

**PLANNING AND ZONING COMMISSION**  
**MEETING MINUTES**  
**December 20, 2018**

1. Chairman Bill Wichmann called the meeting to order at 5:00 p.m. with the Pledge of Allegiance. Commission Members Damiano, Amendt, and Sigvardson were in attendance. Planning & Zoning Development Director Ken Cimino, Town Solicitor Dennis Schrader, and Town Clerk Donna Schwartz were also in attendance. The meeting was held at 32 West Avenue. Mr. Liddle was not present. Mr. Sigvardson recused himself for the hearing citing his reasons for the Commission.
2. **APPROVAL OF AGENDA**  
*A motion was made by Mr. Damiano, seconded by Mr. Sigvardson, to approve the agenda. The motion carried unanimously 4/0.*
3. **APPROVAL OF MINUTES**  
*A motion was made by Mr. Damiano, seconded by Mr. Sigvardson, to approve the November 15, 2018 minutes as presented. The motion carried unanimously 4/0.*
4. **OLD BUSINESS**
  - A. **P-314 47 West Avenue (PIDN: 267.000/ Sussex CTM #134-13.00-13.00)**

Mr. Schrader spoke briefly to the audience about the purpose of the meeting. Mr. Sigvardson made a statement recusing himself from the vote on the preliminary plan.

Mr. Lober was present and read his overview of the Canal Ridge Preliminary Site Plans as prepared by Land Tech Land Planning, LLC and George Miles & Buhr, LLC dated 10/2018. He said based upon our review we have the following comments. A revised preliminary plan submission should be made to address the following items.

Floodplain

1. A large portion of the site lies within a FEMA - zone AE - 100-year floodplain - elevation 6.0 with no floodway.
2. Section 116-5-E2 of the Town code- Development in areas with base flood elevations but no floodways, 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 items a and b have been satisfied, no plan for development on-site within the floodplain boundary can be considered code compliant.

3. Assuming that FEMA approval can be obtained, any plan for the site will be required to comply with all applicable aspects of Sections 116-4 and 116-5 of the Town Code.
4. Through meetings with the developers representatives and correspondence with Greg Williams at the Department of Natural Resources and Environmental Control, it has been determined that this project will indeed be required to comply with the floodplain protection aspects of the code referred to above. Preliminary Plan approval should not be considered until after the applicant has obtained approval from FEMA for the proposed development activity within the floodplain.

#### Wetlands

1. Provide a copy of the wetland delineation report.
2. Disturbance is shown within the code required wetland buffer. A minor accounting of the buffer impacts is listed on the plan and an area for buffer mitigation is shown. Additional detail of the areas to be disturbed will need to be provided. Disturbance within the wetland buffers is not permitted for any activity associated with the construction of the dwellings. It is not clear that the entirety of the disturbance that will occur is accounted for. The final plan will need to depict the reconfigured buffer area removing those areas that have been disturbed and including any areas that have been added to achieve the average buffer widths required.
3. Provide a buffer management plan as required by Section 116-16.

#### Drainage

1. It appears that gutter spread calculations are the only drainage calculations provided with the preliminary submission. Please provide drainage design calculations for all open and closed drainage networks in accordance with code requirements. Please ensure that these calculations account for downstream tailwater conditions created by the detention provided in the stormwater management facility.
2. Provide a drainage pipe design that eliminates drainage structures installed in the travel lane. For instance, MH's 1, 4 and 6 should be replaced with cb's that are installed along the curb line. MH's 2 and 3 should be eliminated by allowing the trunk line to cross to the north side of the street along the outside of the curve. It appears that the elevation difference between the sanitary line and the drainage line is sufficient in this area to support the pipe crossings.
3. Provide a drainage pipe design that does not place catch basins in driveway aprons.
4. Provide a flared end section at the upstream end of SD-29, and a DelDOT standard personnel safety grate.

#### Stormwater Management

1. Stormwater review and approval is within the jurisdiction of the Sussex Conservation District. Provide copies of all design plans and calculations submitted to them for review and approval as well as copies of all correspondence with them.

2. The stormwater report states that there will be an outlet structure associated with the stormwater management facility that will direct flow to the existing ditch via 2 weirs. It doesn't appear that any detail is provided on the grading sheets for how this structure will be placed with regard to the ditch. Ensure that any and all permits necessary from DNREC and/or the ACOE are obtained for work within the ditch and the wetlands associated with the ditch.

#### Utilities

1. The water main should be installed in the grass strip between the back of curb and the sidewalk. The street trees should be planted behind the sidewalk.
2. Show the grinder pump locations on the plan.

#### Streets and Sidewalks

1. Provide a traffic study as required by the code.
2. Note on the plan that the streets shall be dedicated to public use.
3. Label the street with the width of the right-of-way and the proposed name for the street.
4. Provide dimensions on the turnaround to verify that it meets the Fire Marshal's requirements.
5. Provide the soils investigation required by code to justify the proposed pavement design.
6. Provide a pavement design that complies with the code requirements.
7. The details and notes on the plan show that DelDOT standard integral pcc curb and gutter type 2 is proposed. The code requires Type 1. A variance will be required to allow type 2.

#### Grading

1. Provide a grading plan in accordance with code requirements that shows grading in the lot areas that directs runoff away from structures and conveys runoff to sufficient points of outfall.
2. There appears to be mislabeled contours at the sumps that drain to catch basins I-3 and I-10.

#### Record Plan

1. Include all of the following items on the record plat
  - a. Site data column including all required notes, dimensional requirements, etc.
  - b. Building setback lines and labels
  - c. All easements including, but not necessarily limited to drainage, stormwater access, utilities.
  - d. Final wetland buffer line after application of buffer width averaging.
  - e. Floodplain area limits
  - f. Right-of-way label including name, dimension and dedication to public use.
  - g. Stormwater management area
  - h. Dimensions showing the spacing between buildings.

#### Agency Referrals

1. Provide the Preliminary plan to all of the requisite agencies as listed in the code.

These comments are based on the information provided to date.

Mr. Schrader asked Mr. Clark if he had seen this letter, he said he has. Mr. Clark introduced himself and thanked everyone for attending the meeting. He noted that he was there representing Mr. Gray by permission of letter. Mr. Clark said Sussex County mapping and addressing didn't like the name Canal Ridge so they have submitted the name of Stringray Harbor for approval, and this is the proposed street name also. He also noted that he understands he must bring approvals from all the other agencies to the Town.

Edward Launay, Environmental Resources Inc., spoke briefly. He said there are no state regulated wetlands, only federal regulated wetlands on the tract in question. The property is mostly mature forested wetlands. He said most of the channel are non-tidal wetlands. Mr. Launay stated that the channel discharges into the Assawoman Canal. He doesn't believe the project poses any impact to the wetlands.

Betty Tuskin, The Traffic Group, spoke about the traffic study that was done in the fall. She stated that the level of service evaluation was Level A during peak hours, with a less than 15 second wait time. She labeled it an excellent level of service. It was suggested by Mr. Cimino that the traffic survey be redone in the summer months.

Mr. Jeff Clark stated the proposed residential plan was in harmony with the Town's Comprehensive Land Use plan. The single family development requires no change of zoning. The homes allowed would be 3 per acre which would create 36 homes. The homes would approximately total 1600sqft and 42ft in height. Mr. Clark passed out elevation drawings of the proposed homes. They would have a standard mailbox, Home Owners Association and other common elements. The street, Stingray Drive would be dedicated to the Town. The street would be 30ft wide with sidewalks on both sides of the street and two off-street parking spaces. All homes would be on pilings and have street tree plantings. There would be further separation between the Bertone property by an additional 30' foot setback leaving the existing vegetation. Mr. Clark noted that a swale would be placed between Sea Oaks and Stingray Harbor. Mr. Schrader asked if there would be any plantings in the swale. Mr. Clark replied no. The swale would be maintained by the Stingray Harbor condo fees and HOA.

Michael Kobin, GMB Engineer, discussed the storm water management study. He said they would be using the pond for stormwater management. The water would be collected in a closed water system and not discharged onto another property for offsite discharge. The water would be discharged to an established water way. Sea Oaks has no storm water management system which is the reason for the swale between the developments.

Vince Bertone, West Avenue, spoke to the Commission Members in length about his concerns. (his statement is attached to minutes)

Charles Brzezynski, Osprey Lane, questioned why they need to connect to Osprey Lane, he would like to keep traffic off his street. Mr. Schrader replied the tie in is for interconnectivity to benefit emergency vehicles.

Dave Coll, Osprey Lane, said he heard no conversation about the main entrance. He wanted to know if that would be the main entrance to the development not Osprey. Mr. Schrader said that would be handled by signage.

Lene Kulblank, Osprey Lane, noted the abundance of walkers and bicycles during the summer months and complained about having no left turn lane at West Avenue and Atlantic Avenue. She also complained about the events in the park creating parking problems on Osprey.

Steve Cobb, West Avenue, asked if Council had final approval of the plans. He also suggested a new traffic study be completed. Mr. Cobb also questioned the condo form of housing. Mr. Schrader explained it is just a form of home ownership. Mr. Cobb also noted the vibrations from driving pilings could do a lot of damage to surrounding homes. He asked if the developer would be willing to fix any problems that developed.

Tricia Supik, William Avenue, said she concurs with Mr. Cobb and feels the traffic study should have been done in the summer time. She suggests ground not be broken until then.

Debbie Cobb, West Avenue, said there would be too many cars because there would be too many houses. It would be dangerous to the residents.

*A motion was made by Mr. Amendt, seconded by Mr. Damiano, to approve the plan subject to the conditions set forth by Mr. Lober in his letter and a new traffic study as requested by Mr. Cimino, as a preliminary site plan. The motion carried unanimously 3/0.*

5. **ADJOURNMENT**

*A motion was made by Mr. Damiano, seconded by Mr. Amendt, to adjourn the meeting at 6:30pm. The motion carried unanimously 3/0.*

Respectfully submitted,  
Donna M. Schwartz, CMC

To:

Town Manager, Town of Ocean View

From VINCENT BERTONE  
45 WEST AVE  
OCEAN VIEW, DE 19970

Our property will be directly impacted by this proposed development in terms of the significant change to the proposed development of the surrounding area.

First of all.

The trees that have been planted in our community have provided immeasurable benefits. Trees provide the necessities of life itself: clean drinking water; healthy, thriving communities; cooler temperatures; and habitat for countless wildlife. The trees in short are essential to Ocean View on West Avenue for safety since cars will not head out to oncoming fast traffic of West Avenue.

Some questions I have:

1. How long for this development from start to completion?
2. What is the square footage of these condos?
3. Who owns the land; is there lot rent or condo fees?

The concern I have is West Ave should not have the title ave. it's a road at best with no sidewalks or a yellow line down the middle of the road. Why can't it have a white line? Right now it's a short cut to reaching other streets by bypassing the light on Rt 26. Traffic on West Ave. has been an ongoing problem that has to be taken care of now. I believe this side of West Ave. was not designed to become a major access road. West

Ave has seven streets that cut into it now to add another one would cause a safety problem. At the last meeting May 17, 2018 James Lober town hired Engineer said the town will do a traffic study. Has that been done? If Canal Ridge Drive has to be built make it a one way going in from West Ave. I also propose speed bumps on West Ave to cut down the speeders. Canal Ridge Drive is unusually close to our house. I see that a vinyl fence is part of the plans at parcel 13.00 on the Plot. I would like to have a 6' fence around my house to reduce road noise. Would you like to have road noise coming true your bedroom window?

I would think the Ocean View Historical Society would want to preserve the country seating and its role in the history of the area. Is the Historical Society looking at this development with eyes wide open or have they closed their eyes to this project. What does the Historical Society have to say about adding another road? Will these plans be submitted to the Historical Society for their approval?

Regulation 116 questions:

In regards' to the buffer & density.

Was the tidal and non tidal wetland included in the calculation? I did not see it in the charts. To calculate the density of the amount of house you can build the equation one is to take is to the gross area which I believe is 14.1 acres giving one 12.6 as

non wetland, and then you come up with the amount of houses you can build.

Record Plat C9.17 Proposed zone B Activity states you are permitting walking trails. According to the plat it looks like a wetland and who would want to walk on wetlands.

Will Pond 1 have an aerator?

Do we have a certification statement signed by a qualified professional supplied by the Town such as a certification statement template?

In 116-14 Section D. number 3 it states that No buffers are required for wetlands to fill with valid U.S. Army Corps of Engineers (USACE) and or DNREC permit. My question to this is how can you not have buffer permits?

Has the developer submitted a buffer management plan, prepared by a qualified professional that describes measures for maintaining buffers on site?

Has a licensed soil scientist gone out to delineate the wetlands not by the county but by national criteria?

*Vincent Bertone*