or other government-related services.
8. This recommendation is subject to the following conditions:

- A. Conditional Use No. 492 shall remain in effect on this site unless specifically modified by these conditions.
- B. In addition to the uses permitted under Conditional Use No. 492, this approval shall allow the following uses to occur on the site:
  - (i) Storage of aggregate products such as concrete and asphalt millings;
  - (ii) a crushing operation that processes concrete for private and public construction industries;
  - (iii) topsoil screening to separate materials delivered to the site;
  - (iv) construction industry retail sales of stone, concrete, and asphaltic construction products and products used for these construction materials;
  - (v) an office;
  - (vi) the operation of a concrete and masonry business; and
  - (vii) storage areas for the proposed uses and materials.
- C. No wood or metal chipping or grinding shall occur on the site, and no organic waste shall be brought to or from the site. No milling activities shall occur on the site. While concrete and asphalt millings may be brought to the site, they may only be temporarily stored on the site. The location of the temporary storage area for millings brought to the site shall be shown on the Final Site Plan.
- D. Crushing operations shall only occur between the hours of 9:00 a.m. through 4:00 p.m., Monday through Friday. No Saturday or Sunday hours shall be permitted.
- E. Materials may only be accepted at the site or delivered from the site between the hours of 7:00 am and 5:00 pm, Monday through Friday. In addition, no trucks, trailers, or other vehicles shall be permitted to wait or “stack” within the access easement or along area roadways outside of these permitted hours. There shall be signages confirming this prohibition installed at the site’s entrance and along the easement. The details of this signage shall be shown on the Final Site Plan.
- F. The crushing machine shall be located no less than 250 feet from all property boundary lines. This limited area of use shall be shown on the Final Site Plan.
- G. A 50-foot wide vegetated buffer planted with native species shall be installed along the northern and western boundaries of the site. The number and details of the vegetation to be planted shall comply with the requirements for vegetated buffers contained in Section 99-5 of Chapter 99 of the County Code. In addition, a 50-foot-wide buffer area shall be established along the rest of the property, including the southern and eastern boundaries where Cedar Creek and its associated wetlands are located. These buffer areas shall be shown on the Final Site Plan and clearly marked with signage on the site itself declaring them as non-disturbance areas. The vegetation and trees to be planted shall also be shown on the Final Site Plan.
- H. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- I. Fuel may be stored on the site. The location of this fuel storage area shall be shown on the Final Site Plan. The fuel storage shall comply with all state and federal requirements.
- J. Water or a water truck shall be available and used at all times to control dust within the site. The specific dust-control measures shall be identified on the Final Site Plan.
- K. One lighted sign shall be permitted. It shall not be greater than 32 square feet per side.

- L. The only entrance to the property shall be via the existing recorded easement providing access to and from the site via Greentop Road. The entrance to the site via this easement shall be secured when the business is not in operation. The applicant shall also comply with any and all roadway and entrance improvements required by DelDOT as a result of this use or at the point where the easement intersects with Greentop Road.
- M. The Applicant shall comply with all State and County erosion and sedimentation control regulations.
- N. A violation of these conditions may result in the termination of this Conditional Use.
- O. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Collins, seconded by Ms. Wingate, and carried unanimously to recommend approval of C/U 2565 F & N Vazquez Concrete, LLC for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Mr. Collins – yea, Ms. Wingate – yea, Mr. Mears – yea, Chairman Wheatley – yea.

Mr. Collins motioned yes, for the reasons and conditions stated in the motion.

Ms. Wingate motioned yes, for the reasons and conditions stated in the motion.

Mr. Mears motioned yes, for the reasons and conditions stated in the motion.

Chairman Wheatley motioned yes, for the reasons and conditions stated in the motion.

## PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN  
KIM HOEY STEVENSON, VICE-CHAIRMAN  
R. KELLER HOPKINS  
J. BRUCE MEARS  
HOLLY J. WINGATE



## Sussex County

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

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date:

Application: C/U 2565 F & N Vazquez Concrete, LLC

Applicant: F & N Vasquez Concrete, LLC c/o Fernando Vazquez

Owner: F & N Vazquez Concrete, LLC

Site Location: Lying on the west side of Green Top Road (S.C.R. 225), approximately 0.75 miles north of Fleatown Road (S.C.R. 224).

Current Zoning: Agricultural Residential (AR-1) District & General Residential (GR) District

Proposed Use: Concrete and masonry business with construction industry retail sales, general office space and storage for the recycling of aggregate products including crushing operations.

Comprehensive Land  
Use Plan Reference: Low Density/Partial Existing Development Area

Councilmanic  
District: Mr. Steve McCarron

School District: Milford School District

Fire District: Ellendale Fire Department

Sewer: Private

Water: Private

Site Area: 32.953 acres +/-

Tax Map ID.: 230-13.00-36.00



## PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN  
HOLLY J. WINGATE, VICE-CHAIRMAN  
J. BRUCE MEARS  
GREGORY SCOTT COLLINS  
BRIAN BUTLER



## Sussex County

DELAWARE  
SUSSEXCOUNTYDE.GOV  
302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR

# Memorandum

To: Sussex County Planning Commission Members  
From: Susan Isaacs, Planner I  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: April 16, 2025  
RE: Staff Analysis for C/U 2565 F & N Vazquez Concrete, LLC

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This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2565 F & N Vazquez Concrete, LLC to be reviewed during the May 21, 2025, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

**Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.**

**Tax Parcel ID:** 230-13.00-36.00

**Proposal:** The request is for a Conditional Use for Tax Parcel 230-13.00-36.00 to allow for a concrete and masonry business with construction industry retail sales, general office space and storage for the recycling of aggregate products including crushing operations on a parcel lying on the west side of Greentop Road (S.C.R. 225), approximately 0.75 mile north of Fleatown Road (S.C.R. 224). The parcel is comprised of 32.953 acres +/-.

**Zoning:** The Parcel is split-zoned Agricultural Residential (AR-1) District with the northeast front small portion of the parcel being zoned General Residential (GR) District. The adjacent parcels immediately to the east, north, west, and south are zoned Agricultural Residential (AR-1) District.

There are Parcels (Parcels 52.00, 53.00, 54.00, 56.01, 68.00, 69.00 and 70.00) northeast along Greentop Road (S.C.R. 225) zoned General Residential (GR) District. There is a single Parcel to the east of Parcel 69.00 which is zoned Medium Residential (MR) District.

It should be further noted that there are several parcels to the north of the parcel along Greentop Road (S.C.R. 225) being zoned General Residential (GR) District with Parcels 45.07, 440.00, 16.00, 6.00, 88.00, 79.00, 78.02, 76.00 and 73.05 being split-zoned Agricultural Residential (AR-1) District and General Residential (GR) District.

**Future Land Use Map Designation w/in Comprehensive Plan:** Low Density Area & Existing Development Area

**Applicability to Comprehensive Plan:** The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible



development. The Future Land Use map in the plan indicates that the subject property is designated as a Rural Area and has a land use designation of “Low Density Area.” All surrounding properties to the north, south, east, and west of the subject site contain the Future Land Use Map designation of “Low Density Area”.

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as “a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property” (Sussex County Comprehensive Plan, 4-18). The Plan also notes that commercial uses “should be limited in their location, size and hours of operation” and “more intense commercial uses should be avoided” and commercial uses “may be appropriate depending on surrounding uses” (Sussex County Comprehensive Plan, 4-19).

Existing Development Areas consist primarily of existing residential development under the current General Residential and Medium Density Residential zoning districts, as well as some commercial uses. These areas are scattered throughout the County. These areas are surrounded by Low Density Areas, and this particular classification is simply being used to identify these existing scattered zoning areas that have no direct relation to their surrounding zoning and/or the Future Land Use Map (Sussex County Comprehensive Plan, 4-17).

The following guidelines apply to future growth in Existing Development Areas:

- **Permitted Uses** – The full range of housing types allowed in the existing underlying zoning districts are appropriate in these residential areas, including single-family homes, townhouses, and multi-family units. Non-residential development consists of uses found in the neighborhood business districts and commercial districts. There is no intention to expand this land use classification.
- **Densities** – The current densities are whatever is permitted in the existing underlying zoning district of the property.
- **Infrastructure** – Central water and sewer facilities are strongly encouraged. If central utilities are not possible, densities should be limited to two units per acre provided a septic permit can be approved.

#### **Further Site Considerations:**

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that aerial imagery indicates that the project site is within the vicinity of lands in active agricultural use.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcel is not within the Henlopen Transportation Improvement District.
- **Forested Areas:** The site is located within the vicinity of forested areas.

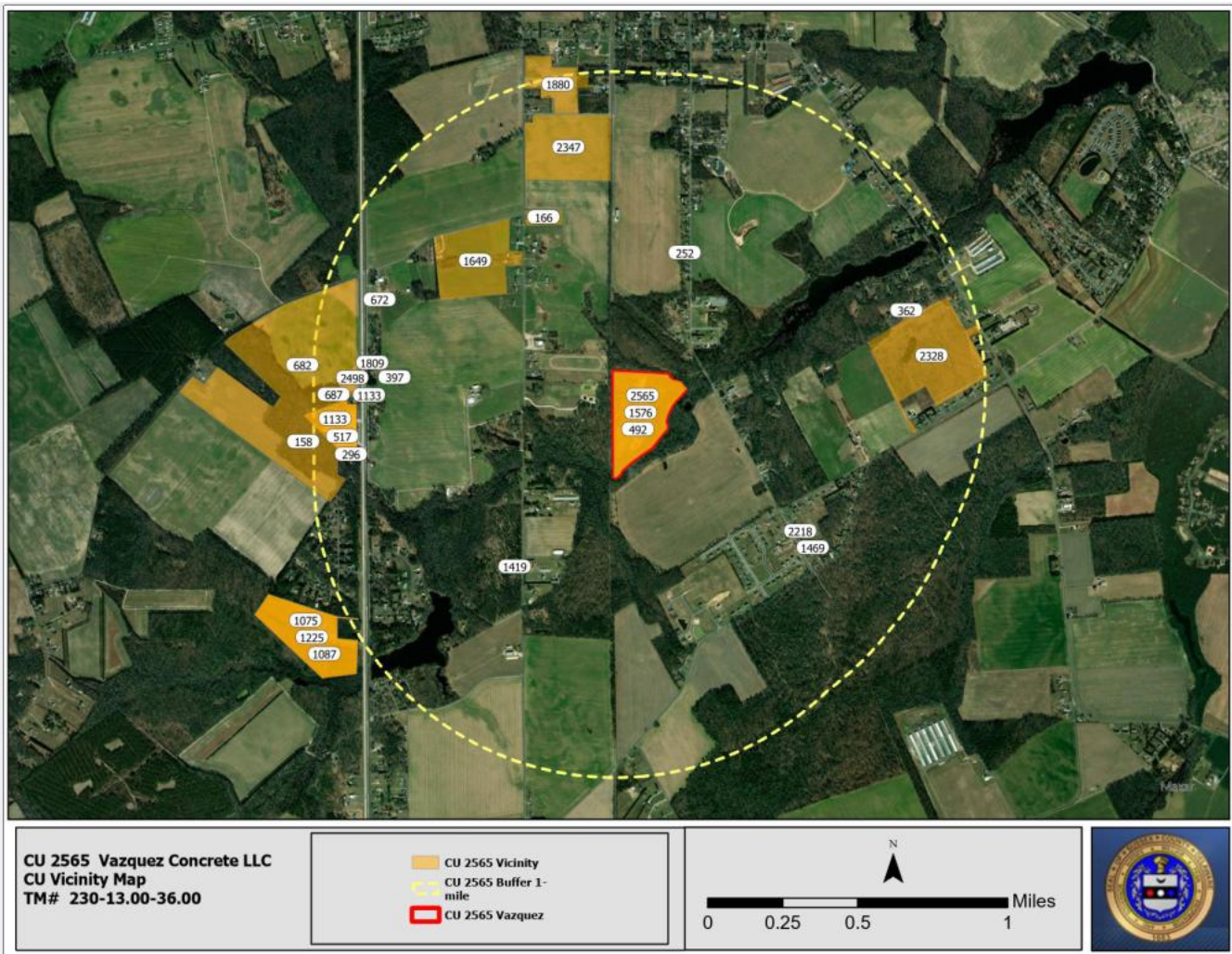


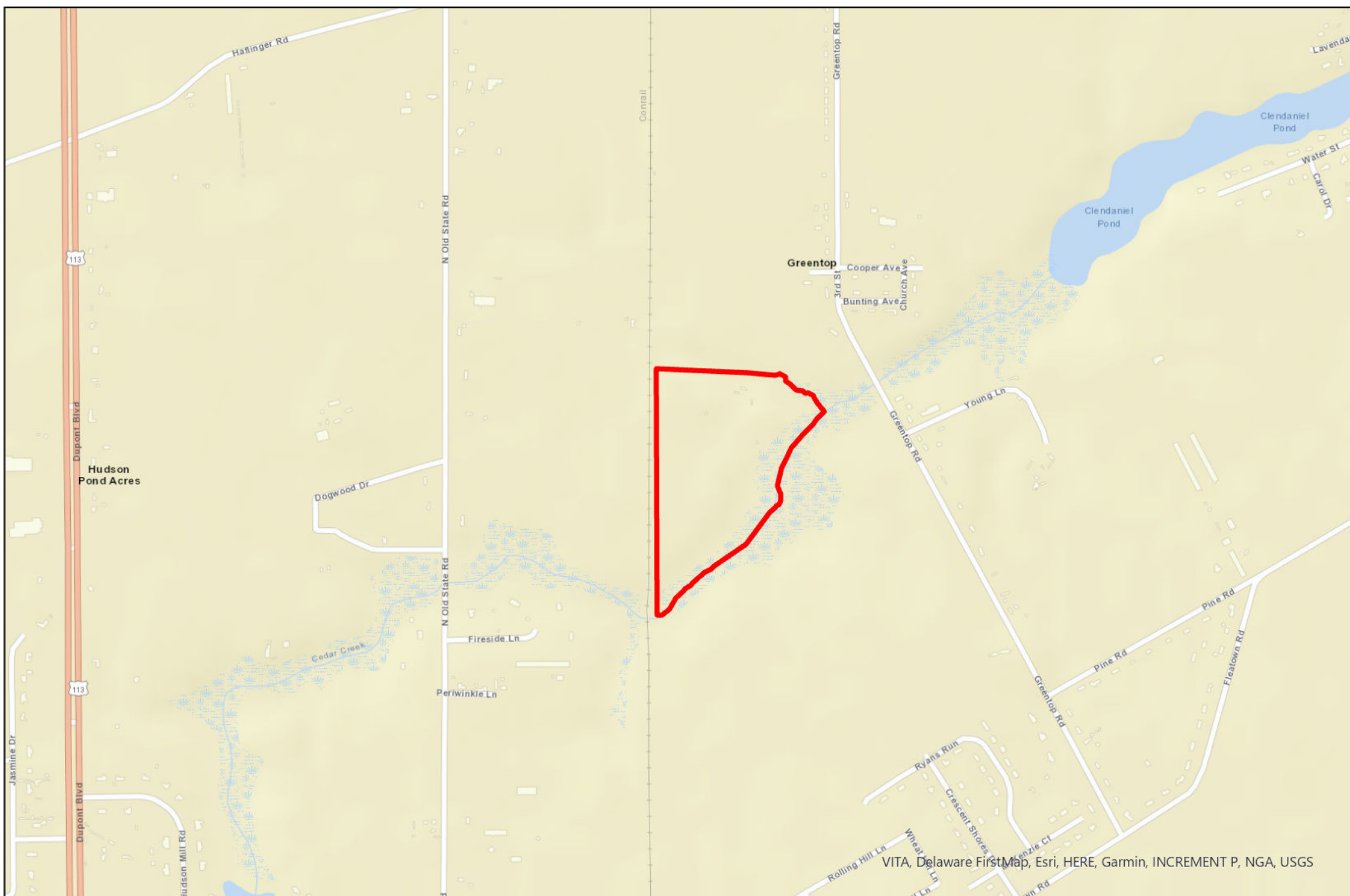
- **Wetlands Buffers/Waterways:** There are potential waterways at the southern boundary of the property per the Sussex County on-line mapping site.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The Parcel is located within Flood Zones “X” & “AE” and Staff note there are no Wellhead Protection Areas on the site.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow a concrete and masonry business with construction industry retail sales, general office space and storage for the recycling of aggregate products including crushing operations, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.


**Existing Conditional Uses within the Vicinity of the Subject Site:** There have been six (6) Conditional Use applications within a 1-mile radius of the application site.

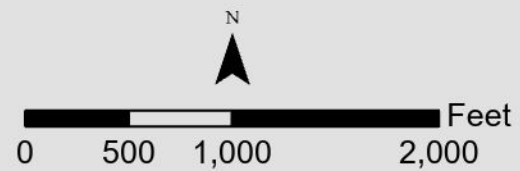
Conditional Use Applications (Within a 1-mile radius of the subject site) (Since 2010)						
Application CU Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
1809	Curtis McDonald	AR-1	Produce/Meats/Butcher	Approved	2/2/2010	2100
1880	Ellendale Vol. Fire Dept. Inc.	AR-1	Fire Company Substation	Approved	1/4/2011	2174
2218	Edward & Laurie Dampman	AR-1	Small Machine Shop	Withdrawn	N/A	N/A
2328	Sunrise Solar	AR-1	Solar Array Field	Approved	1/10/23	2898
2347	TPE DE SU94, LLC	AR-1	Community Solar Facility	Approved	6/20/23	2933
2498	Curtis McDonald	AR-1	Retail Sales, Professional Office, Food Service	Withdrawn	N/A	N/A



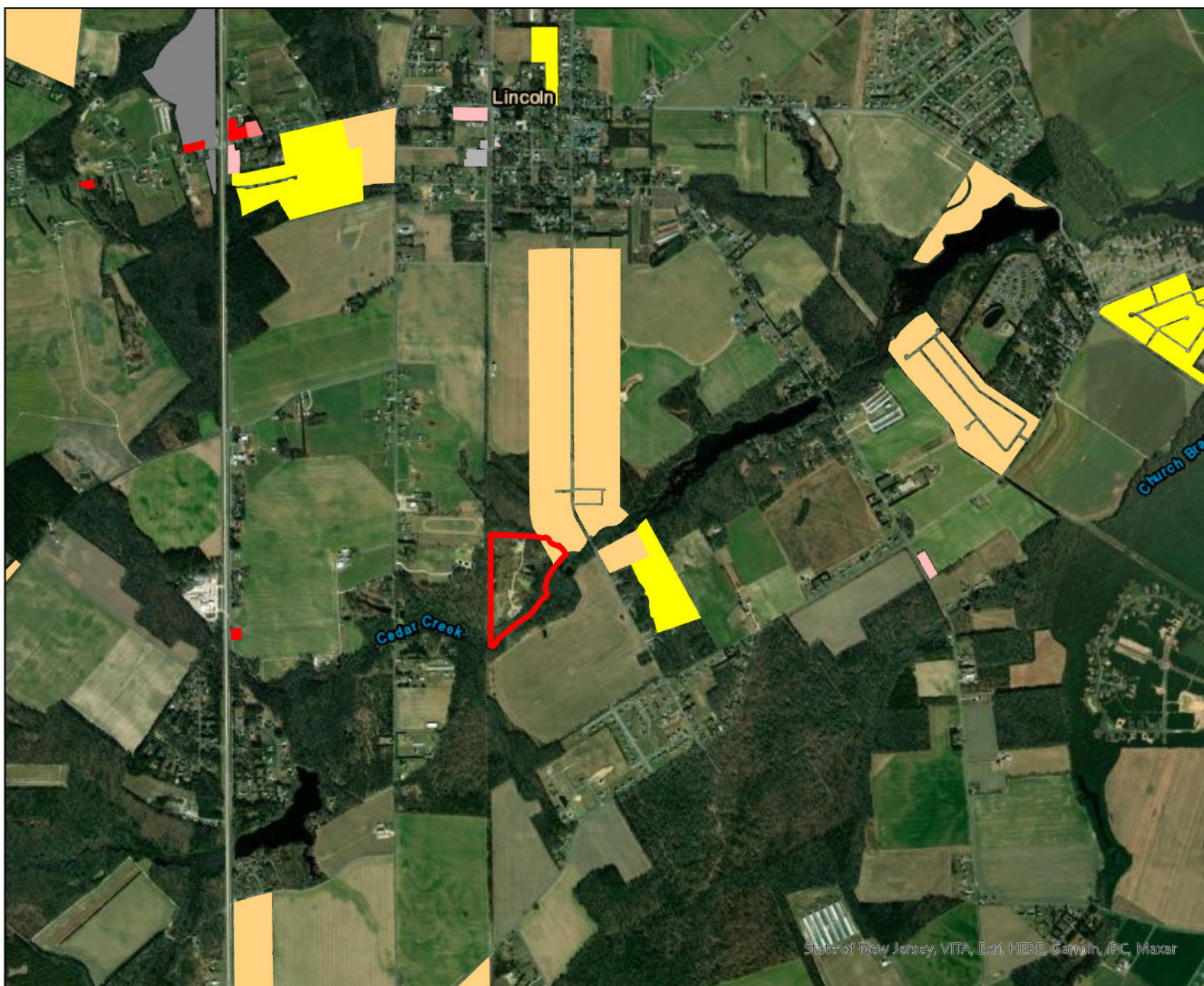


**CU 2565 F&N Vasquez**  
**Street Map**  
**TM# 230-13.00-36.00**

 **CU 2565 F&N**  
**Vasquez**







## Zoning

- Agricultural Residential - AR-1
- Agricultural Residential - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential - HR-1
- High Density Residential - HR-2
- Neighborhood Business - B-1
- Business Research - B-3
- General Commercial - C-1
- Commercial Residential - CR-1
- Institutional - I-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1
- Medium Commercial District-C-2
- Heavy Commercial District-C-3
- Planned Commercial District-C-4
- Service/Limited Manufacturing District-C-5
- Business Community District-B-2
- Vacation-Retirement-Residential Park District - VRP

**CU 2565 F&N Vasquez**  
**Zoning Map**  
**TM# 230-13.00-36.00**

CU 2565 F&N Vasquez








Maxar, Microsoft, VITA, Esri, HERE, Garmin, IPC

**CU 2565 F&N Vasquez**  
**Aerial Map**  
**TM# 230-13.00-36.00**

 **CU 2565 F&N**  
**Vasquez**

N  
0 250 500 1,000 Feet



**Introduced: 2/25/25**

**Council District 2: Mr. McCarron**

**Tax I.D. No.: 230-13.00-36.00**

**911 Address: N/A**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR A CONCRETE AND MASONRY BUSINESS WITH CONSTRUCTION INDUSTRY RETAIL SALES, GENERAL OFFICE SPACE AND STORAGE FOR THE RECYCLING OF AGGREGATE PRODUCTS, INCLUDING CRUSHING OPERATIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 32.95 ACRES, MORE OR LESS**

**WHEREAS, on the 12<sup>th</sup> day of November 2024, a Conditional Use application, denominated Conditional Use No. 2565 was filed on behalf of F & N Vazquez Concrete, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County, and said Planning and Zoning Commission recommended that Conditional Use No. 2565 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsections 115-22 and Chapter 115, Article VI, Subsections 115-39 Code of Sussex County, be amended by adding the designation of Conditional Use No. 2565 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece, or parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying on the west side of Greentop Road (S.C.R. 225), approximately 0.75 mile north of Fleatown Road (S.C.R. 224), and being more particularly described in the attached legal description prepared by Walter G. Feindt, P.A. said parcel containing 32.95 acres, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**