

SINCE 1889



**TOWN OF OCEAN VIEW, DELAWARE
PLANNING AND ZONING COMMISSION
SUBDIVISION/COMBINATION OF LAND**

Land Use • Permitting • Licensing • Code Enforcement • Public Works

302 539-1208 (office) • 302 537-5306 (fax)

admin@oceanviewde.com / www.oceanviewde.com

SINCE 1889



Fee: \$

400

/ \$8,050

I (We) hereby apply for approval of a land development site plan and certify that all information and documents provided for this application are correct.

Applicant(s) (Print):

BECKER MORGAN GROUP

Date:

08/10/2021

Address:

309 S. GOVERNORS AVE, DOVER, DE 19904

Signature(s):

CHAD CARTER, RLA

Date:

08/10/21

Owner(s) of Record (Print):

SILVERSTOCK WP, LLC

Phone #:

(570) 510-7074

Address:

PO BOX 449 BETHANY BEACH, DE 19930

Signature(s):

Date:

All required documentation shall be submitted to the Administrative Official by the 15th day of the month prior to the month in which the plan will be considered by the Planning & Zoning Commission.

Silverwoods Mixed-Use Planned Community

(PIDNs: 413.200, 413.300, & 413.400)

CTMs# 134-16.00-914.00, 134-16.00-951.00, 134-16.00-45.00)

NOTICE IS HEREBY GIVEN that the Planning and Zoning Commission of the Town of Ocean View will review a Concept Plan for the creation of a Single Family Villa District in the mixed use planned community of Silverwoods. This application is submitted as a revision to Application P-261 by Becker Morgan Group, Inc., on behalf of the property owner and developer, Mr. Robert Thorton/Silverstock WP, LLC, for property identified on the Silverwoods Record Plat as Commercial District Parcel A (CTM# 134-16.00-914.00), Multifamily Parcel B (CTM# 134-16.00-951.00), and a portion of Mixed Use District Parcel C (CTM# 134-16.00-45.00). Silverwoods is zoned as a Mixed-Use Planned Community (MXPC) and located along Beaver Dam Road.

PLANNING AND ZONING COMMISSION REVIEWS

CONCEPT PLAN: Received: 2/16/22 Advertised: 3/4/22 Reviewed:

TAC

Reviewed: 10/21/21 Attending:

Kenneth Cimino, Jill Oliver,
James Lober, P.E., Dennis Schrader,
Walter Curran

PRELIMINARY SITE PLAN: Received: 4/19/22Advertised: 4/22/22Reviewed: APPROVED: ☒DENIED: ☐DATE: 5/19/22

w/ conditions

Chairperson, Planning & Zoning Commission

FINAL SITE PLAN: Received: 3/10/23Advertised: 6/30/23Reviewed: 7/20/23

+ 6/7/23

APPROVED: ☐DENIED: ☐DATE:

Chairperson, Planning & Zoning Commission

CE/MAG/08/22

Town of Ocean View

****RECEIPT FOR TOWN FEES****

DATE	PROPERTY OWNER NAME
08/12/2021	Silverstock WP, LLC / Thornton
PIDN	PROPERTY LOCATION
413.300	Silverwoods Multi-family Parcel

Financial Good Standing	
Taxes current?	Checked:
Yes	JO
Invoices, if any, current?	
Yes	JO
Water charges, if any, current?	
N/A	JO

MCSJ Acct #	Description of Fees	Amount
01-400-120-105	Building Permit # _____	
01-400-120-110	Sign Permit # S- _____	
01-400-120-115	Impact Fees (\$1,436.00 per New Construction for Capital Costs)	
01-400-120-120	Impact Fees (\$ 500.00 per New Construction for ESEF Program)	
01-400-120-120	ESEF @ .5%	0.00
01-400-120-125	Single Lot Development Fee	
01-400-125-175	Planning & Zoning and Board of Adjustment Fees P-261 Rev Rev Plan	400.00
01-400-120-130	Other (describe) _____	
	Subtotal	\$ 400.00
01-400-130-175	CREDIT CARD CONVENIENCE FEE: General 3%	
	TOTAL FOR MCSJ FINANCE MODULE (General Fund Money Market)	\$ 400.00
01-400-121-110	Temp Bus License # _____	
01-400-121-135	Business License # _____	
01-400-121-155	Rental License # _____	
01-400-130-175	CREDIT CARD CONVENIENCE FEE: General 3%	
	TOTAL FOR MCSJ A/R MODULE (General Fund Money Market)	\$ -
01-400-115-003	Real Estate Transfer Tax @ 1.5% (Transfer Tax Acct)	
01-400-130-175	CREDIT CARD CONVENIENCE FEE: General 3%	
	TOTAL TRANSFER TAX MONEY MARKET ACCOUNT	\$ -
05-400-101-102	Water Permit # _____ (Water Fund)	
05-400-101-103	Water Service Connection (Water Fund)	
05-400-101-104	Water Inspection (Water Fund)	
	Subtotal	\$ -
05-400-201-110	CREDIT CARD CONVENIENCE FEE: Water 3%	
	TOTAL WATER SYSTEM CHECKING ACCOUNT	\$ -
	TOTAL DEPOSIT RECEIVED (May pay on one check)	\$ 400.00

Payment received by:

JO

Check #/CC Auth Code

ck# 2754

Name on Check if not

Property Owner

Date Received

8/12/21



ARCHITECTURE
ENGINEERING

PLANNING OUR
CLIENTS' SUCCESS

June 7, 2023

Mr. Kenneth Cimino
Director of Planning & Zoning
Town of Ocean View
201 Central Avenue – 2nd Floor
Ocean View, DE 19970

RE: **Construction Plan Submission #2**
SILVERSTOCK WP, LLC / SILVERWOODS VILLAS
Oceanview, Delaware
BMG Project No.: 2012119.02

Dear Mr. Cimino,

On behalf of our client, Silverstock WP, LLC, we are hereby submitting revised construction plans and reports for the above-referenced project. The following documents are provided in support of the submission:

- One (1) copy of the Construction Plans.
- One (1) copy of the Record Plans.
- One (1) copy of the Hydraulic Analysis for the Storm Sewer System.
- One (1) copy of the Sellers Disclosure Exhibit

Additionally, the comments provided by Mr. Jim Lober throughout the review process have been addressed as follows.

Pavement Design

1. I don't see the soils investigation required by 187-4 to provide the necessary information to design a proper pavement section. Also, the section detail provided is insufficient for even the smallest number of units on good soils. ***BMG Comment response: Per telephone discussion and agreement, the pavement section can remain as shown to remain consistent with the roads in the single family section of the development.***
2. Is a geotechnical study underway? If so, the pavement section will need to be designed based on the findings and meet the minimum requirements of the code as listed in 187-5 Table 1. ***BMG Comment response: Per telephone discussion and agreement, the previously completed geotechnical study and pavement recommendations are acceptable.***
3. In the past, we have accepted a design based on an assumption of poor soils in lieu of a geotechnical study. However, please be aware that Town staff will be inspecting construction of the streets and it is possible that conditions could be encountered that would require over-excavation and backfill. A geotechnical investigation could identify these problems ahead of time providing the opportunity to plan ahead. ***BMG Comment response: Per telephone discussion and agreement, the previously completed geotechnical study and pavement recommendations are acceptable***

BECKER MORGAN GROUP, INC.

309 SOUTH GOVERNORS AVENUE
DOVER, DELAWARE 19904
302.734.7950

THE TOWER AT STAR CLIFF
100 DISCOUNT BOULEVARD, SUITE 102
NEWARK, DELAWARE 19713
302.369.3700

PORT EXCHANGE
312 WEST MAIN STREET, SUITE 300
SALISBURY, MARYLAND 21801
410.546.9100

3333 JARBRELL DRIVE, SUITE 120
WILMINGTON, NORTH CAROLINA 28403
910.341.7600

615 SOUTH COLLEGE STREET, SUITE 5-155
CHARLOTTE, NORTH CAROLINA 28202
980.270.9100

www.beckermorgan.com

4. Moving forward Roads A, E and F should be designed based on 51-100 Units. Roads B, C and D should be designed based on 0-50 units. **BMG Comment response: Per telephone discussion and agreement, the pavement section can remain as shown to remain consistent with the roads in the single family section of the project.**
5. Please make sure to add notes to the construction plans referencing the report and the recommendations. **BMG Comment response: The report and pavement recommendations were previously referenced on sheet C-001, general note 27.**

ROW section

1. The code requires PCC Curb type 1 with 8" reveal. The plan currently proposes PCC curb and gutter type 2. A variance will be required to provide this type of curb. **BMG Comment response: A Variance is being filed.**
2. The 30' required road width is to be measured from face of curb to face of curb. If the plan pursues type 2 curb and is successful in obtaining the variance, the 30' will be measured from flowline to flowline. **BMG Comment response: Per telephone discussion and agreement, the section can remain as shown to remain consistent with the roads in the single family section of the project.**

Roads

1. I don't see horizontal alignment geometry for the roads anywhere. I need centerline tangents, curve radii and lengths, etc. Everything to bear out code compliance with respect to §187-2. If I'm missing it please let me know. **BMG Comment response: Sheet C-200 has been added to the set showing the centerline alignment geometry.**
2. It appears that the vertical curves provided are too short. Please refer to §187-2-E-2. The curve lengths should be calculated by prorating the 25 ft / 1% change and rounding up to the nearest foot. Please note that these changes could shift the low points at sumps and ensure that the catch basins are placed appropriately. **BMG Comment response: The vertical curves and road tangents have been adjusted to meet code requirements.**

Grading

1. There appear to be conflicting existing contours in the area of the pump station parcel and single family lots 84 and 85. Depict the asbuilt topography from the constructed condition of this area on the plan and design the proposed grades for the adjacent areas accordingly. Given the slopes off the rear corners of single family lot 85 and townhouse lot 1, and the fact that the drainage area to the existing ditch in this area has been eliminated, it may make sense to fill the ditch to a point beyond the southeast corner of townhouse lot 1. It appears that the current grading doesn't provide sufficient cover for SD-16A as well. Please revisit the grading in this area. **BMG Comment response: The conflicting contours have been cleaned up with the as-built topo. The ditch cannot be filled beyond the southwest of the townhouse lot, as to do so would involve grading on the single family lot no. 85. We have modified the proposed contours to pull them as far from the townhouse lot BRL as possible. We have modified the proposed grading over SD-16A as part of the contour revisions.**

2. There appear to be conflicting existing contours in the area of the clubhouse. Depict the as built topography from the constructed condition of this area on the plan and design the proposed grades for the adjacent areas accordingly. Provide proposed grading for the amenities area. **BMG Comment response:** *Conflicting contours have been removed. We have added sheet C-404 which is the grading sheet for the clubhouse amenities area. Please note however, that the sheet does not show existing/proposed grading, as the as-built survey we were provided with was only a location as-built. We would like to request to be allowed to replace sheet C-404 with a revised sheet C-404 by Wednesday June 14th, after we can obtain the existing grading and have time to design the proposed grading, if possible.*
3. We have learned through the experience with the single family phase that much more attention needs to be paid to the pedestrian path through the open space. I've marked up the detail you provided and included it as a screen shot at the end of this email. Please revise the detail as noted. **BMG Comment response:** *The detail has been amended to reflect your changes.*
4. Grading proposed along the eastern edge of Road I behind the parking spaces creates a sump defined by the 18 contour. Design grading that provides a positive outfall for runoff in accordance with the minimum slopes required by the code. **BMG Comment response:** *With the elimination of the portions of Wyoming Ave (formerly Road F) and Merrick Way (formerly Road I) the grading has been revised in this area and the sump now drains to a new catch basin in the grass area to the north of the parking spaces.*
5. Grading proposed in the northwest corner of the site behind lots 40-42 doesn't appear that it will provide code minimum slopes to sufficiently direct runoff to the road side swale. I'm concerned that water will pond in the open space south and west of the ped path. Design grading in this area to provide a positive outfall for runoff in accordance with the minimum slopes required by the code. An inlet and pipe to the network in road D or the road side swale along Beaver Dam may be necessary. **BMG Comment response:** *We have added a small swale along the back and north side of the lots connecting into additional storm drain infrastructure in this area to address the concern. We have noted flared end section and safety grate to be installed on the open end pipe.*
6. The grading shown within the lots appears sufficient at this time. Please note for the record that the final on-lot grading will be reviewed and approved with single lot grading plan submissions for each townhouse block prior to building permit issuance. **BMG Comment response:** *We have added general note 33 to sheet C-001 noting this requirement.*
7. More apropos to drainage, but I just noticed, the existing 18" and 24"x38" culverts under Beaver Dam that drain to the north should be fitted with personnel safety grates. These are within DelDOT's jurisdiction, but if they aren't currently in place, they should be installed with this project. **BMG Comment response:** *Safety grates have been called for on the DelDOT plans, sheet C-601.*

Drainage

1. What is the plan for the upstream end of SD-28D? It appears to be a stub intended to drain the future commercial portion of the site. How will that area be drained in the

meantime? It seems it should be treated like SD-27D to provide an outlet for the upstream undeveloped area and avoid ponding. **BMG Comment response:** *We have extended pipe SD-28D and added a catch basin on the end to create a sump area to collect drainage.*

2. All open ended inlets to the system like that at SD-27D and potentially SD-28D should be designed with flared end sections and personnel safety grates in accordance with DelDOT details. **BMG Comment response:** *The initial plan set already noted for flared end section and safety grate to be installed for pipe SD-27D.*
3. SD-4D is modeled in the HGL as a 30" pipe, but it's listed on the plan in the schedule and depicted in the profile as a 24" pipe. It's downstream of SD-6D, which is also a 30" pipe. **BMG Comment response:** *Pipe SD-4D size has been revised to 30" dia. to match the HGL calculations and updated in the schedules.*
4. The HGL at the outlet of SD-1D should match the 25 yr storm elevation from the pond 7 routing. It's currently modeled at 14.42, only 0.11 below the elevation from the routing of 14.53, but please correct the starting HGL and rerun the calc. **BMG Comment response:** *Starting HGL has been revised to 14.53', the 25-yr storm peak water surface elevation.*
5. Realign SD-19D and SD-20D to meet at MH 19-D at a 90 degree angle. (note that it appears a number of manholes including 19D are mislabeled as CB's on the plan). **BMG Comment response:** *MH 19D has been adjusted as requested.*
6. Realign SD-23D and MH 22D to create a 90 degree angle between SD-23D and SD-22D. **BMG Comment response:** *MH 22D has been adjusted as requested.*
7. The overflow parking spaces along Road I are currently graded with a break mid-space directing runoff from half of the parking space back to the road and half off into the grass to the rear. It seems unlikely the spaces will actually be graded or paved this way. Move the ridgeline to the rear of the space and revise the drainage calcs to include the additional area. **BMG Comment response:** *The parking spaces were previously graded to drain from the outside corners of the parking, it was just that the slope off the back was steeper than the pavement grades thus giving the appearance of a break point in the middle. We have added spot grades to further clarify.*
8. Realign SD-13B and MH 10B to create a 90 degree angle between SD-13B and SD-10B. **BMG Comment response:** *MH 10B has been adjusted as requested.*
9. Realign SD-4C and MH 4C to create a 90 degree angle between SD-4C and SD-10C. (note that it appears some of the catch basins including 3C and 2C are labeled as manholes on the plan). **BMG Comment response:** *MH 10C has been adjusted as requested.*
10. The paths through the open space should be graded as ridgelines with drainage on both sides to eliminate ponding. Add a catch basin along SD-8B south of the path opposite CB-8B, another north of the path opposite CB-13C, and another north of the path opposite CB-21B. **BMG Comment response:** *We have added the additional basins as requested.*

11. SD-4C is modeled in the HGL as an 18" pipe, but it's listed on the plan in the schedule as a 24" pipe. **BMG Comment response: Pipe SD-4C size has been revised updated to match the hgl calculations and updated in the schedule.**
12. Revise the HGL output to include the roughness coefficient for the pipes that was factored into the calculations. **BMG Comment response: Output report has been modified to include roughness coefficient.**
13. There are a number of locations within the B network where the freeboard falls below the code required 1' between the 25 yr. HGL and the grate elevation. Revise the design or provide justification for why the system can't be designed to provide the minimum freeboard. **BMG Comment response: Please see the hydraulic report for the justification.**
14. Include the rise and the span dimensions for the elliptical pipe in the schedule for clarity. **BMG Comment response: The pipe sizes have been updated in the schedules.**
15. Please add an entry to the narrative under design parameters noting that the starting HGL elevation for the pipe run starting at SD-16A was taken from the HGL analysis for the pipe network in the single family phase. **BMG Comment response: The requested information has been added to the design parameters.**
16. The minimum freeboard requirement of 1' is not provided at structures SD-16A – SD-19A. Revise the design or provide justification for why the system can't be designed to provide the code required freeboard. (note that the known flow added to the system from pond 7P of 15.63 doesn't appear to correspond to the 25 yr outflow from the routing of 13.1). **BMG Comment response: Please see the hydraulic report for the justification.**

Landscape

1. Ensure that the area of development on which the tree calculation is based matches the area breakdown from the overall cover sheet for the subject parcels. **BMG Comment response: Area breakdown within landscape planting requirements has been updated to match the overall coversheet.**
2. The landscape plantings need to include low evergreen shrubs in accordance with §140-74-A-3-a above and beyond the tree requirement included §140-74-3-C. **BMG Comment response: Evergreen shrubs and grasses have been added to overall landscaping to comply with §140-74-A-3-a.**
3. Ensure that trees and shrubs are not located such that they will impede drainage. **BMG Comment response: Proposed planting should not interfere with proper site drainage.**
4. Provide plantings in the red highlighted area in the screenshot below to provide buffering for the rear of single family lots 1 and 2 since there is no existing vegetation in that area. **BMG Comment response: Additional buffering planting have been proposed within the area behind single family lots 1 & 2.**

5. Ensure that the plan is designed in accordance with the requirements for Protection and Retention of Large Trees included in §140-74-3-b. **BMG Comment response:** *The overall plan has taken into account §140-74-3-b. The development plan has been provided under maximum density to allow for the retention of existing vegetation to the maximum extent practicable. This will maintain existing vegetation for buffering and habitat, while providing for a successful project. Additionally, the site is being planted in accordance with the subsection, at a rate of 1 tree per 3000 sf of developed area. While existing vegetation is being removed for the success of this project, it is a mixture of undergrowth, upper canopy and non-native vegetation, including some invasive species. The area was cleared approximately 20 years ago, and while some large trees may be removed, the majority of the interior canopy would likely not be classified as large trees per the ordinance.*

Street Lighting

1. Include a note on the plan stating that the street light design is conceptual and final street light locations will be determined by Delaware Electric Coop. **BMG Comment response:** *We have added general note 34 to sheet C-001 to address this.*
2. Provide a detail on the plan for the type and height of light standard proposed. **BMG Comment response:** *As part of note 34 added above, we have included additional language indicating that street lighting shall be provided in accordance with section 187-8 of the Ocean View Code.*

Amenities Area

1. Specify and provide site design and details for the proposed amenities. **BMG Comment response:** *We have added sheets C-204, C404, and C-909 documenting the design for the additional amenities being added to the clubhouse lot. Please note however, that sheet C-404, which is the grading sheet for the clubhouse amenities area, does not show existing/proposed grading, as the as-built survey we were provided was only a location as-built. We would like to request to be allowed to replace sheet C-404 with a revised sheet C-404 by Wednesday June 14th, after we can obtain the existing grading and have time to design the proposed grading, if possible.*

Record Plan

1. Provide a cover sheet depicting the overall MXPC subdivision and correcting the site data column. **BMG Comment response:** *Added Sheet 2 for overall MXPC areas*
2. An updated wetland delineation needs to be completed. The notes on the record plan addressing wetlands will also need to be revisited upon completion of the delineation. **BMG Comment response:** *Wetland note updated with most current delineation information. Wetland certification added to cover sheet.*
3. Should the applicant be successful in obtaining the variances for the curb type and driveway setback, notes referencing the BOA decision will need to be added to the plan. **BMG Comment response:** *Noted.*
4. Reflect the wellhead protection area on the record plan. **BMG Comment response:** *Wellhead protection line added to plan.*

5. Verify the open space area provided. The numbers from the site data column, item 9 and item 22 don't agree. **BMG Comment response: Open space areas updated per latest lot/row alignment and parcel district determination.**
6. The record plan should not refer to a "mixed-use" or an "assisted living" district. These are specific uses that may or may not be proposed within the commercial district required by the MXPC. These areas should simply be labeled as commercial districts. **BMG Comment response: MXPC areas renamed per code.**
7. In site data column item 10 – list the 2 commercial lots as existing. No new commercial lots are proposed. **BMG Comment response: Lot information updated.**
8. Provide proposed road names on the plan and verification from Sussex County that the road names are acceptable. Also, provide proposed postal addresses for each lot. **BMG Comment response: Road names added to plan.**
9. Depict the cross access easement between abutting townhouse lots in accordance with the revised MXPC ordinance. **BMG Comment response: Cross access easements added to plan.**
10. The record plan should only list setbacks for the single family district, the townhouse district and the commercial district. **BMG Comment response: Setback information updated.**
11. Verify that the 36.5' wide end unit lots are wide enough to accommodate the end unit foot print while maintaining the required 15' building spacing. Please note that the 15' applies to attached accessory structures and that if only 15' between the base footprints is provided, no accessory structures will be permitted in the future along the sides of the end units. **BMG Comment response: Current proposed building footprints exceed the minimum 15' spacing requirement.**
12. Specify that the maximum allowable building height for the townhouses is the same as the single families. Remove the multiple references to building height in the site data notes. **BMG Comment response: Building height information updated.**
13. Revise the parking calculation to reflect that two parking spaces per unit are being provide on lot for all of the lots. **BMG Comment response: Parking calculations updated.**
14. Add a commercial district parking note stating that the parking requirements for the commercial district will be determined based on the specific use at the time of development of those parcels. **BMG Comment response: Parking note added.**
15. The overall open space value doesn't appear to match the total of the various open space values for each district. Once the layout of the districts is finalized please ensure that these values match. **BMG Comment response: Open space areas updated per latest lot/row alignment.**
16. Remove the list of active open space amenities included in site data note #22. **BMG Comment response: Active open space amenities have removed from site data.**

17. Update the FEMA FIRM Panel reference. **BMG Comment response: FEMA information verified and updated.**
18. Include the improvements within the ROW on the plan, as well as the overflow parking. Provide dimensions for cartway, sidewalks, parking etc. Although, a portion of the overflow parking spaces exists within the ROW to be dedicated to the Town, the HOA will be responsible for the maintenance and any repair necessary for the spaces. Notes will need to be developed for inclusion on the plan addressing this situation. The PD will provide language at a later date. **BMG Comment response: Per conversation, road profile added to plan.**
19. General note # 20 needs to be revised to remove reference to another document and simply say per this plan. **BMG Comment response: Note revised.**
20. Remove GN #31. **BMG Comment response: Note removed.**
21. Revise GN # 32 – to specify all paved walkways within the residential *open space areas*, remove reference to the villa district and specify the performance guaranty required by §187-6-L. **BMG Comment response: Note revised.**
22. Include all of the notes from the revised MXPC ordinance in the site data column. Reference the ordinance number and date of adoption on the plan. **BMG Comment response: Ordinance notes added to plan.**
23. Provide a generic sellers disclosure exhibit in accordance with the requirements from the revised MXPC ordinance for review. Sellers disclosure exhibits specific to each lot will be required as part of the single lot grading plan submission for each block of townhouses prior to building permit issuance. **BMG Comment response: We have provided the exhibit with the submission.**
24. The title of the plan of Silver Woods Villas is acceptable. However, remove all references to any other residential unit names other than single family or townhouse. Villa, townhome, single family townhouse, single family villa etc. are not terms that exist in the code. **BMG Comment response: Plan updated with single family or townhouse terminology.**
25. Show all required easements on the plan, including but not necessarily limited to those required in §140-79. **BMG Comment response: Easements added to plan.**
26. The plan date of the record plan is the same as that of the preliminary plan. If that is indeed the case, it can remain, but it could create confusion down the line. Be sure to include a revision and description in the revision block on the revised plan. **BMG Comment response: Revision block updated.**
27. Provide the requisite plan certification blocks from §140-105 Figure 7. **BMG Comment response: Certification blocks added to plan.**
28. Provide a note on the plan labeling the amenities area and noting the amenity improvements are specified on the final land development plan. The land development plan will need to specify and provide site design to support the proposed amenities. **BMG Comment response: Label and note added to plan.**



ARCHITECTURE
ENGINEERING

29. Provide a note on the plan referencing the other plan approval, including but not necessarily limited to the final land development plan, and the sediment and stormwater management plan. *BMG Comment response: Note added to plan.*

Additional

1. *A variance for the driveways closer than 5' to the lot line is being filed.*
2. *Please note that we have added road names to the plan from a list of names previously reserved by the developer for this project.*

We respectfully request that you review the attached information and provide any comments that you may have.

Sincerely,

BECKER MORGAN GROUP, INC.

A handwritten signature in blue ink, appearing to read "J. Michael Riemann".

J. Michael Riemann, P.E.
Vice President

MJH/

Cc: Robert Thornton, Silverstock WP, LLC silverstok@aol.com

201211902bk-ltr-OceanView.docx



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

NICOLE MAJESKI
SECRETARY

July 17, 2023

Michael Henry
Becker Morgan Group, Inc.
309 S. Governors Ave
Dover, Delaware 19904

SUBJECT: Entrance Plan Approval Letter
Silverwoods (aka Starlight Woods)
Tax Parcel #134-16.00-928.00,
134-16.00-893.00,
134-16.00-908.00,
134-16.00-956.00,
134-16.00-943.00,
134-16.00-882.00,
134-16.00-892.00,
134-16.00-927.00,
134-16.00-955.00,
134-16.00-944.00
SCR00368-BEAVER DAM ROAD
Baltimore Hundred, Sussex County

Dear Mr. Henry:

The Department of Transportation has reviewed the Commercial Entrance Plans dated April 18, 2023 (last revised July 7, 2023) for the referenced project and determined that they are in general conformance with the Department's current regulations, specifications and standard details. By signing and sealing the plan set, the developer's engineer is responsible for accuracy of content. Any errors, omissions or required field changes will be the responsibility of the developer. This plan approval shall be valid a period of **three (3) years**. If an entrance permit has not been obtained within three years, then the plans must be updated to meet current requirements and resubmitted for review and approval.

This letter does not authorize the commencement of entrance construction. The following items will be required prior to the permit being issued. A pre-construction meeting may be required as determined by the South District Public Works office.

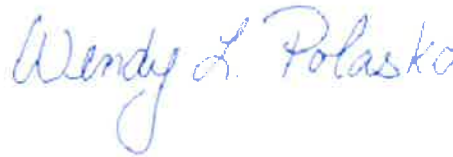


Silverwoods (aka Starlight Woods)
Michael Henry
Page 2
July 17, 2023

1. A copy of the recorded Site Plan which is consistent with the DelDOT "No Objection to Recordation" stamped plan and all appropriate signatures, seals, plot book and page number.
2. Three (3) copies of the approved entrance plans.
3. Completed permit application.
4. Executed agreements (i.e. construction, signal, letter).
5. An itemized construction cost estimate.
6. A 150% security based upon an approved itemized construction cost estimate and W-9 form (if providing escrow).
7. A letter of source of materials, work schedule, list of subcontractors, emergency telephone numbers and names of contact persons.

Please contact the South District Public Works office (302) 853-1340 concerning any questions you may have relative to the aforementioned required items.

Sincerely,



Wendy L. Polasko, P.E.
Subdivision Engineer
Development Coordination

cc: Robert L. Thornton, Silverstock WP LLC
Jamie Whitehouse, Sussex County Planning & Zoning Commission
Sussex County Planning & Zoning
Jessica L. Watson, Sussex Conservation District
Matt Schlitter, South District Public Works Engineer
James Argo, South District Project Reviewer
James Smith, South District Entrance Permit Supervisor
Jerry Nagyiski, Safety Officer Supervisor
Jennifer Pinkerton, Chief Materials & Research Engineer
Linda Osiecki, Pedestrian Coordinator
John Fiori, Bicycle Coordinator
Sean Humphrey, Traffic Development Coordination Engineer
Tim Phillips, Maintenance Support Manager
Dan Thompson, Safety Officer North District
Jared Kauffman, DTC Planner
Shiny Mathew, JMT

Silverwoods (aka Starlight Woods)

Michael Henry

Page 3

July 17, 2023

Kevin Hickman, Sussex County Review Coordinator

Thomas Gagnon, Sussex County Reviewer



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

NICOLE MAJESKI
SECRETARY

July 17, 2023

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning Commission
Sussex County Administration Building
P.O. Box 417
Georgetown, Delaware 19947

**SUBJECT: Letter of No Objection to Recordation
(for Right of Way, Easement, Dedication Plan)
Silverwoods (aka Starlight Woods)**
Tax Parcel # 134-16.00-928.00, 134-16.00-893.00, 134-16.00-908.00,
134-16.00-956.00, 134-16.00-943.00, 134-16.00-882.00, 134-16.00-892.00,
134-16.00-927.00, 134-16.00-955.00, 134-16.00-944.00
SCR00368-BEAVER DAM ROAD
Baltimore Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has determined that there is a need to establish additional Right-of-Way (ROW) and Permanent Easements (PE's) with respect to this parcel. This Record Plan – Right of Way, Easement and Dedication dated April 3, 2023, (last revised June 5, 2023), satisfies the Department's recordation requirements and are based on the parcel's location as referred to above. No commitments are stated or implied by DelDOT through the issuance of this letter with respect to: entrance location(s), access configuration, auxiliary lanes and/or roadway improvements which will be evaluated and required as necessary at time of Entrance Construction Plan Review or Approval for this site.

Prior to Entrance Construction Plan Approval, the following items (when applicable) shall be coordinated with DelDOT, and executed or recorded:

- 1) TIS/TOA improvements
- 2) Letter Agreements
- 3) Site Distance Easements
- 4) Project specific notes (Site restrictions)



Silverwoods (aka Starlight Woods)
Mr. Jamie Whitehouse
Page 2
July 17, 2023

This "No Objection to Recordation" letter does not authorize the commencement of entrance construction. Entrance plans shall be developed in accordance with DelDOT's [Development Coordination Manual](#) and submitted to the Development Coordination Section for review and approval.

This "No Objection to Recordation" letter is not a DelDOT endorsement of any proposed project or conceptual site plan. Rather, it is a confirmation that further review will be required by DelDOT with respect to: transportation improvements which the applicant may be required to make; entrance/access configurations; notes regarding site development restrictions; deed restrictions or recorded agreements. If transportation investments are determined to be necessary, they will be based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. Such improvements will conform to DelDOT's published rules, regulations and standards. Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized. There may be other reasons (environmental, historic, neighborhood composition, etc.) which compel that jurisdiction to modify or reject a proposed plan independent of any action that DelDOT may have undertaken with regard to this site/parcel.

If I can be of any further assistance, please call me at (302) 760-2266.

Sincerely,



Wendy L. Polasko, P.E.
Subdivision Engineer,
Development Coordination

cc: Robert L. Thornton, Silverstock W PLLC
Michael Henry, Becker Morgan Group, Inc.
Matt Schlitter, South District Public Works Engineer
Richard Larkin, South District Subdivision Manager
Sussex County Planning & Zoning
James Argo, South District Project Reviewer
Kevin Hickman, Sussex County Review Coordinator
Thomas Gagnon, Sussex County Reviewer



**OFFICE OF THE STATE FIRE MARSHAL
Technical Services**

22705 Park Avenue
Georgetown, DE 19947



SFMO PERMIT – SHALL BE POSTED ON JOBSITE UNTIL FINAL INSPECTION

Plan Review Number: 2023-04-214310-MJS-02
Status: Approved as Submitted

Tax Parcel Number: 134-16.00-928.00
Date: 07/06/2023

Project

Silver Woods Villas
Silver Woods Property - Ocean View

Beaver Dam Road
Ocean View DE 19970

Scope of Project

Number of Stories:
Square Footage:
Construction Class:
Fire District: 84 - Millville Volunteer Fire Co

Occupant Load Inside:
Occupancy Code: 9601

Applicant

Michael Henry
309 South Governors Ave
Dover, DE 19901

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

A final inspection is required.

This Plan Review Project was prepared by:

Desiree McCall
Fire Protection Specialist II

FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2023-04-214310-MJS-02

Tax Parcel Number: 134-16.00-928.00

Status: Approved as Submitted

Date: 07/06/2023

PROJECT COMMENTS

- 1002 A** This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) ADOPTED September 1, 2021. The Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes. The Office of the State Fire Marshal recommends the installation of fire sprinkler systems in all residential occupancies, including one- and two-family dwellings, duplexes, and townhomes. For additional information on residential sprinkler systems, please see here: https://statefiremarshal.delaware.gov/wp-content/uploads/sites/110/2017/07/Home_Sprinkler_Brochure.pdf
- 1040 A** This site meets Water Flow Table 2, therefore the following water for fire protection requirements apply: Main Sizes: 6" minimum. Minimum Capacity: 1,000 gpm @ 20 psi residual for 1 hour duration. Hydrant Spacing: 800' on center.
- 1180 A** This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.
- 1190 A** Separate plan submittal is required for the building(s) proposed for this project.
- 2040 A** Any door in a required means of egress from an area having an occupant load of 100 or more persons may be provided with a latch or lock only if it is panic hardware or fire exit hardware complying with NFPA 101, Section 12.2.2.2.3 and section 7.2.1.7.1
- 1130 A** Provide a water flow test on the subdivision hydrant(s) once they have been installed, and before they are placed into service (DSFPR Reg 701, Chap 4 and Reg 703, Chapter 3). Results are to be forwarded to this Agency for review.
- 1132 A** Fire hydrants shall be color coded in accordance with the DSFPR, Reg 703, Chap 3. This includes both color coding the bonnet and 2" reflective tape

around the barrel under the top flange.

- 1232 A** All threads provided for fire department connections, to sprinkler systems, standpipes, yard hydrants or any other fire hose connections shall be uniform to those used by the fire department in whose district they are located.DSFPR Reg 703, Chap 1
- 1432 A** The steamer connection of all fire hydrants shall be so positioned so as to be facing the street or fire lane. (DSFPR Regulation 705, Chapter 5, Section 10). The center of all hose outlet(s) on fire hydrants shall be not less than 18 inches above finalgrade (NFPA 24)
- 1501 A** If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes orrevisions to the plans occur, plans are required to be submitted, reviewed, and approved.

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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



Sussex County
DELAWARE
sussexcountype.gov

July 18, 2023

Kenneth L. Cimino
Director – Planning, Zoning and Development
201 Central Avenue, 2nd Floor
Ocean View, Delaware 19970

RE: Silverwoods Villas
SC Agreement No. 1242

Dear Mr. Cimino:

The Silverwoods Villas located on tax parcels 134-18.00-45.00, 914.00 & 951.00 are in the Unified Sewer District and will be served by Sussex County central sewer service. The construction documents associated with this phase of the development prepared by Becker Morgan Group dated March 10, 2023 were reviewed by the Engineering Department and found to be in general compliance with Sussex County Code Chapter 110 without any outstanding issues impacting recordation. Therefore, the Department has "no objection" to recordation.

Sincerely,

Hans Medlarz, P.E.
Sussex County Engineer



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



June 22, 2023

Mr. Bob Thornton
Silverstock WP, LLC
silverstok@icloud.com

RE: Silver Woods Villas

Dear Mr. Thornton:

A Sediment and Stormwater Management Plan has been reviewed for compliance with the Sediment and Stormwater Regulations and is approved with conditions (see attached). Enclosed herein please find a copy of the approved application form and approved plan sets. Please retain a copy for your use, and provide the contractor with a copy to be retained onsite at all times. Failure to keep an approved plan onsite is a violation of the approved plan.

Approval of a Sediment and Stormwater Plan does not grant or imply a right to discharge stormwater runoff. The owner/developer is responsible for acquiring any and all agreements, easements, etc., necessary to comply with State drainage and other applicable laws.

This plan approval pertains to compliance with the Delaware Sediment and Stormwater Regulations. Please understand that the approval of this plan does not relieve you from complying with any and all federal, state, county, or municipal laws and regulations.

As of January 1, 2014, the Sussex Conservation District began collecting financial guarantees to ensure the construction of stormwater management practices is accomplished in accordance with the approved sediment and stormwater plan. Please refer to the SCD Policy on Bonds located on our website at Sussexconservation.org. If you have any questions concerning the aforementioned, please do not hesitate to call 302 856-7219.

Sincerely,

Jessica Watson

Jessica Watson
Program Manager



CONDITIONS OF APPROVAL

NOTIFICATION

1. This approved plan will remain valid for 5 years from the date of this approval. If construction does not begin within five years, the approved plan will be considered to have expired and must be resubmitted to the District for a new review. In addition, if work is not completed within the five-year timeframe, the District must be contacted and a request for an extension submitted. Depending on regulation changes, a new plan may need to be submitted to ensure that all stormwater management facilities are constructed to the most recent standards.
2. Submittal of the Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activities together with this approval of the detailed Sediment and Stormwater Plan provide this project with Federal permit coverage to be authorized to discharge stormwater associated with construction activities. It is the owner's responsibility to ensure that permit coverage remains valid throughout construction by submitting the NOI fee annually as requested. The developer is responsible for weekly self-inspection reporting to be retained onsite.
3. Notify the Sussex Conservation District Sediment and Stormwater Management Section of your intent to begin construction in writing five (5) days prior to commencing. Failure to do so constitutes a violation of the approved plan.

CHANGES

1. This project is to be undertaken in accordance with the plans submitted and as approved. If changes are necessary at any time during the completion of the project, submit revised plans, prior to further construction, to the Sussex Conservation District Sediment and Stormwater Program for review and approval of the revision.
2. Should ownership change during the construction period, a revised plan must be submitted for approval showing the new owner's signature on the owner's certification. In addition, a Transfer of Authorization form must be submitted to DNREC to transfer Federal permit coverage to the new owner.

CONSTRUCTION AND CLOSEOUT

1. A pre-construction meeting must take place before any land disturbing activity begins. The meeting may take place on site and be attended by the owner, contractor, design consultant, Certified Construction Reviewer, and Sussex Conservation District Sediment and Stormwater Program Construction Reviewer. The owner or the owner's designee shall contact the Sussex Conservation Construction Reviewer to schedule the pre-construction meeting.
2. Keep available onsite, during all phases of construction, a copy of the approved Sediment and Stormwater Management Plan.
3. Keep available onsite, during all phases of construction, copies of the Developers weekly self-inspection reports and/or the CCR Reports.
4. Any sediment transported off-site to roads or road rights-of-way including ditches shall be removed. Any damage to ditches shall be repaired and stabilized to original condition.
5. Grading shall not impair surface drainage, create an erosion hazard, or create a source of sediment to any



adjacent watercourse or property owner.

6. Failure to implement the permanent stormwater management practices as mentioned herein constitutes a violation of the conditions of this plan approval; it may result in the suspension or revocation of building permits or grading permits issued by the local jurisdiction, and it may result in legal action by the DNREC to bring the site into compliance with the approved Sediment and Stormwater Management Plan and the Delaware Sediment and Stormwater Regulations.
7. The permanent stormwater management facility or facilities must be constructed and accepted by the Sussex Conservation District Sediment and Stormwater Program prior to final closeout of the project site. Post-construction verification documentation of the stormwater management facility or facilities must be completed as soon as construction of the facility or facilities is complete so that any necessary modifications may be made during the construction period.

SCALE: 1" = 150'

23 INVESTMENT LEVEL:

TOWN APPROVAL

TOWN ADMINISTRATIVE OFFICIAL SIGNATURE

DATE _____

WETLAND CERTIFICATION

WETLAND CERTIFICATION

I, KENNETH W. REDINGER, CERTIFY THE SUBJECT PROPERTY WAS EVALUATED FOR WATERS OF THE UNITED STATES, INCLUDING WETLANDS, SUBJECT TO THE U.S. ARMY CORPS OF ENGINEERS REGULATORY PROGRAM UNDER SECTION 104 OF THE CLEAN WATER ACT, AND FOR STATE REGULATED WETLANDS SUBJECT TO THE DELAWARE REGULATORY PROGRAM UNDER SECTION 134 OF THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, UNDER TITLES 7 AND 72 OF THE DELAWARE CODE. ON-SITE INVESTIGATIONS WERE CONDUCTED ON MAY 14, 2023 IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL IN CONJUNCTION WITH THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, ATLANTIC AND CALIFORNIA REGION, VERSION 2.0 (NOVEMBER 2010) AND ASSOCIATED FEDERAL AND STATE REGULATORY GUIDANCE DOCUMENTS. THE DELINEATION HERE SHOWN, IN MY BEST PROFESSIONAL JUDGMENT, ACCURATELY DEPICTS THE LIMITS OF WATERS OF THE UNITED STATES, INCLUDING WETLANDS AND SUBAQUEOUS LANDS, WITHIN THE SUBJECT PROPERTY. NO STATE REGULATED WETLANDS ARE PRESENT WITHIN THE SUBJECT PROPERTY.

KENNETH W. REDINGER, PROFESSIONAL WEILAND SCIENTIST #2126
P.O. BOX 479 / HORNTOWN, VA 23305
PHONE (757) 894-7032 / EMAIL: KWREDINGER@YAHOO.COM

DATE

P.O. BOX 479 / HORTON TOWN, VA 23305
PHONE (757) 894-7032 / EMAIL: KWREDINGER@YAHOO.COM

DATE _____

SILVERSTOCK WP, LLC & SILVERSTOCK BUILDERS LLC - C/O ROBERT L. THORNTON

F:\AutocAD\Projects\2011\2011-02-04\2011-02-04-01\2011-02-04-01.dwg Jun 14, 2023 - 8:35am

133H

C-001

CONCEPTS

F:\AutocAD\Projects\2011\2011-02-04\2011-02-04-01\2011-02-04-01.dwg Jun 14, 2023 - 8:35am

APPROVED

APPROVED
SEDIMENT CONTROL & STORMWATER MANAGEMENT

Reviewed By: J. [Signature] Date: 6/22/2

Approved by: [Signature] Date: 06/23/2021

ENGINEERS CERTIFICATION

J. MICHAEL RIEMANN, hereby certify that I am a duly licensed engineer in the State of Delaware, that the information shown herein has been prepared under my supervision and to my best knowledge and belief represents good engineering practices as required by the applicable laws of the State of Delaware.

No. 13772

DATE _____

OWNERS CERTIFICATION

WE, SILVERSTOCK WP, LLC & SILVERSTOCK BUILDERS LLC, HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, AND THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SILVERSTOCK WP, LLC & SILVERSTOCK BUILDERS LLC - C/O ROBERT L. THORNTON

DATE _____

Kenneth W. Redinger Environmental Services

P.O. Box 479 / Horntown, Virginia 23395

Phone: (757) 894-7032 / E-mail: kwredinger@yahoo.com

July 19, 2023 - Via Email

Town of Ocean View
Planning & Development Division
201 Central Avenue
Ocean View, Delaware 19970

Attn: Ken Cimino, Planning, Zoning & Development Director
Re: Wetland Delineation Summary: Silver Woods Villas (+/- 81.08 Acre Part)
Beaver Dam Road (S368), Ocean View, Sussex County, Delaware

Mr. Cimino,

On behalf of the property owner, Robert L. Thornton, I have evaluated the subject property for Waters of the United States, including wetlands that may be regulated by the Philadelphia District U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act, and for State Regulated Wetlands and Subaqueous Lands that may be regulated by the Delaware Department of Natural Resources and Environmental Control (DNREC) under Title 7 Chapters 66 and 72 of the Delaware Code. Buffer requirements per Section 116 of the Town of Ocean View Code are also here considered.

Routine Level on-site investigations were conducted by Kenneth W. Redinger Environmental Services on May 23 and June 4, 2023 in accordance with the 1987 Corps of Engineers Wetland Delineation Manual in conjunction with the Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Atlantic and Gulf Coastal Plain Region; Version 2.0 (November 2010) and associated federal and state regulatory guidance documents.

The subject property is comprised of 5 parcels that total approximately 81.08 acres located on the south side of Beaver Dam Road, approximately 0.44 miles east of Central Avenue, within the Town of Ocean View, Sussex County, Delaware. The parcels included in this investigation are listed below:

134-16.00-914.00 (Parcel A) +/- 11.10 Acres

134-16.00-951.00 (Parcel B) +/- 9.82 Acres

134-16.00-45.00 (Parcel C) +/- 16.73 Acres

134-16.00-47.00 (Parcel D) +/- 5.10 Acres

134-16.00-43.01 (Open Space) +/- 38.33 Acres

At the time of the on-site investigations, the property consisted of early to mid-succession mixed hardwood and pine forest with a network of unmaintained man-made drainage ditches. None of the drainage ditches are components of the tax ditch network.

Wetland Delineation Summary
July 19, 2023
Page 2 of 2

A total of approximately 22.88 acres of forested non-tidal wetlands are present within Parcel 134-16.00-43.01, as depicted on the attached Site Plan by Becker Morgan Group dated April 18, 2022 (last revised June 14, 2023). These wetlands are jurisdictional based on their direct surface water connection to the traditionally navigable waters of Miller Creek approximately 1,550 feet southwest of the parcel via a man-made drainage ditch. Section 116-14 of the Town Code requires a 25-foot buffer be established landward from all jurisdictional wetlands and intermittent or perennial waterways.

No State Regulated Wetlands for the purposes of Title 7 Chapters 66 of the Delaware Code are present within the subject property per the 1988 DNREC Regulated Wetland Maps.

A portion of the drainage ditch along the southeast property boundary of Parcel 134-16.00-43.01 may be classified as Waters of the United States under Section 404 of the Clean Water Act, and as Subaqueous Lands under Title 7 Chapter 72 of the Delaware Code. The limits of this potentially jurisdictional feature are depicted on a now expired DNREC Jurisdictional Determination dated August 31, 2011. The proposed site development will not impact this feature as it is located within an area designated as open space.

A Jurisdictional Determination request is being prepared for submittal to the USACE and DNREC to confirm the limits of jurisdictional features within the subject property. A copy of the Jurisdictional Determination letters and Delineation Reports will be provided to your office upon completion.

Please contact me with any questions you may have concerning this project in the meantime.

Sincerely,



Kenneth W. Redinger
Professional Wetland Scientist #2126

Attachments:

Site Plan Becker Morgan Group dated April 18, 2022 (last revised June 14, 2023)
DNREC Jurisdictional Determination Letter August 21, 2011

[illegible]



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES &
ENVIRONMENTAL CONTROL
DIVISION OF WATER
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

WETLANDS & SUBAQUEOUS
LANDS SECTION

TELEPHONE (302) 739-9943
FACSIMILE (302) 739-6304

August 31, 2011

Robert Thornton
P.O. Box 449
Bethany Beach, DE 19930

John Phelps
Landmark/JCM
One Corporate Commons, Suite 301
New Castle, DE 19720

Re: JD-113/11- Subaqueous Lands Jurisdiction:
Tax Parcel #134-16.00-43.01, 44.0 & 848-1208
Silverwoods

To Whom It May Concern:

In response to your request dated March 30, 2011, and received by the Department on April 4, 2011, the Wetlands and Subaqueous Lands Section (WSLS) completed a jurisdictional determination on the property identified above. The property is located south of Beaver Dam Road, east of Central Avenue, between Bethany Beach and Frankford, Sussex County, Delaware. The site has been evaluated to determine if the water features on the above-referenced property are subject to jurisdiction pursuant to the Subaqueous Lands Act (7 Del. C. Chapter 72) and the Regulations Governing the Use of Subaqueous Lands (Regulations).

The review consisted of an examination of available historic maps, topographic surveys, soil survey information, aerial imagery and a field review of the site. The features evaluated drain to Beaver Dam Ditch.

There is a portion of one feature that demonstrates field indicators of instream habit and is therefore jurisdictional pursuant to the Subaqueous Lands Act. This feature is on the south and east portion of the property. It is shown on the current USGS topographic map and by the NHD dataset. This feature has a defined bed and banks with some erosional features, and water was present and flowing in some portions of the feature during the site visit. The substrate within the channel bed was primarily comprised of coarse and fine sand in the bottom, with organic muck and leaves and showed stream substrate sorting and disbursement of leaf litter. It is important to note that the water course has been altered and used to flow in a more southerly direction through an area where now lies the Plantation Park (Virginia, Maryland and Georgia Drives). The upstream extent of the regulated portion of this feature is adjacent to Tax Parcel 134-16-94. From this point, the stream continues south and west to Beaver Dam Ditch and Miller Creek.

Delaware's good nature depends on you!

There are also a number of drainageways, ephemeral swales, ditches, and other features present on site, some of which hold water, however; they lack the characteristics indicative of intermittent or perennial streams, and therefore are not regulated by this office.

The jurisdictional (blue) and non-jurisdictional (red) features are shown on the attached plans. Prior authorization from this office is required before undertaking any type of work in the regulated waters. Features not shown in blue or red on the attached plans have not been evaluated.

Please be advised that if the proposed project requires a Nationwide Permit (from the Army Corps of Engineers), it may be necessary to determine whether any critical resource waters are present on the site. Certain Nationwide Permits may require a Water Quality Certification (WQC) and Coastal Zone Federal Consistency Concurrence (CZM) from the DNREC. Critical Resource waters are defined in the Army Corps of Engineers' Nationwide Permit General Condition No. 19 and include State Natural Heritage Sites as determined by DNREC's Division of Fish and Wildlife's Natural Heritage and Endangered Species Program.

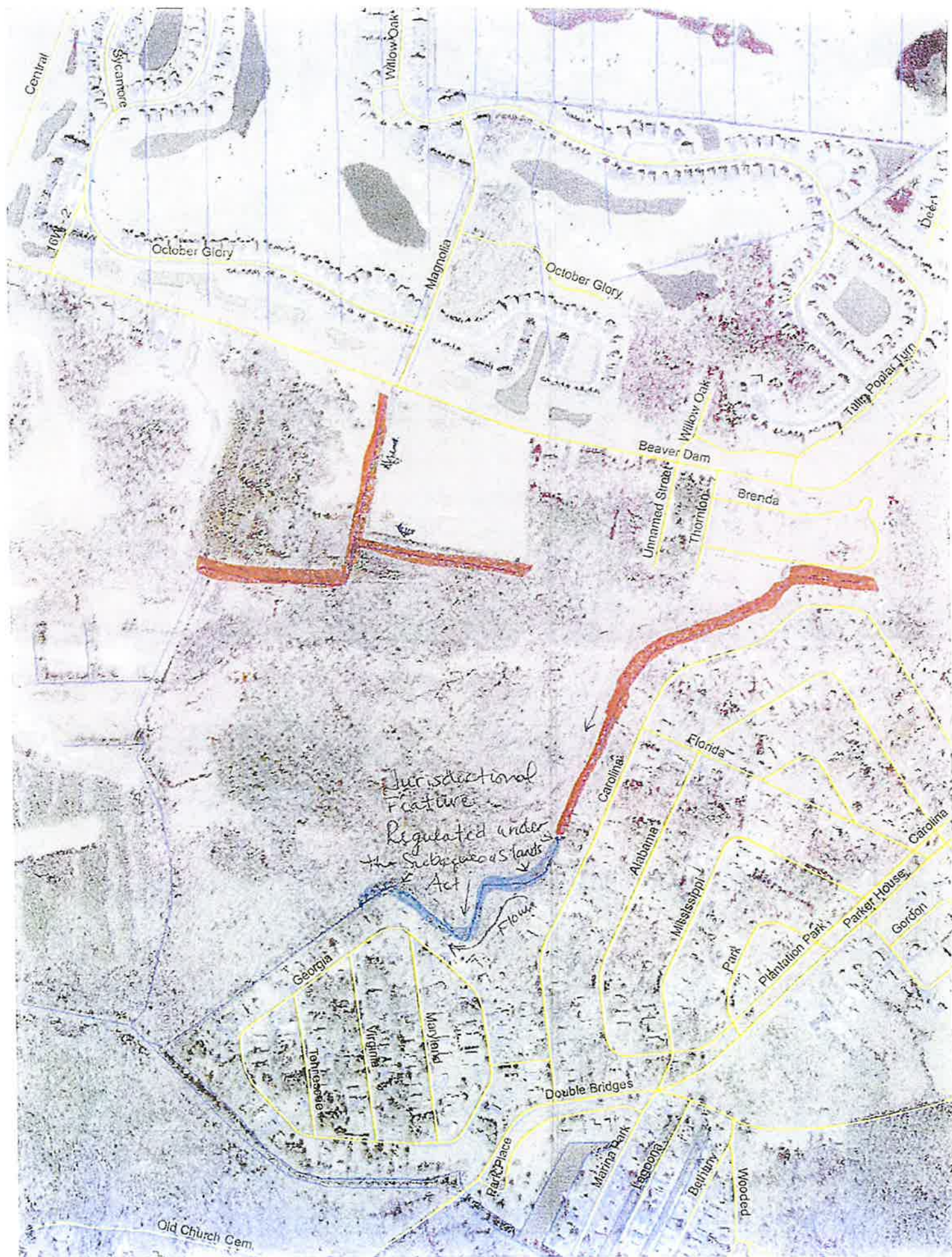
This determination is valid for a period not to exceed three years from the date of this letter and does not address the regulatory jurisdiction or requirements of any other local, state or federal governmental agency. If you require further assistance, do not hesitate to contact me at 302-739-9943.

Sincerely,



Melanie Tymes
Environmental Scientist
Wetlands and Subaqueous Lands Section

c. Laura Herr, DNREC, WSLS



Tax Map & Parcel Nos:
134-16.00-45.00, 914.00 and
951.00 (All Units)
Prepared by and Return to:
Steen, Waehler & Schrider-Fox, LLC
92 Atlantic Avenue, Unit B
P.O. Box 1398
Ocean View, DE 19970
MRSF

**SUPPLEMENTAL DECLARATION OF RESTRICTIONS
FOR
SILVER WOODS IN OCEAN VIEW,
TOWNHOUSE DISTRICT**

WHEREAS, the owners of dwelling units in the Townhouse District of Silver Woods in Ocean View and owners in the Single-Unit Detached Dwelling District of Silver Woods in Ocean View, as such districts are defined by the Town of Ocean View in Ordinance No. 389 dated February 14, 2023 (hereinafter referred to as "Ordinance 389"), are all members of the Silver Woods Community Association, Inc., and are bound by a certain Declaration of Covenants, Conditions and Restrictions for Silver Woods in Ocean View recorded in the Office of the Recorder of Deeds, in and for Sussex County, in Georgetown, Delaware, in Deed Book 4604, page 207, et seq., as such may be amended from time to time; and

WHEREAS, as a condition of approval for the Townhouse District of Silver Woods in Ocean View, Ordinance 389 requires a separate set of restrictions be imposed against just the dwelling units in the Townhouse District in order to address the issues specific to the Townhouse District; and

WHEREAS, Silverstock WP LLC is the Developer of the Silver Woods in Ocean View project and is the owner of the Townhouse District located therein; and

WHEREAS, the Townhouse District of Silver Woods in Ocean View is set forth and described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Townhouse District"); and

WHEREAS, the Developer is the entity responsible for the creation of Silver Woods in Ocean View and for the preparation and recording of the Townhouse District specific restrictions required by Ordinance 389 referenced above.

NOW THEREFORE the Developer, Silverstock WP LLC, does hereby declare that the following restrictions shall run with, burden and bind the Townhouse District, and the Developer hereby declares the Townhouse District, as described in Exhibit "A" attached hereto and incorporated herein by reference, is and shall be held, transferred, sold, conveyed, occupied and use subject to the restrictions hereinafter set forth and during the period of time hereinafter set

forth; and subject to all easements, rights of way, restrictions and covenants previously placed upon the Townhouse District as recorded in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, by the Developer, or its predecessors in title.

1. The maximum lot coverage for a townhouse dwelling unit lot in the Townhouse District shall be 75%.

2. The setbacks applicable to a townhouse dwelling unit in the Townhouse District shall be the setbacks applicable to an R-3 Zone in the Town of Ocean View, except that a 20' rear yard setback shall apply to each townhouse dwelling unit and all patios, decks and accessory structures, whether attached to or detached from the townhouse dwelling unit.

3. Detached accessory buildings/structures are not permitted in front or side yards and they shall be located no closer than a minimum of 20' from rear lot lines and 5' from any other structure.

4. Each owner of a townhouse dwelling unit in the Townhouse District is a member of the Silver Woods Community Association, Inc., and is bound by a certain Declaration of Covenants, Conditions and Restrictions for Silver Woods in Ocean View recorded in the Office of the Recorder of Deeds, in and for Sussex County, in Georgetown, Delaware, in Deed Book 4604, page 207, et seq., as such may be amended from time to time, and which is incorporated herein by reference (hereinafter referred to as the "Declaration").

5. As required by the Declaration, each owner of a townhouse dwelling unit in the Townhouse District covenants and agrees to pay the Silver Woods Community Association, Inc., all annual assessments or charges, special assessments, monetary fines (if imposed), and initial assessments. The annual assessments or charges paid by each owner of a townhouse dwelling unit shall include a proportionate share of the expenses necessary for the proper management and maintenance of all stormwater management ponds serving the Silver Woods in Ocean View project, wherever such stormwater management ponds may be located.

[THIS SPACE INTENTIONALLY LEFT BLANK –
SIGNATURES TO FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, the Developer, Silverstock WP LLC, has hereunto set its hand and seal the day and year aforesaid.

WITNESS:

DEVELOPER:

SILVERSTOCK WP LLC,
a Delaware limited liability company

By: _____ (SEAL)
Robert L. Thornton, Authorized Member

STATE OF _____

*

*

to wit:

*

COUNTY OF _____

I HEREBY CERTIFY that on the _____ day of _____, 2023, before the subscriber, a Notary Public in and for the above jurisdiction, personally appeared Robert L. Thornton, known to me (or satisfactorily proven) to be an Authorized Member of Silverstock WP LLC, a Delaware limited liability company, and that such person, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

[NOTARIAL SEAL]

EXHIBIT “A”

[INSERT LEGAL DESCRIPTION OF TOWNHOUSE DISTRICT]



ISO 9001:2015 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

1352 Marrows Road, Suite 100 • Newark, DE 19711 • Phone 302-731-9176 • Fax 302-731-7807

July 18, 2023

Mr. Kenneth Cimino
Director of Planning & Zoning Town of Ocean View
201 Central Avenue – 2nd Floor Ocean View, DE
19970

RE: Silverwoods Townhouses Revised Final Plan Submission

Dear Mr. Cimino,

Pursuant to your request, we have reviewed the plans listed below.

- Final Land Development Plan – Silverwoods Villas dated 4/18/22 and as revised through 6/7/23; and,
- Record Plan Overall – Silverwoods Villas dated 4/3/23 and as revised through 6/5/23; and,
- Seller Disclosure Agreement – Silverwoods dated 6/7/23.

Comments from our review of the most recent documents are included below. Previous comments are included as applicable.

General

1. At the time of this letter, outside agency approval from Tidewater Utilities had not been received.
2. Add the title “Final Land Development Plan” to the construction plan set.
3. Revise the cover sheet and C002 of the final land development plan to remove all references to villa, mixed use, and assisted living districts. Ensure that all of the site data for the final land development plan and the record plan match.

Pavement Design

4. Addressed
 - I don’t see the soils investigation required by 187-4 to provide the necessary information to design a proper pavement section. Also, the section detail provided is insufficient for even the smallest number of units on good soil.
5. Addressed
 - Is a geotechnical study underway? If so, the pavement section will need to be designed based on the findings and meet the minimum requirements of the code as listed in 187-5 Table 1.
6. Addressed
 - In the past, we have accepted a design based on an assumption of poor soils in lieu of a geotechnical study. However, please be aware that Town staff will be inspecting construction of the streets and it is possible that conditions could be encountered that would require over-excavation and backfill. A geotechnical investigation could identify these problems ahead of time providing the opportunity to plan ahead.

Employee-Owned Since 1988

7. Addressed

- Moving forward Roads A, E and F should be designed based on 51-100 Units. Roads B, C and D should be designed based on 0-50 units.

8. Addressed

- Please make sure to add notes to the construction plans referencing the report and the recommendations.

ROW section

1. A variance application has been made and will be heard by the Board of Adjustment prior to plan approval. Should the variance not be granted, the plan will need to be revised to provide PCC Curb type 1 with 8" reveal.
 - The code requires PCC Curb type 1 with 8" reveal. The plan currently proposes PCC curb and gutter type 2. A variance will be required to provide this type of curb.
2. Addressed
 - The 30' required road width is to be measured from face of curb to face of curb. If the plan pursues type 2 curb and is successful in obtaining the variance, the 30' will be measured from flowline to flowline.

Roads

1. Addressed
 - I don't see horizontal alignment geometry for the roads anywhere. I need centerline tangents, curve radii and lengths, etc. Everything to bear out code compliance with respect to §187-2. If I'm missing it, please let me know.
2. Addressed
 - It appears that the vertical curves provided are too short. Please refer to §187-2-E-2. The curve lengths should be calculated by prorating the 25 ft / 1% change and rounding up to the nearest foot. Please note that these changes could shift the low points at sums and ensure that the catch basins are placed appropriately.

Grading

1. The grading in this area is sufficient for now. We would like to work with the developer moving forward to possibly coordinate filling of the ditch on both the single family and townhouse lots.
 - appear to be conflicting existing contours in the area of the pump station parcel and single-family lots 84 and 85. Depict the as-built topography from the constructed condition of this area on the plan and design the proposed grades for the adjacent areas accordingly. Given the slopes off the rear corners of single-family lot 85 and townhouse lot 1, and the fact that the drainage area to the existing ditch in this area has been eliminated, it may make sense to fill the ditch to a point beyond the southeast corner of townhouse lot 1. It appears that the current grading doesn't provide sufficient cover for SD-16A as well. Please revisit the grading in this area.

2. The grading in this area is sufficient for now. We would like to work with the developer moving forward to possibly coordinate filling of the ditch on both the single family and townhouse lots.
 - There appear to be conflicting existing contours in the area of the clubhouse. Depict the as built topography from the constructed condition of this area on the plan and design the proposed grades for the adjacent areas accordingly. Provide proposed grading for the amenities area.
3. Addressed
 - We have learned through experience with the single-family phase that much more attention needs to be paid to the pedestrian path through the open space. I've marked up the detail you provided and included it as a screen shot at the end of this email. Please revise the detail as noted.
4. Lower the top of CB 19D to 17.2 to provide additional overland slope to drain the area. The HGL will still be within the system.
 - Grading proposed along the eastern edge of Road I behind the parking spaces creates a sump defined by the 18 contour. Design grading that provides a positive outfall for runoff in accordance with the minimum slopes required by the code.
5. Addressed
 - Grading proposed in the northwest corner of the site behind lots 40-42 doesn't appear that it will provide code minimum slopes to sufficiently direct runoff to the roadside swale. I'm concerned that water will pond in the open space south and west of the ped path. Design grading in this area to provide a positive outfall for runoff in accordance with the minimum slopes required by the code. An inlet and pipe to the network in road D or the roadside swale along Beaver Dam may be necessary.
6. No Further Comment Necessary
 - The grading shown within the lots appears sufficient at this time. Please note for the record that the final on-lot grading will be reviewed and approved with single lot grading plan submissions for each townhouse block prior to building permit issuance.
7. Addressed
 - More apropos to drainage, but I just noticed, the existing 18" and 24"x38" culverts under Beaver Dam that drain to the north should be fitted with personnel safety grates. These are within DelDOT's jurisdiction, but if they aren't currently in place, they should be installed with this project.

Drainage

1. Addressed
 - What is the plan for the upstream end of SD-28D? It appears to be a stub intended to drain the future commercial portion of the site. How will that area be drained in the meantime? It seems it should be treated like SD-27D to provide an outlet for the upstream undeveloped area and avoid ponding.

2. Addressed
 - All open-ended inlets to the system like that at SD-27D and potentially SD-28D should be designed with flared end sections and personnel safety grates in accordance with DelDOT details.
3. Addressed
 - SD-4D is modeled in the HGL as a 30" pipe, but it's listed on the plan in the schedule and depicted in the profile as a 24" pipe. It's downstream of SD-6D, which is also a 30" pipe.
4. Addressed
 - The HGL at the outlet of SD-1D should match the 25 yr. storm elevation from the pond 7 routing. It's currently modeled at 14.42, only 0.11 below the elevation from the routing of 14.53, but please correct the starting HGL and rerun the calc.
5. Addressed
 - Realign SD-19D and SD-20D to meet at MH 19-D at a 90-degree angle. (Note that it appears a number of manholes including 19D are mislabeled as CBs on the plan).
6. Addressed
 - Realign SD-23D and MH 22D to create a 90-degree angle between SD-23D and SD- 22D.
7. Addressed
 - The overflow parking spaces along Road I are currently graded with a break mid- space directing runoff from half of the parking space back to the road and half off into the grass to the rear. It seems unlikely the spaces will actually be graded or paved this way. Move the ridgeline to the rear of the space and revise the drainage calcs to include the additional area.
8. Addressed
 - Realign SD-13B and MH 10B to create a 90-degree angle between SD-13B and SD- 10B.
9. Addressed
 - Realign SD-4C and MH 4C to create a 90-degree angle between SD-4C and SD-10C. (note that it appears some of the catch basins including 3C and 2C are labeled as manholes on the plan).
10. Addressed
 - The paths through the open space should be graded as ridgelines with drainage on both sides to eliminate ponding. Add a catch basin along SD-8B south of the path opposite CB-8B, another north of the path opposite CB-13C, and another north of the path opposite CB-21B.
11. Addressed
 - SD-4C is modeled in the HGL as an 18" pipe, but it's listed on the plan in the schedule as a 24" pipe.
12. Addressed
 - Revise the HGL output to include the roughness coefficient for the pipes that was factored into the calculations.
13. Addressed
 - There are a number of locations within the B network where the freeboard falls below the code required 1' between the 25 yr. HGL and the grate elevation. Revise the design or provide

justification for why the system can't be designed to provide the minimum freeboard.

14. Addressed

- Include the rise and the span dimensions for the elliptical pipe in the schedule for clarity.
BMG Comment response: The pipe sizes have been updated in the schedules.

15. Addressed

- Please add an entry to the narrative under design parameters noting that the starting HGL elevation for the pipe run starting at SD-16A was taken from the HGL analysis for the pipe network in the single-family phase.

16. The revised HGL calculations have been reviewed and found to be acceptable.

- The minimum freeboard requirement of 1' is not provided at structures SD-16A – SD-19A. Revise the design or provide justification for why the system can't be designed to provide the code required freeboard. (Note that the known flow added to the system from pond 7P of 15.63 doesn't appear to correspond to the 25 yr. outflow from the routing of 13.1).

Landscape

1. Given the necessary revisions to the area breakdown on the record plan, this value is yet to be determined. Revise the note on the landscape plan regarding the planting rate to remove any reference to a "villa" district.
 - Ensure that the area of development on which the tree calculation is based matches the area breakdown from the overall cover sheet for the subject parcels.
2. Addressed
 - The landscape plantings need to include low evergreen shrubs in accordance with §140-74-A-3-a above and beyond the tree requirement included §140-74-3-C.
3. Any landscaping that might interfere with drainage will need to be relocated prior to placement during construction.
 - Ensure that trees and shrubs are not located such that they will impede drainage.
4. Addressed
 - Provide plantings in the red highlighted area in the screenshot below to provide buffering for the rear of single-family lots 1 and 2 since there is no existing vegetation in that area.
5. Addressed
 - Ensure that the plan is designed in accordance with the requirements for Protection and Retention of Large Trees included in §140-74-3-b.

Street Lighting

1. Addressed
 - Include a note on the plan stating that the streetlight design is conceptual and final streetlight locations will be determined by Delaware Electric Coop.

2. Addressed
 - Provide a detail on the plan for the type and height of light standard proposed.

Amenities Area

1. Addressed
 - a. Specify and provide site design and details for the proposed amenities.

Record Plan

1. The cover sheet for the record plan needs to depict the entirety of the area, including all of the tax parcels, that are part of the overall MXPC. The site data column needs to address all of these areas, specifically open space and each district required by the MXPC requirements within the code.
 - Provide a cover sheet depicting the overall MXPC subdivision and correcting the site data column.
2. The wetland certification has been updated, however there are no wetlands shown on the plan and no updated delineation or report has been provided. The wetland notes on the final land development plan and the record plan will need to be revised so the language is consistent. General note #4 will need to be revised to specifically address the townhouse district once all of the areas within the MXPC are shown on the plan as noted in note #1 above.
 - An updated wetland delineation needs to be completed. The notes on the record plan addressing wetlands will also need to be revisited upon completion of the delineation.
3. To be addressed after the BOA hearing taking place prior to final plan approval.
 - Should the applicant be successful in obtaining the variances for the curb type and driveway setback, notes referencing the BOA decision will need to be added to the plan.
4. Addressed
 - Reflect the wellhead protection area on the record plan.
5. The cover sheet needs to address all of the areas within the entirety of the MXPC. See note #1 above. When that data is incorporated ensure that all the values agree.
 - Verify the open space area provided. The numbers from the site data column, item 9 and item 22 don't agree.
6. The Townhouse district areas are mislabeled as single family.
 - The record plan should not refer to a "mixed-use" or an "assisted living" district. These are specific uses that may or may not be proposed within the commercial district required by the MXPC. These areas should simply be labeled as commercial districts.
7. See note #1 above. All of the parcels and areas that are part of the MXPC need to be included in the site data column.
 - In site data column item 10 – list the 2 commercial lots as existing. No new commercial lots are proposed.

8. Provide verification that the road names have been approved by Sussex County. Please note that there are two Exeter streets on the record plan. The name Ashley Avenue is too similar to the name of an existing street in Town and must be changed regardless of the County's opinion. Merrick Way does not need to be a separate street. It can simply be the turnaround at the end of Scranton. Postal addresses will be determined post-recording.
 - Provide proposed road names on the plan and verification from Sussex County that the road names are acceptable. Also, provide proposed postal addresses for each lot.
9. The easement labels need to specify who benefits from each easement. Please revise the cross-access easement labels to note that the easements are to benefit the interior lot residents. Also please note that the drainage easements are to be dedicated to the town and the HOA.
 - Depict the cross-access easement between abutting townhouse lots in accordance with the revised MXPC ordinance.
10. Setbacks for the commercial district should not refer to mixed use.
 - The record plan should only list setbacks for the single-family district, the townhouse district and the commercial district.
11. Addressed
 - Verify that the 36.5' wide end unit lots are wide enough to accommodate the end unit footprint while maintaining the required 15' building spacing. Please note that the 15' applies to attached accessory structures and that if only 15' between the base footprints is provided, no accessory structures will be permitted in the future along the sides of the end units.
12. Addressed
 - Specify that the maximum allowable building height for the townhouses is the same as the single families. Remove the multiple references to building height in the site data notes.
13. Revisit the parking calculation, the numbers appear to be incorrect for the townhouse district. All of the code required parking needs to be shown on the plan. A note addressing on lot spaces is sufficient, however off-street overflow spaces need to be shown.
 - Revise the parking calculation to reflect that two parking spaces per unit are being provided on lot for all of the lots.
14. Addressed
 - Add a commercial district parking note stating that the parking requirements for the commercial district will be determined based on the specific use at the time of development of those parcels.
15. See note #1 above. Ensure that all of the areas are accounted for.
 - The overall open space value doesn't appear to match the total of the various open space values for each district. Once the layout of the districts is finalized, please ensure that these values match.
16. Addressed
 - Remove the list of active open space amenities included in site data note #22.

17. Addressed

- Update the FEMA FIRM Panel reference.

18. Addressed. Notes regarding the overflow parking are included herein.

- Include the improvements within the ROW on the plan, as well as the overflow parking. Provide dimensions for cartway, sidewalks, parking etc. Although a portion of the overflow parking spaces exists within the ROW to be dedicated to the Town, the HOA will be responsible for the maintenance and any repair necessary for the spaces. Notes will need to be developed for inclusion on the plan addressing this situation. The PD will provide language at a later date.

19. Addressed

- General note # 20 needs to be revised to remove reference to another document and simply say per this plan.

20. Addressed

- Remove GN #31.

21. Addressed

- Revise GN # 32 – to specify all paved walkways within the residential open space areas, remove reference to the villa district and specify the performance guaranty required by §187-6-L.

22. In ordinance note #5 please edit the language to read “...10’ from rear lot lines (**OR** 20’ on townhouse dwelling units)...”. In ordinance note #13 please correct “tots” to “lots”

- Include all of the notes from the revised MXPC ordinance in the site data column. Reference the ordinance number and date of adoption on the plan.

23. The exhibit needs to include a clear designation of the area available for the addition of code compliant structures, using hatch or color, etc.

- Provide a generic sellers disclosure exhibit in accordance with the requirements from the revised MXPC ordinance for review. Seller’s disclosure exhibits specific to each lot will be required as part of the single lot grading plan submission for each block of townhouses prior to building permit issuance.

24. Addressed

- The title of the plan of Silver Woods Villas is acceptable. However, remove all references to any other residential unit names other than single family or townhouse. Villa, townhome, single family townhouse, single family villa etc. are not terms that exist in the code.

25. See note #9 above regarding easements.

- Show all required easements on the plan, including but not necessarily limited to those required in §140-79.

26. Addressed

- The plan date of the record plan is the same as that of the preliminary plan. If that is indeed the case, it can remain, but it could create confusion down the line. Be sure to include a revision and description in the revision block on the revised plan.

Kenneth Cimino
July 18, 2023

Silverwoods Townhouses
Revised Final Plan Submission

27. Addressed

- Provide the requisite plan certification blocks from §140-105 Figure 7.

28. Addressed

- Provide a note on the plan labeling the amenities area and noting the amenity improvements are specified on the final land development plan. The land development plan will need to specify and provide site design to support the proposed amenities.

29. Addressed

- Provide a note on the plan referencing the other plan approval, including but not necessarily limited to the final land development plan, and the sediment and stormwater management plan.

If you have any questions, please feel free to give me a call. I welcome the opportunity to discuss the plan with you.

Regards,
KCI Technologies



James H. Lober, P.E.
Senior Project Manager

SINCE 1889



TOWN OF OCEAN VIEW

201 Central Avenue – 2nd Floor

Ocean View, DE 19970

Land Use • Permitting • Licensing • Code Enforcement • Public Works

302 539-1208 (office) • 302 537-5306 (fax)

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SINCE 1889



July 3, 2023

Medina, James W. & Andrea J.
13 Luzerne Dr.
Ocean View, DE 19970

413.001

TOWN OF OCEAN VIEW PUBLIC NOTICE PLANNING AND ZONING COMMISSION

Silver Woods Mixed-Use Planned Community - Proposed Townhouse District

(PIDNs: 413.200, 413.300, & 413.400

CTMs# 134-16.00-914.00, 134-16.00-951.00, 134-16.00-45.00)

NOTICE IS HEREBY GIVEN that the Planning and Zoning Commission of the Town of Ocean View will review **Application P-261**, a final land development plan for the Townhouse District within the Mixed-Use Planned Community of Silver Woods. This application is submitted by Becker Morgan Group, Inc. on behalf of the property owner/developer, Robert Thornton/Silverstock WP, LLC as a revision to application P-261, for property identified on the Silver Woods Record Plan as Commercial District Parcel A (PIDN: 413.200/CTM# 134-16.00-914.00), Multifamily Parcel B (PIDN: 413.300/CTM# 134-16.00-951.00), and a portion of Mixed Use District Parcel C (PIDN: 413.400/CTM# 134-16.00-45.00). Silver Woods is zoned as a Mixed-Use Planned Community (MXPC) and located along Beaver Dam Road.

The Town will hold this review on **Thursday, July 20, 2023 at 4:00pm** or as soon as possible thereafter in the Ocean View Community Center located at 32 West Avenue, adjacent to John West Park. All interested parties are welcome to attend. Please note that the meeting agenda is subject to change. For more information, please visit www.oceanviewde.gov.

The material may be examined by interested parties on the second floor of the Wallace A. Melson Municipal Building located at 201 Central Avenue between 8:30 a.m. and 12:00 p.m. and 1:00 p.m. through 4:00 p.m., Monday through Friday. For additional information, please contact Kenneth L. Cimino, Director of Planning, Zoning & Development, at (302) 539-1208 or via email at kcimino@oceanviewde.gov.

PIDN	CTM#	PL#	Property Location Street	Owner	OMA #	OMA Street	OMA City	OMA State	OMA Zip
413.001	134-16.00-849.00	13	Luzerne Drive	Medina, James W. & Andrea J.	13	Luzerne Dr.	Ocean View	DE	19970
413.002	134-16.00-850.00	15	Luzerne Drive	Marques, Carlos S. & Norma A.	15	Luzerne Dr.	Ocean View	DE	19970
413.003	134-16.00-851.00	17	Luzerne Drive	Milner, Kenneth E. & Marie B.	17	Luzerne Dr.	Ocean View	DE	19970
413.004	134-16.00-852.00	19	Luzerne Drive	Walters, Jeffery A. & Laura J.	38	Impala Dr.	Drillsburg	PA	17019-
413.005	134-16.00-853.00	21	Luzerne Drive	Kramer, Gayle A.	21	Luzerne Dr.	Ocean View	DE	1351
413.006	134-16.00-854.00	23	Luzerne Drive	Wroblewski, Joseph A.	23	Luzerne Dr.	Ocean View	DE	19970
413.007	134-16.00-855.00	25	Luzerne Drive	Chew, Curtis S. & Margaret T.	25	Luzerne Dr.	Ocean View	DE	19970
413.008	134-16.00-856.00	27	Luzerne Drive	McDermott, Daniel J. & Judith E.	27	Luzerne Dr.	Ocean View	DE	19970
413.009	134-16.00-857.00	29	Luzerne Drive	Goeser, Monika H. & McGraw, Constance	31	Rose Tree Village	Media	PA	19063
413.010	134-16.00-858.00	31	Luzerne Drive	Van Winter, Carl B. & Pamela J.	31	Luzerne Dr.	Ocean View	DE	19970
413.011	134-16.00-859.00	33	Luzerne Drive	Flick, Daniel J. & Caroline P.	33	Luzerne Dr.	Ocean View	DE	19970
413.012	134-16.00-860.00	35	Luzerne Drive	Newson, Maria L. & Ricky D.	738	Cronin Dr.	Aberdeen	MD	21001
413.013	134-16.00-861.00	39	Luzerne Drive	Carr, Mark E. & Scott H.	8038	Flora Ln.	Pasadena	MD	21122
413.014	134-16.00-862.00	41	Luzerne Drive	Sanders, Matthew B. & Cindy L.	41	Luzerne Dr.	Ocean View	DE	19970
413.015	134-16.00-863.00	45	Luzerne Drive	Schoenbeck, Douglas & Connie	45	Luzerne Dr.	Ocean View	DE	19970
413.016	134-16.00-864.00 *	47 *	Luzerne Drive	Volk, Mary J.	47	Luzerne Dr.	Ocean View	DE	19970
413.044	134-16.00-892.00	50	Luzerne Drive	Magera, Sandra G.	50	Luzerne Dr.	Ocean View	DE	19970
413.045	134-16.00-893.00	48	Luzerne Drive	Williams, Richard W. J. & Jane E.	48	Luzerne Dr.	Ocean View	DE	19970
413.046	134-16.00-894.00	46	Luzerne Drive	Williams, Janice M. & Richard W.	46	Luzerne Dr.	Ocean View	DE	19970
413.047	134-16.00-895.00	44	Luzerne Drive	Miller, Andrew S. & Juliet H.	44	Luzerne Dr.	Ocean View	DE	19970
413.048	134-16.00-896.00	40	Luzerne Drive	Loney, James & Carole	563	Luzerne Dr.	Ocean View	DE	19970
413.049	134-16.00-897.00	38	Luzerne Drive	Warren, Calvin E.	1950	Fairmount Rd.	Linthicum	MD	21090
413.050	134-16.00-898.00	36	Luzerne Drive	Durrivage, Edward & Frances	36	E. 84th St.	Cleveland	OH	44103
413.051	134-16.00-899.00	32	Luzerne Drive	Merski, Joy L.	32	Luzerne Dr.	Ocean View	DE	19970
413.052	134-16.00-900.00	30	Luzerne Drive	Sarnast, Manijeh & Sadeghi, Seyed	12820	Pinecrest Rd.	Ocean View	DE	19970
413.053	134-16.00-901.00	28	Luzerne Drive	Rose, Bruce & Rosemary	25381	Lisa Ter.	Herndon	VA	20171
413.054	134-16.00-902.00	26	Luzerne Drive	Davids, Ruck G. & Robin D.	26	Luzerne Dr.	Aldie	VA	20105
413.055	134-16.00-903.00	24	Luzerne Drive	Kelly, Edward J. & Doreen A.	1829	Danforth St.	Ocean View	DE	19970
413.056	134-16.00-904.00	22	Luzerne Drive	Scott, Douglas & Patricia	22	Luzerne Dr.	Philadelphia	PA	19152
413.057	134-16.00-905.00 *	20 *	Luzerne Drive	Bognar, Marcos & Barbara A.	20	Luzerne Dr.	Ocean View	DE	19970
413.064	134-16.00-912.00	16	Luzerne Drive	Stein, Margaret M. & Kenneth	16	Luzerne Dr.	Ocean View	DE	19970
413.065	134-16.00-913.00	14	Luzerne Drive	Granruth, Brian S. & Elena	6229	Longleaf Pine Rd.	Sykesville	MD	21784-
413.086	134-16.00-935.00 *	2 *	Luzerne Drive	Warren, Roy C. & Leida A. H.	2	Luzerne Dr.	Ocean View	DE	4917
413.087	134-16.00-936.00	4	Luzerne Drive	Sevier, John B. & Teresa L.	4	Luzerne Dr.	Ocean View	DE	19970
413.088	134-16.00-937.00 *	6 *	Luzerne Drive	Timmons, William J. & Zell, Tracy L.	6	Luzerne Dr.	Ocean View	DE	19970
413.089	134-16.00-938.00	65	Old Forge Drive	Leman, Lance & Jessica	1701	W. Street Rd.	West Chester	PA	19382
413.090	134-16.00-939.00	63	Old Forge Drive	Marks, David B. & Karen L.	7068	Melstone Valley Way	Marriottsville	MD	21104
413.091	134-16.00-940.00	61	Old Forge Drive	Burrows, David & Sharon	61	Old Forge Dr.	Ocean View	DE	19970
413.092	134-16.00-941.00	59	Old Forge Drive	Mauro, Michael S. & Besack, Lisa A.	59	Old Forge Dr.	Ocean View	DE	19970
413.093	134-16.00-942.00	57	Old Forge Drive	Fritz, Wayne R. & Papazian, Susie D.	57	Old Forge Dr.	Ocean View	DE	19970
413.094	134-16.00-943.00	55	Old Forge Drive	Casey, Jennifer	55	Old Forge Dr.	Ocean View	DE	20715
413.095	134-16.00-944.00	53	Old Forge Drive	Lilly, James M.	838	Thomas St.	Ocean View	DE	19970
413.077	134-16.00-946.00	24	Old Forge Drive	Kandi, David R. & Eileen A.	24	Old Forge Dr.	Stroudsburg	PA	18360
413.078	134-16.00-926.00	22	Old Forge Drive	Corte, Leandro & Rosangela	4966	Old Forge Dr.	Ocean View	DE	19970
413.079	134-16.00-927.00	20	Old Forge Drive	Lackaye Familt Trust C/O Lackaye, Donald & Karen	20	Cloister Dr.	Rockville	MD	20852
413.079	134-16.00-928.00	20	Old Forge Drive			Old Forge Dr.	Ocean View	DE	19970

413.080	134-16.00-929.00	18	Old Forge Drive	Ford, Walter K. & Lisa M. Crowell, Barbara A. Bruneau, Steven M., Colleen E. & Kelsey M.	18	Old Forge Dr. Brookview Drive	Ocean View Alexandria	DE VA	19970 22310
413.081	134-16.00-930.00	16	Old Forge Drive		5927				
413.082	134-16.00-931.00	14	Old Forge Drive	Marley, James F. & Jessica J. Overton, Laura & Obie, John Coad, Noel k. Claudia S. DePrince, Steven F. & Jayne L. Oseredzuk, Rosemarie S. Boesman, John A. & Christina M. Esgro, Carmen A. & Elizabeth L. D'Elia, Anthony & Christine R. Valencia, Maria E. & Julio Vance, Daniel L. & Judy E. Sussex County Thornton, Robert L. Taylor, Wesley O.	14	Old Forge Dr. Gordon Rd. Old Forge Dr. Old Forge Dr. Old Forge Dr. Old Forge Dr. Longbranch Dr. Old Forge Dr. Old Forge Dr. Ironclad Ct. Helmsdale Rd. P.O. Box 589 P.O. Box 449 Blackwater Dr.	Ocean View Rotterdam Ocean View Ocean View Ocean View Ocean View New Carrollton Ocean View Ocean View Gaithersburg Bel Air Georgetown Bethany Beach Frankford	DE NY DE DE DE DE MD DE DE MD MD DE DE DE	19970 12306 19970 19970 19970 19970 20784 19970 19970 20877 21015 19947 19930 19945
413.083	134-16.00-932.00	12	Old Forge Drive		1016				
413.084	134-16.00-933.00	10	Old Forge Drive		10				
413.085	134-16.00-934.00	8	Old Forge Drive		8				
413.105	134-16.00-955.00	17	Old Forge Drive		17				
413.106	134-16.00-956.00	15	Old Forge Drive		15				
413.107	134-16.00-957.00	13	Old Forge Drive		7315				
413.108	134-16.00-958.00	11	Old Forge Drive		11				
413.109	134-16.00-959.00	9	Old Forge Drive		9				
413.110	134-16.00-960.00	7	Old Forge Drive		8214				
413.111	134-16.00-961.00	5	Old Forge Drive		1543				
413.112	134-16.00-43.03	6	Old Forge Drive						
413.113	134-16.00-43.02	7	Luzerne Drive						
n/a	134-16.00-46.00		Taylor parcel		32445				

ORDINANCE NO. 389

AN ORDINANCE AMENDING THE CONDITIONS OF APPROVAL
FOR 115.59 ACRES, MORE OR LESS,
ANNEXED INTO THE TOWN LIMITS BY ORDINANCE NO. 282,
ORDINANCE NO. 321, AND ORDINANCE NO. 353
BEING THE LANDS OF SILVERSTOCK BUILDERS, LLC

WHEREAS, the Town Council annexed into the town limits of the Town of Ocean View 115.59 acres, more or less, by Ordinance No. 282, entitled "An Ordinance Annexing into the Town Limits of the Town of Ocean View of 115.59 Acres, More or Less, Being the Lands of Silverstock Builders, LLC"; and

WHEREAS, the territories so annexed were rezoned and designated MXPC, Mixed Use Planned Community District; and

WHEREAS, the conditions of Ordinance No. 282 were amended by Ordinance No. 321, adopted March 10, 2015 and entitled "An Ordinance Amending the Conditions of Approval for 115.59 Acres, More or Less, Annexed into the Town Limits by Ordinance No. 282, Being the Lands of Silverstock Builders, LLC"; and

WHEREAS, the conditions of Ordinance No. 282, as amended by Ordinance No. 321, were then amended by Ordinance No. 353, adopted on October 9, 2018 and entitled "An Ordinance Amending the Conditions of Approval for 115.59 Acres, More or Less, Annexed into the Town Limits by Ordinance No. 282 and Ordinance No. 321, Being the Lands of Silverstock Builders, LLC"; and

WHEREAS, Silverstock WP LLC, the owner/developer of the annexed territory, has requested that the conditions of approval be amended, relating to lot coverage and other matters;

and WHEREAS, on the 11th day of October, 2022, Councilman Walsh introduced an ordinance amending the conditions of approval set forth in Ordinances No. 282, No. 321 and No. 353, and

WHEREAS, on the 17th day of November, 2022, a hearing was held before the Planning

and Zoning Commission and that Commission recommended to the Council that the application to amend the ordinance conditions be granted but with the addition of further conditions recommended by the Director of Planning, Zoning and Development; and

WHEREAS, on the ___ day of _____, 2022, public hearings were held, after notice, before the Town Council and based on findings of fact, it determined that the proposed further amendment of the conditions of approval for the MXPC, Mixed Use Planned Community District as recommended by the Planning Commission is for the general convenience and welfare of the present and future inhabitants of the Town of Ocean View.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN VIEW:

Section 1. Amend Ocean View Ordinance No. 282 at Section 2, as amended by Ordinance No. 321 and as amended by Ordinance No. 353, by amending the conditions of approval of the rezoning and designation of the territory annexed as a MXPC, Mixed Use Planned Community District, by deleting the text in bold and strikethrough and by adding the text in bold and underlined, as follows:

1. Setbacks for a single-unit detached dwelling shall be:

20' front yard
20' rear yard
5' side yard

2. The Minimum separation between dwelling units and attached accessory buildings/structures shall be 15'.

3. A drainage easement, equal to the minimum separation of 15' required between dwelling units shall be provided.

4. A. Maximum lot coverage for single ~~family~~ -unit detached dwelling lots shall be 45% with an exception of 50% lot coverage for single ~~family~~ -unit detached dwelling lots on which ~~[the Ryan Homes Springhaven model is~~

~~erected~~ selected models may be erected on non-adjacent lots and comply with all other conditions set out herein.

B. Maximum lot coverage for a townhouse dwelling unit lot shall be 75%. The Setbacks applicable to a townhouse dwelling unit shall be the setbacks applicable to an R-3 Zone except that a 20' rear yard setback shall apply to each townhouse dwelling unit and all patios, decks, and accessory structures, whether attached to or detached from the townhouse dwelling unit.

5. Detached accessory buildings/structures are not permitted in front or side yards and they shall be located no closer than a minimum of 10' from rear lot lines (or 20' on townhouse dwelling unit lots) and 5' from any other structure.
6. Individual wells are not permitted on residential lots.
7. **Two parking spaces, not including the garage, shall be provided on each townhouse dwelling unit lot.**
8. **The following conditions shall apply:**
 - A. The 20' rear yard setback that applies to each townhouse dwelling unit and all patios, decks, and accessory structures, whether attached or detached from the townhouse dwelling unit, shall be included in the restrictive covenants governing the townhouse district.**
 - B. A separate set of restrictive covenants shall govern the townhouse district from the single-unit detached dwelling district.**
 - C. Construction of the recreational facilities, e.g., expanded pool deck, picnic pavilion, bocce ball courts and pickleball courts for the single-unit detached dwelling district and the townhouse district as depicted on the approved preliminary and final site plan for the townhouse district shall commence prior to construction of the townhouse district and shall be constructed and open to use by the**

residents of each district no later than the time of the issuance of the fifty-fourth (54th) Certificate of Occupancy in the townhouse district.

D. Landscaping for the single-unit detached dwelling district as depicted on the approved final site plan for such district shall start prior to construction of the townhouse district and be completed no later than the time of the issuance of the fifty-fourth (54th) Certificate of Occupancy in the townhouse district.

E. An exhibit shall be included within the seller's disclosure documents required under Delaware law for the first sale of a townhouse dwelling unit specific to each individual townhouse dwelling unit lot depicting the following information:

(i) Metes and bounds of the subject townhouse dwelling lot; and

(ii) Specific building footprint of the base townhouse dwelling unit model proposed for the townhouse dwelling unit lot with size (i.e. area) dimensions; and

(iii) Specific building footprint of any builder's options proposed for the townhouse dwelling unit lot with size (i.e. area) dimensions; and

(iv) Designation of the size (i.e. area) dimensions of any area available outside of the overall proposed building footprint of the townhouse dwelling unit for the addition of code compliant structures; and

(v) A note specifying that any structures proposed outside of the designated area would first require a waiver of the requirements of the restrictive covenants from the Homeowner's Association, and a variance from the Town of Ocean View Board of Adjustment.

F. The 20 ft. wide alley required on the rear property line of abutting townhouse lots under §140-44D shall be replaced with a requirement of a 20 ft. wide cross access easement centered on the rear property line of abutting townhouse lots.

G. Construction of the walking trails as depicted in the approved plan set entitled Silver Woods Phase 2, Sheet L-100, Landscape Development Overall Plan, shall be constructed and completed prior to construction of the first townhouse dwelling unit in the townhouse district.

Section 2. Except as amended herein, all other conditions of approval shall remain in full force and effect.

Section 3. This Ordinance shall be effective upon its adoption by the Town Council of Ocean View.

TOWN OF OCEAN VIEW

{Seal;

By


Mayor

Attest


Town Clerk

Adopted: 2-14-2023

PLANNING AND ZONING COMMISSION
MEETING MINUTES

May 19, 2022

1. Chairperson Liddle called the meeting to order at 7:10 p.m. with the Pledge of Allegiance. Commission Members Sigvardson, Nicholson, and Tyminski were in attendance. Planning, Zoning & Development Director Ken Cimino, Planner Jill Oliver, Town Solicitor Dennis Schrader & Veronica Faust, and Town Clerk Donna Schwartz were also in attendance. The meeting was held at 32 West Avenue. Mr. Curran was not present.

2. **APPROVAL OF AGENDA**

A motion was made by Mr. Tyminski, seconded by Mr. Sigvardson, to approve the agenda as presented. The motion carried unanimously 4/0.

3. **NEW BUSINESS**

P-261 Silverwoods Beaver Dam Road (PIDNs: 413.200, 413.300, & 413.400 / CTMs#134-16.00-914.00, 134-16.00-951.00, 134-16.00-45.00)

Application P-261, a review of a preliminary land development plan for the creation of a Single Family "Villa" (Townhouse) District in the Mixed Use Planned Community of Silverwoods. This application is submitted by Becker Morgan Group, Inc. on behalf of the property owner/developer, Robert Thornton/Silverstock, as a revision to application P-261, for property identified on the Silverwoods Record Plan as Commercial District Parcel A (CTM# 134-16.00-914.00), Multifamily Parcel B (CTM# 134-16.00-951.00), and a portion of Mixed-Use District Parcel C (CTM# 134-16.00-45.00). Silverwoods is zoned as a Mixed-Use Planned Community (MXPC) and located along Beaver Dam Road. (PIDNs: 413.200, 413.300, & 413.400 / CTMs#134-16.00-914.00, 134-16.00-951.00, 134-16.00-45.00)

Mr. Liddle read the rules of the meeting to those present.

Mr. Cimino read the overview of the application by Mr. Lober. He said outlined below are the preliminary plan review comments based on the review of the plan dated 4/18/22.

Generally

1. Provide a copy of the proposed documents pertaining to the establishment and maintenance of the homeowner's association as well as its bylaws, fee schedule and ability to assess for the upkeep and maintenance of the common elements.
2. Place a note on the plan stating that all of the paths within the residential portions of the MXPC will be required to be completed prior to release of the performance guaranty for the Villa District.
3. Ensure that the plan includes all of the information required for a Preliminary Development Plan as outlined in §140-103-E.

4. The plan set should include a sheet depicting the reconfiguration of the parcel lines. This should include the area surrounding the clubhouse.
5. Revise the site data column to only include use category terms specific to the code. The term villa does not appear in the code and when incorporated into the site data it creates confusion. The existing 111 residential units should be referred to as single family units. The proposed 161 residential units in the "villa district" should be referred to as townhouse units.
6. Include the maximum allowable lot coverage in the site data column. Since the MXPC ordinance only specified the lot coverage for the single-family units, the maximum lot coverage for the townhouses reverts to the code requirement for R3 zoning, which is 55%.
7. The setbacks provided by the MXPC ordinance for the residential units do not distinguish between the single-family units and the townhouses. Remove the "single family district" distinction from the setback requirements so that it's clear that the setbacks for the residential units are the same for the single-family units and the townhouses.

Landscape & Screening

1. The landscape and screening plan has been received. Comments on the design will be offered with the final plan review when proposed plantings can be evaluated in conjunction with grading, drainage, utility locations, etc. Please ensure that the design is completed in accordance with §140-73, 74 & 75.
2. Shift lots 13-24 and the turnaround north to provide at least 15' between the turnaround and the perimeter property line to provide the minimum screening distance required by §140-73- 3-b.
3. Provide a dimension on the plan from lots 13 and 30 to the western property boundary to clearly depict the minimum width of the buffer provided in those areas.

MXPC

1. The number of units currently proposed is 161. Subtracting the existing 111 single family units and the proposed 161 villa units from the total of 444 would leave a maximum of 172 potential units for a future mixed-use phase.
2. Provide a list of the specific items to be included in the "active" open space areas.

Off-Street Parking

1. The code requires 2 parking spaces per residential unit not including spaces in garages. The number of units proposed is 161. This results in 322 parking spaces required. The overflow parking requirements within residential developments require an additional 10% for developments over 10 acres.

This would bring the overall total number of required parking spaces to 355. The plan currently shows 316. An additional 39 spaces will need to be provided.

2. For any lots that do not include two parking spaces within the lot, provide a note on the plan stating that an additional space will be signed as reserved for each of those lots within the overflow parking areas. The code does not contain a maximum distance from the lot being served to a reserved off-lot parking space. However, please ensure that the off-lot spaces are sufficiently distributed throughout the subdivision to provide a reasonable distance from each lot to its reserved off-lot space.

Dimensional Regulations

1. Provide the proposed square footage of each unit on the plan.

Environmental Protection

1. A portion of parcels C & D are within a Water Resource Protection Area as defined by §116- 19-A(1) associated with the Tidewater Utilities well northeast of the property. Depict the area accurately on the plan. It does not appear that the area affects the currently proposed plan. Place a note on the plan stating that future development of the areas within the WRPA will be in accordance with Chapter 116 Article III – Water Resource Protection Areas.

Streets and Sidewalks

1. Correct note #5. The roads will be turned over to the Town as public ROW's.

Mr. Mike Reiman, of Becker Morgan, introduced himself and his team, and proceeded to give a history of the project dating back to the 2011 Annexation as a MXPC. He noted that the Villa district will have a total of 169 townhomes. Mr. Reiman noted that there is a desire to increasing the current buffers and adding some new buffers. He also addressed some concerns by saying they will increase the deck of the pool, add bocce ball courts, pickleball courts, and more parking. A pavilion will be added to the amenity plan. Mr. Reimann stated they had no objection to any comments of Mr. Lober's letter of May 5, 2022. He noted that they preferred not to have reserved parking. Mr. Cimino replied that they will have to be reserved.

Mr. Seth Thompson, of Parkowski, Guerke, & Swayze PA, attorney for the project and Mr. Thornton, noted that the issue about leasing, or length of leases, would be written in the restrictive covenants. He said it was up to the community to set whatever they wish to adopt.

Mr. Cimino asked if Mr. Thornton had any objections to posting a performance bond for the new amenities for the HOA.

Mr. Liddle asked if the bonding referred to phase 1 and phase 2. Mr. Thompson agreed that they would tie the two phases together and post bond. He asked Mr.

Reiman to review the buffers once again. Mr. Reiman said the original plans for that section had no buffers. They have increased the buffers and lost some units.

Mr. Sigvardson stated he felt the pool and clubhouse are undersized. Mr. Liddle said it does not adequately service the community. Mr. Reiman stated he believed that it was in the ballpark, that they did not want to burden the community with an overly large pool and clubhouse that would have to be maintained by the HOA. Mr. Thompson stated that it is challenging for the builder to decide on amenities.

Public Comments

- Ms. Velna Neidenhouser, 65 Luzerne, she said she is happy with the changed buffers however the pool is too small.
- Mrs. Laura Giorganni, 7 Favata Drive, questioned the buffer north of Luzerne swale, saying the trees won't survive. Many trees are dying and need to be removed. Mrs. Giorganni compared the two communities, saying Forest Landing has a larger pool and clubhouse. She also noted that she would like some shade around the clubhouse, and she not everyone wants to sit in the sun. She said she likes the added amenities however she is concerned about the timing.
- Ms. Sandra Magara, 50 Luzerne Dr, noted she settled on of 9/2020 but hadn't seen the clubhouse. She is concerned about the buffers with Forest Landing. She feels the swimming pool is too small.
- Ms. Lisa McDowell, 67 Luzerne Dr, suggested that another pool was needed. She also noted she was afraid of trees falling on her house.
- Mr. Joseph Giorganni, 7 Favata Dr, wants oversite committee of the amenities, walking trail, and top coat of asphalt. He noted that he does not trust what Mr. Thornton says.
- Mr. Al Di'Annuzio, 36481 Dog Leg Ct, stated he was concerned with the buffer behind his house, vegetation, and trees.
- Mr. Greg Lockwood, 37118 Fairway Drive, noted he was concerned with the existing vegetative buffer and open space and the proposed walking trail.
- Mr. David Ruck, 26 Luzerne Dr, stated they need buffer zone down Luzerne oversite.
- Ms. Diane Borucki, 37112 Fairway Drive, stated the trees are beautiful, they should sell wooded lots. Likes the additional buffer.
- Mr. Jeff Walters, 19 Luzerne Dr, also concerned about the buffer zones.
- Mr. Mark Bogнар, 20 Luzerne Dr, wants to see the roadway paved and the current amenities completed.
- Ms. Betsy Esgro, 11 Old Forge Dr, questioned whether there would be a new HOA for the villas.
- Mr. Wayne Bogovich, 3 Favata Dr, commented on the tennis courts and buffer behind Luzerne Drive. Clubhouse isn't big enough.
- Diane Seeger, 26 Old Forge Dr, separate HOA for new villas?
- Ms. Karen Lackaye, 20 Old Forge Dr, wants the amenities done before approval of villas.

Mr. Cimino reminded everyone that the Town does not have any enforceable code for pools or size of pools and pool houses or amenities in our Town Building Codes. He said if they are upset with the size of the pool or clubhouse, it is a civil matter.

Mr. Liddle closed the public hearing. Mr. Cimino suggested that they approve with conditions if desired.

A motion was made by Mr. Tyminski, seconded by Mr. Liddle, for approval of preliminary plan based on Mr. Lober's letter of May 5, 2022, including amenity performance bonds. Roll Call: Liddle – yes, Nicholson - yes, Sigvardson - no, Tyminski - yes. Motion carried 3/1.

6. ADJOURNMENT

A motion was made by Mr. Sigvardson, seconded by Mr. Nicholson, to adjourn the meeting at 9:01pm. The motion carried unanimously 4/0.

Respectfully submitted,
Donna M. Schwartz, CMC. Town Clerk



*Leading Providers of
Infrastructure Asset Management
and Engineering Services
since 1994*

May 5, 2022

Kenneth L. Cimino
Town of Ocean View
201 Central Avenue
Ocean View, DE 19970

**RE: Silver Woods Villa District – Revised MXPC Master Plan
Preliminary Plan Review
Tax Map ID: 134-16.00-951.00
TKG Project #20-0905**

Dear Mr. Cimino:

Outlined below are the preliminary plan review comments based on the review of the plan dated 4/18/22.

Generally

1. Provide a copy of the proposed documents pertaining to the establishment and maintenance of the homeowner's association as well as its bylaws, fee schedule and ability to assess for the upkeep and maintenance of the common elements.
2. Place a note on the plan stating that all of the paths within the residential portions of the MXPC will be required to be completed prior to release of the performance guaranty for the Villa District.
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6. Include the maximum allowable lot coverage in the site data column. Since the MXPC ordinance only specified the lot coverage for the single family units, the maximum lot coverage for the townhouses reverts to the code requirement for R3 zoning, which is 55%.

THE KERCHER GROUP, INC. – A Mott MacDonald Company

www.kerchergroup.com | 254 Chapman Rd., Suite 202, Newark, DE 19702 | 302-894-1098

7. The setbacks provided by the MXPC ordinance for the residential units do not distinguish between the single family units and the townhouses. Remove the "single family district" distinction from the setback requirements so that it's clear that the setbacks for the residential units are the same for the single family units and the townhouses.

Landscape & Screening

1. The landscape and screening plan has been received. Comments on the design will be offered with the final plan review when proposed plantings can be evaluated in conjunction with grading, drainage, utility locations, etc. Please ensure that the design is completed in accordance with §140-73, 74 & 75.
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Kenneth L. Cimino
May 5, 2022

Preliminary Plan Review
Silver Woods Villa District

Dimensional Regulations

1. Provide the proposed square footage of each unit on the plan.

Environmental Protection

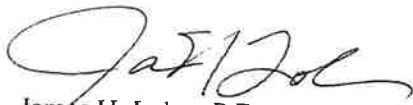
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Streets and Sidewalks

1. Correct note #5. The roads will be turned over to the Town as public ROW's.

If you have any questions please feel free to give me a call. I welcome the opportunity to discuss the plan with you.

Regards,
THE KERCHER GROUP, INC.



James H. Lober, P.E.
Director of Engineering



PROJECT TITLE

**SILVER WOODS
VILLAS**

BEAVER DAM ROAD
TOWN OF OCEAN VIEW
SUSSEX COUNTY, DE

SHEET TITLE

**CLUBHOUSE
ADDITIONAL
AMENITIES
GRADING PLAN**



SCALE: 1" = 20'

ISSUE BLOCK

MARK	DATE	DESCRIPTION
4	6-07-23	OCEAN VIEW COMMENT REVISIONS
3	5-02-23	DELDOT OF SUBMISSION
2	3-17-23	OWN COMMENT REVISIONS
1	3-10-23	AGENCY SUBMISSION

PROJECT NO.: 2012119.02

DATE: 04/18/2022

SCALE: 1" = 20'

DRAWN BY M.J.H. PROJ. MGR. C.D.C.

SHEET

C-404

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