MINUTES OF JUNE 6, 2011

The regular meeting of the Sussex County Board of Adjustment was held on Monday, June 6, 2011, at 7:00 p.m. in the County Council Chambers, County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 7:00 p.m. with Mr. Mills presiding. The Board members present were: Mr. Ronald McCabe, Mr. John Mills, Mr. Brent Workman and Mr. Jeff Hudson, with Mr. Richard Berl – Assistant County Attorney and staff members, Mrs. Susan Isaacs – Chief Zoning Inspector, and Mrs. Jennifer Norwood – Recording Secretary.

Motion by Mr. McCabe, seconded by Mr. Workman, and carried unanimously to approve the Revised Agenda as circulated. Vote carried 4 – 0.

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously to approve the Minutes of May 23, 2011. Vote carried 4 – 0.

Mr. Berl read a statement explaining how the Board of Adjustment meeting is conducted and the procedures for hearing the cases.

PUBLIC HEARINGS

Case No. 10769 – Cellco Partnership D/B/A Verizon Wireless – south of Road 557 (Briarhook Road) approximately 1,650 feet west of Road 30 (Atlanta Road).

A special use exception to place a telecommunications monopole.

Mr. Berl stated that the previous testimony, exhibits and letters from the previous hearing on February 28, 2011 have all been incorporated with tonight's hearing.

Mrs. Isaacs presented the case. Andrew Petersohn, Ken Farrell, Sue Manchel, Pam Busler and Joel DeFradies were sworn in with, John Tracey, Attorney, and testified requesting a special use exception to place a telecommunications monopole; that they are not seeking a variance from the lighting requirements as first requested in the prior hearing; that the monopole will measure 145-foot in height with a 5-foot tall lightning rod; that the monopole will meet all required setback requirements; that the tower is needed to meet FCC standards to provide reliable coverage to keep their license; that there are no structures in the 2-mile radius of proposed site to collocate on; that the proposed site will serve dual purposes which is to provide coverage and to

off load the existing site in the Seaford area; that the existing tower in the Seaford area is currently overburdened now and will not be able to serve the area in the near future without this proposed tower site; that the type of proposed tower site narrows the search ring; that another property at 4341 Briarhook Road is not a suitable site to serve the need for offloading from the Seaford tower site; that the Verizon website shows adequate coverage in this area, however this coverage is street coverage only; that it does not show the lack in coverage when traveling in a vehicle; that the proposed tower will provide collocation for other companies; that the site meets all safety requirements; that the tower will be 60-feet from the paved road; that the proposed site

will not obstruct operation of the existing farm; that the tower is approximately 1,000-feet from any other structures in the area; that the base of the tower and equipment shelter will be enclosed with a fence; that the tower is designed to collapse upon itself; that the towers do not fall over like a "bowling pin"; that a Matched Pair Analysis was completed and determined that towers have little to no impact on property values; that the Department of Agriculture amended their code to allow towers on farms enrolled in their program; that the tower site is completely grounded to handle lightning strikes; and that the special use exception will not substantially effect or adversely affect the neighboring properties.

Randall Handy was sworn in and testified in opposition to the application and stated that he is a Verizon customer and has no problem with his coverage in this area; that he is a Real Estate Appraiser and it is his opinion towers do negatively impact property values; that the electric company is due to install new power lines and is concerned that the new tower could fall on these lines if not built far enough away from them; and that the church property nearby would be a better site for the proposed tower.

Carl DeSavo was sworn in and testified in opposition to the application and stated that he does not feel that the tower should be in such an open area so close to the road; that he feels there is more growth to the west of the proposed site and would be a better location for the tower site; and that 4341 Briarhook Rd would be a better site for the proposed tower and would blend in with the surrounding trees.

Richard Miller was sworn in and testified in opposition to the application and stated that the proposed site is only 40-foot from the neighbor's property line; that the owner of the property lives over 4-miles away and won't have to look at the tower; that he feel the lightning that will be attracted to the tower will lead to more lightning strikes on his nearby irrigation systems; that there are other properties in the area better suited for this tower site; that the Applicant chose this site to prevent additional costs of constructing a road and additional electrical line costs; that he does not feel the tower will collapse upon itself; and that he would gladly help the Applicant choose a more appropriate site.

Dottie Miller was sworn in and testified in opposition to the application and stated that she has found that there has not been substantial growth in the Seaford area for the past 10-years; that she feels that Applicant only tells information they want her to know and not important

information such as health risks; that she wants to know who is responsible for the tower if it were to fall; that she wants to know what type of contract is in place and for how long the contract is for; that she wants to know what happens if the tower is no longer needed or wanted; that there seems to be no coordination between states and counties on where the towers are or even how many towers there are; and that the tower should be placed near the trees to blend with the surrounding landscape better.

In rebuttal, John Tracey and Andrew Petersohn, stated that the church property is too far northeast; that another site would need additional variances and would place the tower closer to residential structures; that the owner of the tower is responsible for all repairs and maintenance; that a normal lease is for a period of 25-years; that the tower must be removed when no longer needed; that towers in the mid-west are able to be more than 5-miles apart due to the fact there are wide open spaces and the towers are usually 300 to 400-feet in height; that in cities towers are every few blocks to provide adequate service; that by having towers closer in more dense areas allows the handhelds to use less power to provide the service needed; and that the tower is designed to collapse and miss any nearby power lines.

In rebuttal, Richard Miller, stated that he has told the owner of the property for the proposed site he was against this use and that the owner just laughed and stated there wasn't anything he could do about it.

The Board found that 1 party appeared in support of the application.

The Board found that 8 parties appeared in opposition to the application.

Mrs. Isaacs stated that the office received 11-letters in opposition to the application.

Motion by Mr. Workman, seconded by Mr. Hudson, and carried unanimously that the special use exception be **tabled until July 11, 2011**. Vote carried 4 – 0.

OTHER BUSINESS

Discussion to reschedule workshop

There was a consensus of the Board to hold the workshop on June 15, 2011 at 7:00 p.m.

OLD BUSINESS

Case No. 10594 – Rob Robertson – east of Road 271, northeast of Trent Court, being Lot 290 within Canal Point development.

A variance from the side yard setback requirement.

Request for a time extension.

Mrs. Isaacs read a letter from the Applicant requesting a 6-month time extension.

Motion by Mr. McCabe, seconded by Mr. Hudson, and carried unanimously that the time extension be approved for a period of six (6) months. Vote carried 4 – 0.

Meeting Adjourned 8:50 p.m.