

MINUTES OF REGULAR MEETING OF JULY 28, 1983

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, July 28, 1983, at 7:45 P.M. with the following present:

Mr. Allen, Mr. Monroe, Mr. Smith, Mr. Ralph, Mr. Hickman, Mr. Fugua - Attorney, Mr. Derrickson - Director, and Mr. Lank - Planning Technician.

Motion made by Mr. Smith, seconded by Mr. Hickman and carried unanimously to approve the minutes of July 11, 1983, and July 14, 1983, as circulated.

PUBLIC HEARINGS

1. RE: C/U #742--Jeffry A. Davis

Jeffry Davis was present in behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Broadkill Hundred for Production of Decor Items, Decoys and Fishing Equipment located on the westerly side of Route 234, 420 feet northwest of Route 16, and to be located on a parcel containing 3.9933 acres more or less.

Mr. Derrickson - Director, stated that comments had been received from the Division of Highways. They have no objection.

Mr. Davis stated he plans no additions to the present building. He will be making alterations only. Normal hours of operation will be 7:30 A.M. to 4:30 P.M., six days per week. He has a partner and one employee. Mr. Davis plans to reside in the farm house which is presently on this property. He will be using the residence entrance to get to the business.

No parties were present in opposition.

Motion made by Mr. Monroe, seconded by Mr. Ralph, and carried unanimously to forward this application to the County Council with the recommendation that it be approved.

2. RE: C/U #743--Eugene Quillen

Eugene Quillen was present in behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Gumboro Hundred for a Borrow Pit located 990 feet north of Route 422 approximately 2100 feet west of Route 421, and to be located on a parcel containing 10.8 acres of a 109.7 acre tract.

Mr. Quillen was represented by his attorney, Mr. Thomas J. Stumpf.

Mr. Stumpf stated the pit is planned to be fifteen feet deep, with 3-1 side slopes, with a fifty foot buffer on two sides and a larger buffer on the remainder. He presented a diagram showing where the Borrow Pit would be located.

Mr. Quillen stated this pit, as well as the ones he presently has, are totally surrounded by dense woods and cannot be seen from any road or residence. The pit will be completely fenced in with a locked gate. He presently has equipment to maintain and repair this Borrow Pit. He presented pictures of his present pits.

Albert Todd, a close neighbor, was present in favor of this application.

Newell Isaacs, Superintendant of Melvin Joseph Construction Company, was also present in favor of this application. He stated Mr. Quillen's pits were the best maintained in the area and are the nearest to a present contract they have. He believes there is a public need for this pit.

Mr. Stumpf stated he believes opposition is a personal disagreement.

Mr. Derrickson - Director stated he has received a petition from area residents in opposition.

Walter Bonneville was present in opposition. He stated there are more pits than the applicant mentioned, pits are filled with polluted water, hogs run loose around these pits and are fed dead chickens. He feels these pits create an offensive odor, breed insects and rats, and are a hazard to area children.

Grover Baker, Sandra White, Anna Bonneville and Edward Brittingham also spoke in opposition for the same reasons.

Seven people were present in opposition.

Motion made by Mr. Monroe, seconded by Mr. Ralph and carried unanimously to defer action until Commission members can visit the site.

3. RE: C/U #744--Sarah and Romeo Escaro

Sarah and Romeo Escaro were present in behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Nanticoke Hundred for Sales and Service of New and Used Commercial Food Service Equipment located on the north side of Route 36, 1100 feet east of Route 613, and to be located on a parcel containing 2.5 acres more or less.

Sarah and Romeo Escaro stated this building is not presently in use. They intend to lease the building for the repair and sale of appliances.

No parties were present in opposition.

Motion made by Mr. Monroe, seconded by Mr. Hickman and carried unanimously to forward this application to the County Council with the recommendation that it be approved.

4. RE: C/U #745--W.B. James

William James was present in behalf of this application to consider the Conditional Use of land in an AR-1 Agricultural Residential District in Little Creek Hundred for Retail Sales and Storage located on the west side of Route 13, 1/2 mile south of Route 24, and to be located on a parcel containing 13 acres more or less.

Mr. James stated he plans to use the existing building on this site as a warehouse and for retail sales.

No parties were present in opposition.

Motion made by Mr. Ralph, seconded by Mr. Monroe and carried unanimously to forward this application to the County Council with the recommendation that it be approved.

5. RE: C/Z #527--Ernest J. and Vera Blaser

Ernest and Vera Blaser were present in behalf of this application to amend the zoning map by changing from AR-1 Agricultural Residential to C-1 General Commercial in Baltimore Hundred, located on the southwest corner of Routes 17 and 382, containing 13,313 square feet more or less.

Ernest Blaser stated they will be using the existing building for marine and wood craft sales. They presently have no plans to enlarge the existing building.

No parties were present in opposition.

Motion made by Mr. Monroe, seconded by Mr. Ralph and carried unanimously to forward this application to the County Council with the recommendation that it be approved.

OTHER BUSINESS

1. RE: Harvey and Joan Ryan

The Commission reviewed the site plan for C/U #721 for four multi-family units on a 10,000 square foot lot southwest of South Avenue.

Motion by Mr. Hickman, seconded by Mr. Monroe, and carried unanimously to approve the site plan.

2. RE: King's Grant

C. Kenneth Carter present on behalf of Beach Development Corp.

The Commission reviewed the final site plan for 76 multi-family units on either side of Route 1, one mile north of Fenwick.

Motion by Mr. Monroe, seconded by Mr. Ralph, and carried unanimously to approve the site plan.

3. RE: Warehouse Restaurant

Lands of Horace A. Sagers

The Commission reviewed the site plan for an 8 efficiency apartment addition on existing restaurant in General Commercial District at northeast corner of the intersection of Route 357 and Route 359.

Motion by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to approve the proposed addition

4. RE: Beachaven

Deleted from agenda prior to meeting.

5. RE: Charles Nunan

The Commission reviewed the proposed two lot subdivision of 3.6 acres west of Route 413B in the AR-1 Agricultural Residential District.

Mr. Lank read comments received from the State Division of Highways which granted approval of the two lots if served by the existing entrance.

Motion by Mr. Monroe, seconded by Mr. Ralph, and carried unanimously to approve the two lots with stipulation requested by the State Division of Highways.

6. RE: Jerome Lewis

The Commission reviewed the site plan for C/U #735 for two multi-family units south of Admiral Road at Tower Shores.

Motion by Mr. Hickman, seconded by Mr. Smith and carried unanimously to approve the site plan.

7. RE: HenlopenStation

Lands of William Kelly and others.

William Kelly, James Kelly, William Mann, Surveyor, Clark Carbaugh, Engineer, Preston McIlvaine, Contractor, James Waehler, Esquire, present on behalf of Dune Grass Foundation, Developers.

The Commission reviewed the site plan for 108 multi-family units and 12 store units on 7.5 acres north of Route 1A (Rehoboth Avenue Extended) in C-1 General Commercial District.

The developers requested the Commission to grant approval of Phase One for 54 units and a pool.

Mr. Derrickson stated that Utility Systems, Inc. are designing the treatment systems and are sure of the feasibility of the project.

Motion by Mr. Hickman, seconded by Mr. Smith, and carried unanimously to approve Phase One only.

8. RE: Bay Colony - Section One - Lot #8

The Commission reviewed the survey of Lot #8 to give consideration to setbacks.

Motion by Mr. Monroe, seconded by Mr. Ralph, and carried unanimously that the setbacks remain as noted on the recorded survey of Section One - Bay Colony.

9. RE: Roger Perry

Mr. Perry present.

The Commission reviewed the proposed two lot subdivision of 5.0 acres northwest of Route 315.

Motion by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve the two lots with the stipulation that the 50 foot access to the rear lot be required to be constructed per the requirements of the Subdivision Ordinance.

10. RE: Captain's Grant (83-6)
Lands of Donald K. Miller and others

The Commission reviewed the final plans to consider the Subdivision of land in a GR General Residential District in Indian River Hundred by dividing 43.6 acres into 88 lots located on the easterly side of Route 5 and southeast of Route 311.

Mr. Lank. advised the Commission that revised plans indicate 78 lots.

Mr. Lank advised the Commission that the State D.N.R.E.C. has no objection dated March 21, 1983, and that the State Division of Highways has granted final plan approval of entrance and stormwater management systems.

Motion by Mr. Smith, seconded by Mr. Hickman, and carried unanimously to approve the subdivision as a final subject to the following:

- A. Area between lots 11 and 12 and Captain's Way shall be labeled as lands of the developers for possible future access.
- B. Note: Square footage of open spaces.

Mr. Monroe not participating or voting.

11. RE: Sandhill Acres (82-5)

Deleted from agenda prior to meeting.

12. RE: Bonaventure

Coleman Bunting and Michael Wigley of Bunting Construction Corp., developers, and Jeff Friedel, Engineer, present.

The developers made presentation to the Commission for the site plan to develop 104 units on 7.4 acres in the C-1 General Commercial District west of Fenwick on the south side of Route 54. The site will be served by Fenwick Island Sanitary Sewer District and Ocean City water.

Motion by Mr. Monroe, seconded by Mr. Ralph, and carried unanimously to defer action.

13. RE: Dennis Dinneen

The Commission reviewed the concept sketch for a lot on the north side of Route 488 west of Route 13.

Motion by Mr. Ralph, seconded by Mr. Monroe and carried unanimously to approve the lot subject to receipt of survey plot and entrance permit.

14. RE: Rawlins Manor
Lands proposed to be developed by J.J. McCann

Mr. McCann present.

The Commission reviewed the plans for 32 lots on 24.4 acres east of Route 321, north of Route 325, and southwest of Route 48, and feasibility report from William Ireland, Soil Scientist.

Mr. McCann stated that he didn't object to greater setbacks.

Motion by Mr. Smith, seconded by Mr. Monroe, and carried unanimously to approve the 32 lots with the stipulation that the office and Mr. McCann settle on a greater setback.

15. RE: Catherine Stamper

The Commission reviewed the proposed 2 lot subdivision of 21,750 square feet south of Route 54 west of Fenwick.

Motion by Mr. Monroe, seconded by Mr. Ralph, and carried unanimously to approve the subdivision.

Amendments

Mr. Derrickson - Director, informed the Commission that he has received correspondence from Jack Wilson regarding Bay Front.

Section 1 Ordinance No. 97, Article 4, Section 8 and Article 10, Section 4, Subsection 4 was discussed regarding exemptions of certain governmental agencies and regarding setback and dedication along major bodies of water.

Motion made by Mr. Hickman, seconded by Mr. Smith and carried unanimously to defer action.

Meeting Adjourned 11:09 P.M.

John L. Allen, Chairman