

**PLANNING AND ZONING COMMISSION**  
**MEETING MINUTES**  
**September 15, 2016**

1. Chairman Gary Meredith called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Commission Members Wichmann, Damiano, Sharpe, and Smith were in attendance. Town Solicitor Eric Hacker, Town Administrative Official Charles McMullen and Town Clerk Donna Schwartz were also present. The meeting was held in the Ocean View Town Hall, 32 West Avenue.
2. **COMMISSION BUSINESS** – none
3. **APPROVAL OF AGENDA**  
Mr. McMullen asked for an agenda revision to move Old Business Item# B, P-285 to the end with New Business Item#C, P-303. A motion was made by Mr. Smith, seconded by Mr. Wichmann, to approve the amended agenda. The motion carried unanimously 5/0.
4. **APPROVAL OF MINUTES**  
A motion was made by Mr. Smith, seconded by Mr. Wichmann, to approve the March 17, 2016 minutes as presented. The motion carried unanimously 5/0.
5. **OLD BUSINESS**

**A. Application P-258/P-260 Ocean View Beach Club (PIDN: 408.000)**

Mr. McMullen read his overview, he said the applicant Davis, Bowen & Friedel, Inc. (DBF) has submitted, on behalf of the property owner Windansea, LLC, a revision to a site plan previously approved under applications P-258 and P-260. The request is to revise the Amenity / Mixed Use Residential – Commercial area of Condominium Parcel ‘A’ on property located on Beach Club Avenue (PIDN: 408.351 / CTM# 134-17.00-977.00).

The original site plan or concept plan for the community was approved by the Planning and Zoning Commission (P&Z) and Town Council when this community was annexed into Ocean View as an R.P.C. on March 6, 2007 via Ordinance 214. Subsequent reviews occurred over the years with the final site plan being approved on July 18, 2013 and on September 24, 2014 P&Z approved the realignment of structures on Condominium Parcel ‘L’. The first amendment of the approved site plan occurred on February 18, 2016 when the Commission reviewed and approved with conditions what was presented to them. This revised site plan dated April 19, 2016 has some additional minor changes and some conditions from the February approval that still require attention. Below are the comments from my February overview that require revision.

My review of the revised site plan indicated the following:

1. Overall this amended site plan is very similar to the plan presented in February. The changes noted are as follows:
  - a) The description of the indoor pool has been changed to “*Reserved for Future Recreational Amenities*”. This is due in part to a request by the developer to amend the RPC Condition #7 that required that the amenity area be completed before issuance of the 60<sup>th</sup> Certificate of Occupancy (CO). A change to that condition will be presented to Town Council on September 13<sup>th</sup> and I will have an answer regarding their decision when the Commission meets.
  - b) The area shown as bar catering has been removed as has the volleyball area.

- c) The pool area has been enlarged and now encompasses what was shown as the volleyball area.
- d) The event lawn area is still where it was but is not defined. This area should be defined for the site plan.
- e) The commercial was reduced to 1070 square feet (SF).
- f) Cottages 1, 2 & 3 are shown as being two story and the square footage shown meets Code requirements.

While the applicant has addressed many of the conditions required by the Commission for approval in February there are a few others that still require revision as noted below:

- 1. The Commission accepted the applicants' number showing a requirement of 1 parking space for each 300 square feet of amenity during your February review and approval. . At that time I noted that the calculation for parking spaces required for the 9,138 square foot amenity center should be 31 and it has not been revised (*when divided a fraction is required to move to the next whole number*).
- 2. Parking spaces number 60 and 61 are still not properly delineated.
- 3. The single loading area has not been fully dimensioned.

Additional comments:

- 1. The square footage of the amenity center is shown as being 9138 square feet (SF) on the cover sheet however throughout the remainder it is shown as being 8678 SF. A building permit was recently issued for an amenity center with a footprint of 9138 SF. Please revise.
- 2. The applicant has provided approvals for this revised site plan from the following outside agencies:
  - a) Fire Marshal's Office (FMO).
  - b) Sussex County Engineering for sewer.
  - c) Division of Public Health for water.
  - d) Sussex Conservation District (SCD) for storm water management.

There were no questions from the Commission Members nor from the public.

*A motion was made by Mr. Damiano, seconded by Mr. Smith, to accept as a final site plan amendment to the revised amenity plan with the missing items noted. The motion carried unanimously 5/0.*

**B. Application P-291 83 Atlantic Avenue (PIDN: 093.000)**

Mr. McMullen read his overview, he said Application P-291 is before the Commission this evening as a final land development site plan review. The parcel is located at 83 Atlantic Avenue (NW Corner of Woodland & Atlantic Avenues), identified by Town PIDN: 093.000 and Sussex CTM# 134-12.00-300.00. It is zoned GB-1 and currently has an existing business onsite. The Commission did review a concept plan of the proposed land development on March 19, 2015 and did review and approve with conditions a preliminary land development site plan presented to the Commission on May 21, 2015.

The applicant has proposed to develop the parcel that will continue its GB-1 zoning in two phases. Phase I would be the construction of a 9000 square foot Retail / Office building during which time the existing structure would remain. Phase II would bring about the razing of the existing structure and the construction of a 5000 square foot restaurant. Both proposed uses are permissible within the GB-1 zoning district as outlined in §140-24 of the Land Use and Development Chapter (L.U.D.C.) of the Code. A copy §140-24 has been provided with this overview.

A Final Land Development Site Plan is defined as *a detailed map showing the layout of a site, parcel, tract, land, property, or residential planned community submitted for final approval and that incorporates the conditions on which approval of the Preliminary Development Plan was based.*

I reviewed the final site plan submitted to ensure that the previous conditions set forth by the Commission had been met and with the exception of the following each item, noted in my preliminary overview, has been revised to comply with the following exceptions:

§140-03. Preliminary Development Plan:

E. Plan Contents:

- (13) Proposed development, including:
- (m) Demarcation of existing vegetation "to remain" or "to be removed." – *not on Site Plan. Was previously on landscape plan that has now been incorporated into the site plan sheet.*
- (18) Zoning district designation (existing and proposed):
  - *Present Use is GB-1 (General Business 1) as is proposed. Please reflect same under Site Data Item #2.*

Additional comments and observations:

Under Site Data:

1. Item # 2 please revise to show Present Use as GB-1 (see item (18) above from preliminary site plan).
2. Item 4 revise note under Building Area Coverage to read Lot Coverage as opposed to Impervious Surface.
3. Item # 5 – Utility Providers – Revise to show Town of Ocean View as Water provider.

Under Notes:

1. Item 2 under Notes from preliminary that defined the flood zone area has been omitted and should be inclusive with the revision to change FIRM date to March 16, 2015 completed.
2. Item # 11 – Revise to indicate that variance was granted for a single driveway.

On Site Plan:

1. Denote entrance stop sign, stop bar and center land stripe.

§140-04. Final Development Plan:

All items completed.

This can be approved as a Final Land Development Site Plan if the Commission agrees that the oversights listed above be a condition of Final approval for recordation.

Mr. Tom Ford was present before the Commission to answer their questions. Mr. Meredith asked about water run-off. Mr. Ford explained that gravity “spills and cleans” the catch basin at the rear of the property. He was unsure about the direction of light reflected from the fixtures but noted that they can be changed if the Commission requests. Mr. Smith questioned the screening around the dumpster. Mr. Ford said it is a 7’ fence and is shown on the site plan.

Mrs. Tess Mathieu, Sally Lane, asked when they plan to start the project. Mr. McMullen replied that it would be depend on long recordation and permitting takes. Mrs. Mathieu also inquired if the existing screening would be used. Mr. McMullen said it would be used.

*A motion was made by Mrs. Sharpe, seconded by Mr. Wichmann, to approve as a final site plan with the conditions noted by Mr. McMullen. The motion carried unanimously 5/0.*

**6. NEW BUSINESS**

**A. Application P-301 7 & 9 Longview Drive (PIDN: 103.150 & 103.160)**

Mr. McMullen read his overview to the Commission. He said the property owners, Christopher and Marie Dispoto, have submitted a Preliminary Land Development Site Plan for application P-301, for a lot combination to combine two parcels of land into one parcel on property zoned R-1, located at 7 & 9 Longview Drive (PIDN's: 103.150 & 103.160 - Sussex CTM#'s: 134-12.00-311.05 & 311.07).

A preliminary land development plan is defined as a detailed map showing the proposed layout of a site, parcel, tract, land, property, or residential planned community submitted for preliminary approval, is required to comply with a number of L.U.D.C sections of the Code. I have reviewed the preliminary land development submitted by Frank G. Lynch Jr. & Associates dated July 8, 2016 for Code compliance and the following requirements have not been met:

§140-103 Preliminary Development Plan:

E. Plan Contents:

- (1) Name or identified title of the proposed subdivision or development and of the Town, County and state; (*Subdivision Name: Edenshire*)
- (10) All existing water lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, watercourses, easements, rights-of-way and other significant man-made or natural features within the proposed subdivision and within 100 feet outside of the boundaries of the proposed subdivision or land development;
- (13) Proposed development, including:
  - c) Utility easement locations;
- (18) Zoning district designation (existing and proposed) - (*General Note 2*);
- (19) Source of title;
- (24) Legend.

In addition there are a few other items on the site plan that require revision.

- For consistency the 25 foot front lot line setback as shown should read 25 ' B.R.L. to coincide with the other setbacks delineated.
- Remove the signature block for the Planning and Zoning Commission and replace with a signature block for the Town Administrative Official.
- It should be noted that water is provided by the Town of Ocean View and that Sewer is provided by Sussex County.
- Item # 3 under General Notes should be revised to include the current Flood Zone FIRM number (10005C0512K) and panel (0512K) as well as the effective date (03-16-15) of the map.

This application can also be reviewed and approved as a final land development site plan should the Commission so desire. If the Commission so chooses to approve as such I would simply request that a condition of the approval be that the applicant provide a final land development site plan for recordation that includes the omitted information noted above.

Chairman Meredith inquired as to why they wanted to combine the two lots. Mr. McMullen replied to have more flexibility in building a garage.

*A motion was made by Mr. Damiano, seconded by Mr. Wichmann, to approve as a final site plan with the conditions Mr. McMullen noted. The motion carried unanimously 5/0.*

**B. Application P-302 11 Scanlon Avenue & 12 Delaware Avenue (PIDN: 036.290 & 036.280)**

Mr. McMullen read his overview, he said The property owners, Paul F. and Stefania Crum, have submitted a Preliminary Land Development Site Plan for application P-302, for a lot combination to combine two parcels of land into one parcel on property zoned R-1, located at 11 Scanlon Avenue and 12 Delaware Avenue (PIDN'S: 036.290 & 036.280 / Sussex CTM#'S: 134-12.00-488.00 & 134-12.00-1387.00).

A preliminary land development plan, is defined as a detailed map showing the proposed layout of a site, parcel, tract, land, property, or residential planned community submitted for preliminary approval, is required to comply with a number of L.U.D.C sections of the Code. I have reviewed the preliminary land development submitted by True North Land Surveying dated July 21, 2016 for Code compliance and the following requirements have not been met:

§140-103 Preliminary Development Plan:

E. Plan Contents:

- (1) Name or identified title of the proposed subdivision or development and of the Town, County and state; (*Subdivision Name: Mitchell Estates*)
- (5) The current names of all abutting landowners or subdivisions, and the names of the owners of all adjacent unplotted land;
- (6) A key map, for the purpose of locating the property being subdivided, drawn at reasonable scale and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within 200 feet of any part of the property. Also, the approximate distance to all nearby existing streets shall be shown, and a title, scale and north point shall be indicated;
- (9) Location and elevation of the datum used shall be a known, established U;S;C; & G; benchmark;
- (10) All existing water lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, watercourses, easements, rights-of-way and other significant man-made or natural features within the proposed subdivision and within 100 feet outside of the boundaries of the proposed subdivision or land development;
- (13) Proposed development, including:
  - d) Building setback lines along each street, side and rear yard lines;
  - g) A statement of the intended use of all nonresidential lots and parcels and acreage of such lots or parcels;
- (18) Zoning district designation (existing and proposed); *see Notes # 8*
- (19) Source of title;
- (24) Legend.

In addition there are a few other items on the site plan that require revision.

- Provide a distance from the shed to the current lot line.
- Dimensions on all structures.

- Width of driveway thru the ROW at its widest point.
- It should be noted that water is provided by the Town of Ocean View and that Sewer is provided by Sussex County.
- Provide a signature Block for the Town Administrative Official

This application can also be reviewed and approved as a final land development site plan should the Commission so desire. If the Commission so chooses to approve as such I would simply request that a condition of the approval be that the applicant provide a final land development site plan for recordation that includes the omitted information noted above.

Mrs. Stefania Crum disagreed with Mr. McMullen on the distance of the shed from the property line. She asked to have the application deferred until clarification could be made of the distance could be determined.

*A motion was made by Mr. Smith, seconded by Mr. Damiano, to defer the application until a later date pending clarification of location of existing shed. The motion carried unanimously 5/0.*

**C. Application P-303 38 Woodland Avenue (PIDN: 115.000)**

Mr. McMullen gave his overview, he said the property owner, Robert L. Herrington, has submitted a Preliminary Land Development Site Plan, application P-303, for a subdivision of a single lot to create three lots on property zoned R-1, located at 38 Woodland Avenue (PIDN: 115.000 / Sussex CTM#: 134-12.00-314.00).

A preliminary land development plan, is defined as a detailed map showing the proposed layout of a site, parcel, tract, land, property, or residential planned community submitted for preliminary approval, is required to comply with a number of L.U.D.C sections of the Code. I have reviewed the preliminary land development submitted by True North Land Surveying dated August 16, 2016 for Code compliance and the following requirements have not been met:

§140-103 Preliminary Development Plan:

E. Plan Contents:

- (9) Location and elevation of the datum used shall be a known, established U;S;C; & G; benchmark;
- (10) All existing water lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, watercourses, easements, rights-of-way and other significant man-made or natural features within the proposed subdivision and within 100 feet outside of the boundaries of the proposed subdivision or land development;
- (13) Proposed development, including:
  - b) Suggested street names (in conformance with the provision of Chapter 185 and coordinated with Sussex County 911 Addressing and Mapping Dept.)
  - c) Utility easement locations;
  - l) Proposed sidewalks and walkways;
  - m) Demarcation of existing vegetation “to remain” or “to be removed.”
- (18) Zoning district designation (existing and proposed); *See Notes – Zoned*
- (19) Source of title;

F. Supplemental Data:

- (2) Wetlands Report—Wetlands delineation and wetlands mitigation plan prepared by a Delaware registered engineer, surveyor, biologist, or other environmental scientist, or other environmental scientist with experience and qualifications in wetlands delineation prepared pursuant to Article II, Chapter 116.
- (3) Floodplain Delineation and Management Plan—A plan for the management of special flood hazard areas defined under “Flood Damage Reduction” in Chapter 116.
- (4) Such plan shall comply with the applicable standards in Chapter 116.

In addition there are a few other items on the site plan that require revision.

- Dimensions on all structures.
- Width of driveways thru the ROW at their widest points.
- Revise Town signature block to include Town Administrative Official under signature line.
- Remove Sussex County signature block.
- Provide signature block for Wetlands Certification.
- It should be noted that water is provided by the Town of Ocean View and that Sewer is provided by Sussex County.
- Provide Flood Zone information.
- Add a side setback of 25’ for lot line abutting a street
- Revise Minimum lot size to read 14000 SF
- Provide 10’ drainage easements, dedicated to the Town of Ocean View, along all lot lines within each proposed lot.
- Provide typical road section that is compliant with Ocean View Town Code which requires 8” vertical face curbs.

Mr. Jay Harrington, Woodland Avenue, was present to answer questions from the Commission. He said he provided an easement to Mr. Collazuol for the ditch which Soil Conservation maintains. Mr. Harrington also said this application will provide better access to his home and is beneficial to all concerned.

*A motion was made by Mr. Damiano, seconded by Mr. Wichmann, preliminary approval be granted with the condition that all comments by Mr. McMullen be addressed. The motion carried unanimously 5/0.*

**B. P-285 34 Woodland Avenue (PIDN: 093.000)**

Mr. McMullen read and reviewed an overview letter from the Town engineer. The letter said based on our previous comments and our review of the revised plans, we have the following comments.

**General**

1. Whatever agreement is achieved between the developer and the property owner to the south will need to be recorded prior to the final approval of the subdivision plan and referenced on the recorded plan.
  - The creation of a public right-of-way along the southern boundary of the property creates a "side lot line abutting a street" for the adjacent property to the south where a "side lot line" currently exists. A "side lot line abutting a street" requires the same setback as a front lot line. In this case that setback is 25 feet. The current setback for the side lot line is only 15 feet. Creation of this right-of-way, therefore, creates a

more restrictive setback on the adjacent parcel to the south. The proposed public right-of-way should be shifted north 10 ft. to maintain the existing setback requirement on the property to the south or the permission of the property owner to south should be obtained to allow the increased setback requirement.

2. The subdivision of the property and the construction of the road cannot be reviewed and considered as a separate application from the construction of the homes. The application must include all of the information required by the code for approval of the plan as a whole regardless of the proposed timing of the construction of the homes. The determination of whether or not the development activity will increase the flood elevation by 1.0 foot or less is to be made by FEMA through the CLOMR process. Paragraphs a and b within Section 116- 5E2 are both required to be completed to bear out compliance. They are not an either/or condition. The plan offers no grading on the lots, and, therefore no conclusion can be drawn regarding the potential impact on the floodplain of this project as a whole. Provide complete construction plans designed in accordance with the code to FEMA along with the appropriate CLOMR application requirements. The plan cannot be found code compliant until FEMA has approved the CLOMR.
  - The entire property exists within FEMA Special Flood Hazard Area Zone AE - elevation 7.0. The plans must comply with Section 116-5-E2 - Development in areas with base flood elevations but no floodways, which states:
    - a) For development activities in a flood hazard area with base flood elevations but no designated floodways, the applicant shall develop hydrologic and hydraulic engineering analyses and technical data reflecting the proposed activity and shall submit such technical data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.
    - b) The proposed development activity may be permitted if the analyses demonstrate that the cumulative effect of the proposed development activity, when combined with all other existing and potential flood hazard area encroachments will not increase the base flood elevation more than 1.0 foot at any point.

Until FEMA has approved the CLOMR, the plan cannot be found code compliant.

### **Drainage**

1. Addressed
  - Ensure that all proposed catch basins and pipes are labelled with necessary design elevations and slopes.
2. The proposed culverts still intersect the proposed pavement section. Provide a design that maintains the full pavement section above the pipes.
  - Both culverts under Blue Heron Way are still too shallow. The top of the pipe must be below the bottom of the pavement section.
3. The details of the drainage calculations provided do not match the detail shown on the plan. Provide calculations that match the plans. Provide a drainage area plan clearly depicting the area draining to each structure. Ensure that the proposed grading is accounted for in determining the drainage area boundaries.

- Provide design calculations in accordance with the code for all of the drainage systems on-site, including both open and piped conveyance networks. (Sections 132-6, 132-7, 132-8 & 140.104)
4. No additional detail has been provided for this area. If anything, the plan is more illegible than before. There are multiple thick black lines through the area in question. Provide a detailed blow up of the design in this location at a significantly larger scale to bear out the constructability of the proposed condition.
    - There is 5 ft. from the southern edge of the road to the southern property line. However, at the catch basin location the plan calls for 6 lf. of 12" pipe, a flared end section, rip-rap outlet protection and a level spreader. At this point the water must also make a 90 degree turn to be directed along the property line and into the bio-filtration swale. Significant detail will need to be provided for this area to clearly depict how this construction can be completed that will result in a non-erosive condition that directs the flow as intended into the bio-filtration swale.
  5. Specifically label the drainage easements as "drainage" easements. Ensure that the easements provided for existing ditches are sized to encompass the entire width of the ditch on the property
    - Easements must be provided to benefit the Town to cover the existing drainage ditches along the northern, southern and western property boundaries.
  6. Provide the section of the bio-filtration swale on the grading plan. Ensure that the easement proposed on the property to the South is sufficiently sized to encompass the entire width of the swale.
    - A temporary easement is shown on the property to the south for the construction of the storm water management facility. However, a permanent easement will be necessary to cover the full extent of the storm water management facility. The width of the subject parcel in this area provided is only 5 ft. and the swale section appears to be 11 ft. wide.
  7. As stated above, all easements must be recorded prior to approval of this plan and referenced on the plan to be recorded.
    - Any easements necessary on surrounding properties must either be recorded prior to plan approval or the owners of the adjoining parcels granting the easements must be patty to the recorded plan.

### **Grading**

1. The plan still provides no grading outside of the road. Provide detailed grading plans as previously stated.
  - Provide a detailed grading plan including contour tie-ins to existing grading and sufficient spot grades to clearly depict code compliant grading. (Sections 132-1, 132-2, 132-3 & 140-104)
2. Ensure that the grading proposed complies with the code minimums
  - The minimum slope on paved areas and roads is 0.5%. The minimum slope on pervious surfaces is 1%. (Sections 132-2-F & 140.104)
3. As stated previously, ensure that all easements are sufficiently sized.
  - Grading of the bio-swale appears to require disturbance off-site beyond the extent of the easement shown. Easements will be required with the affected property owners

for any disturbance on their property during construction and to permit permanent drainage conveyance. (Sections 140-79 & 140.104)

4. The minimum cross slope for the road should be 2%. The minimum longitudinal slope can be 0.5%

- The catch basin grate elevations at station 4+64 are noted to be 5.4. The low point in the street section at the centerline is all noted to be 5.4. The street must be crowned to direct runoff to the sides of the street and into the drainage network.

### **Storm Water Management**

1. Addressed

- Provide a full storm water management analysis and design report, including design details for all storm water management facilities in accordance with code requirements. (Section 140-104)

### **Streets and Sidewalks**

1. Provide the specific road section recommended by the soils report on the plan.

- Provide street and sidewalk design in accordance with Chapter 187.

2. Addressed

- Provide the soils investigation as required by Section 187-4 and requisite pavement design based on the results of that analysis.

Mr. Steven Collazuol, property owner, and his lawyer, Mr. Ray Tomasetti, were in attendance to answer questions. Mr. Collazuol stated he did not believe he needed a CLOMR letter from FEMA. Mr. McMullen explained to him that all properties in certain flood zones, which his property is in, require CLOMR letters from FEMA before any work can proceed. Mr. Tomasetti said he was unsure of the FEMA rules however, they would contact FEMA. He also said he didn't believe he needed any map adjustments and suggested a meeting with Mr. Lober might help him understand what map adjustments and easements are in question.

Mr. McMullen then offered his overview, he said Application P-285 is before the Commission this evening as a final land development site plan review. The two parcel(s) that are to be combined for subdivision into six (6) single family R-1 zoned lots are located at 34 Woodland Avenue (PIDN's: 116.000 & 116.001 / Sussex CTM#: 134-12.00-317.00 Parcels A & B). The Commission reviewed a Concept Plan on September 18, 2014 and a preliminary land development site plan on February 19, 2015 that was approved with conditions. The final site plan was to be submitted within one year of preliminary approval however the Commission heard and granted the applicants' request for a six month extension of final site plan submittal on February 18, 2016. The final site plan was to have been heard by August of 2016 however, there was no scheduled meeting of the Commission in August and therefore the final site plan review was extended to September 15<sup>th</sup>.

§ 140-104 of the Land Use and Development (L.U.D.C.) chapter of the Town Code defines a Final Land Development Site Plan as follows: *a detailed map showing the layout of a site, parcel, tract, land, property, or residential planned community submitted for final approval and that incorporates the conditions on which approval of the Preliminary Development Plan was based.*

During approval of the preliminary land development site plan, overviews from the Town Engineer and myself were provided to the Commission. Each of these overviews listed a significant number of preliminary site plan requirements that had not been provided. The Commission did however approve the preliminary site plan with the condition that all comments by the Town Engineer and the Town Administrative Official be met for final site

plan submittal as is also required by §140-104 of the (L.U.D.C.) of the Town Code. The final site plan submitted was reviewed by the Town Engineer and me to ensure that the all conditions set forth during the preliminary site plan review had been met as well as to ensure that all requirements for final review and approval were inclusive. The Town Engineer has submitted a letter, dated September 6, 2016 that has been provided to the Commission which indicates that some of the requirements omitted from the preliminary site plan have been satisfied while a number of others have not been completed. My review of the documentation submitted for final site plan review and approval will be broken down to show items from the preliminary site plan that are still outstanding and required final site plan items that may be omitted.

The following is a revised list of items that were not included with the preliminary plan and have not yet been addressed. Comments will note the revision(s) required.

**§ 140-103-E: Plan Contents -** *(Omitted data underlined in corresponding sub-section).*

(6) A key map, for the purpose of locating the property being subdivided, drawn at reasonable scale and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within 200 feet of any part of the property. Also, the approximate distance to all nearby existing streets shall be shown, and a title, scale and north point shall be indicated - *Please provide scale for key map on all pages where key map is shown.*

(7) Total tract boundaries of the property being developed, showing bearings and distances, and a statement of total acreage of the property; *The applicant indicates that this information is included on the Final Subdivision Plat below the parcel number on page 2 of 7. Unfortunately I do not see this information.*

(13) Proposed development, including:

(a) Location and width of all streets and rights-of-way, with a statement of any conditions governing their use; *(I may have provided language that was confusing with my preliminary review however please reword the language to read as follows: The 50 FT. Right of Way is to be dedicated to the Town of Ocean View after inspection and approval by the Town Engineer, review and approval by the Town Solicitor and acceptance by Town Council. A bond in conformance with Town Code requirements will be provided prior to the start of construction).*

(b) Suggested street names in conformance with the provision of Chapter 185 and coordinated with Sussex County 911 Addressing and Mapping Department. *(The applicant has followed the Code requirements and the street name is to be presented to Town Council on September 13<sup>th</sup> for their review and decision about approval).*

(f) Lot numbers and a statement of the total number of lots and parcels; *Applicant has made corrections on site plan documents however data provided with Sussex Conservation District (SCD) plan still has lot numbers reflecting abandoned Town PIDN's.*

(k) Proposed landscaping and lighting; *(has been incorporated into the grading and drainage plan however Code requests a separate plan for these).*

(18) Zoning district designation (existing and proposed); *Under Zoning requirements on page 2 of 7 simply insert Zoning: Existing R-1 / Proposed R-1.*

(20) Total site gross and net acreage; *Reference item # 7 above.*

(23) Calculation of required parking and number of existing and proposed spaces; *Parking in what applicant refers to as a zone district schedule should read 2 per dwelling unit in addition to the garage space as stated in § 140-59-E (1)*

**§ 140-103-F: Supplemental Data -**

- (2) Wetlands Report—Wetlands delineation and wetlands mitigation plan prepared by a Delaware registered engineer, surveyor, biologist, or other environmental scientist, or other environmental scientist with experience and qualifications in wetlands delineation prepared pursuant to Article II, Chapter 116. (*Signature block for wetlands specialist to sign and seal statement required on Site Plan.*)
- (3) Floodplain Delineation and Management Plan—a plan for the management of special flood hazard areas defined under “Flood Damage Reduction” in Chapter 116. (*Refer to Town Engineer comments.*)

**§ 140-103-H: Referrals to Other Agencies** - Each Preliminary Development Plan shall be referred to the following agencies and departments:

- (1) Sussex Conservation District (SCD): (*Provided a copy of plan but need original of approved plans w/ green stamp from SCD.*)
- (2) Water provider; - *Required & Still outstanding – need approved plans for installation of water mains and service lines.*
- (3) Sewer provider; - *Required & Still outstanding – need approved plans for installation. Letter provided is from 2007. Applicant indicates he has submitted to Sussex Engineering but has not yet received a response however, will provide when received?*
- (6) State Fire Marshal’s office (FMO) - *Required & Still outstanding – Applicant has provided an approval letter from 2005.*
- (9) Delaware Department of Natural Resources and Environmental Control (DNREC); *Required & Still outstanding – Applicant has provided an approval letter from 2006.*

Additional Comments:

- Sheet 2 of 7:
  - ✓ Should be labeled Final Land Development Plan.
  - ✓ Indicate existing and proposed Zoning as previously noted.
  - ✓ Note # 3: Please provide FIRM - Map #, Panel and Date.
  - ✓ Note # 8: Please revise as previously noted in this report.
  - ✓ Note # 9: Indicates property owners are responsible for maintenance of ditch and that this requirement will be placed in the deed restrictions and covenants. These documents have not been provided for review and approval by the Town Solicitor which is a requirement. Will also require an easement with adjacent property owner(s).
  - ✓ Zoning Schedule should include a 25’ setback for a side lot line abutting a street under proposed lot 1.
  - ✓ Zoning Schedule should include language for parking as previously noted in this report.
  - ✓ Please include 30’ for rear setback on Lot 4.
  - ✓ Please show Woodland Avenue with a 30 Ft. Wide R.O.W.
  - ✓ Provide typical sidewalk and road section that is compliant with the Code.
- Sheet 3 of 7:
  - ✓ Note # 5: Remove Tidewater Utilities and replace with Town of Ocean View.
  - ✓ Note # 17: Indicates that the Grading and Drainage plan is based on a survey completed in 2006.
  - ✓ Note for streetlight should also indicate “As approved by the Town of Ocean View”.

- ✓ *Landscaping plan should comply with §140-74 and §140-75 of the L.U.D.C.:*
  - *§140-74-3 (c) requires trees be planted at a rate of 1 tree per 3000 square feet of land developed. Applicant has indicated that acreage is 2.95 which would require 43 trees. The applicant is providing 21 proposed shade trees.*
  - *The applicants' description of the proposed trees should comply with §140-74-3 (d) and the type of tree should be defined so that we can ensure the tree will work in the proposed surroundings as required by §140-75-A (1) (a, b, c & d).*
  - *A single streetlight near the eastern end of the property provides insufficient lighting for the safety of both residents and emergency responders. An additional streetlight in the cul de sac area should be required.*
- Sheet 4 of 7:
  - ✓ Typical Sidewalk and Road sections should be compliant with Town Code as previously noted.
  - ✓ P.C.C. Curb Type 3 is not applicable per Code
  - ✓ Note # 6: Remove Tidewater Utilities and replace with Town of Ocean View.
  - ✓ Note # 13: Is this requirement to be inclusive in lot owner deed restriction and HOA covenants? Will also require an easement with adjacent property owner(s).
  - ✓ Note # 18: Please correct lot number.
  - ✓ Note # 20: Will require signature block on Final Development Plan page for Wetlands specialist certification signature and seal.
- Sheet 5 of 7:
  - ✓ Please include note that Existing Driveway is to be removed
- Sheet 6 of 7:
  - ✓ Under Project Summary change Water Provider to Town of Ocean View.
  - ✓ Change statement regarding existing driveway so that it reads to be removed.
- 10' drainage easements dedicated to the Town of Ocean View should be noted as such in the notes section of the site plan.
- The issue of open space as outlined in §140-71 has not been addressed.

**§ 140-104. Final Development Plan**

1. Revision Block and Revision Summary Table.
  - a) Revision Block provided on each sheet to accurately disclose and identify all drawing revisions made after the first submittal for preliminary plan review. *Revisions are shown all the way back to 2001 and should only be representative of those revisions made for this site plan review and not the two previous site plans reviewed.*
2. Title Sheet and General Sheet containing the following information:
  - e) Drawing index; Certification and signature blocks.
  - g) The scale shall be no smaller than one inch equals 1000 feet; *(provide scale for legend map on all pages).*
  - f) Design engineer's seal and signature; and General legend.
4. Site and Grading Plans
  - m. Ownership of abutting properties. *(Current property owner for parcel 134-12.00-2476.00).*

- p. Recreation, open space, common use areas, and parking. (*open space previously addressed*).
- 5. Utility (Water and Sewer) Plans—Plans shall be prepared in accordance with the appropriate utility agencies, and at a minimum shall provide the following information: (*Refer to Town Engineer's comments*)
- 9. Additional Information.
  - k. Signs and stripping. (*Stop sign, stop bar and street name signs*).
  - l. Lighting and landscaping. (*Previously addressed and should be a separate plan sheet*).

The absence of final approved outside agency plans as required and those issues that require clarification as noted by the Town Engineer would prevent final approval of this application.

Mr. Collazuol responded to Mr. McMullen's overview. He stated he had made many of the changes Mr. McMullen has requested but hadn't printed new sheets and will be completing the rest of the changes soon. He noted that the Fire Marshal will not give<sup>3</sup> him a new letter. Mr. Collazuol also said he thought there were three street lights on the plan. Mr. Tomasetti suggested a 60 day deferment to complete the application as presented by Mr. McMullen. Mr. Hacker suggest 60 days may not be long enough for a FEMA reply and suggested 6 months.

*A motion was made by Mr. Damiano, seconded by Mr. Wichmann, to defer application approval for up to six months. The motion carried unanimously 5/0.*

## **7. ADJOURNMENT**

A motion was made by Mr. Damiano, seconded by Mr. Wichmann, to adjourn the meeting at 9:00pm. The motion carried unanimously 5/0.

Respectfully submitted,  
Donna M. Schwartz