

PLANNING AND ZONING COMMISSION
MEETING MINUTES
May 15, 2025

1. The meeting was called to order by Kent Liddle at 4:00pm with the Pledge of Allegiance. Commission Members Maly, Sigvardson, DiNoto, and Nicholson were in attendance. Planning, Zoning & Development Director Ken Cimino, Town Solicitor Veronica Faust, and Planner Jill Oliver, Donna Schwartz, Town Clerk were present. The meeting was being held at 32 West Avenue.

2. **APPROVAL OF AGENDA**
A motion was made by Mr. Maly, seconded by Mr. Sigvardson, to approve the agenda. The motion was carried unanimously 5/0.

3. **APPROVAL OF MINUTES**
A motion was made by Ms. DiNoto, seconded by Mr. Sigvardson, to approve the minutes of April 17, 2025. The motion was carried unanimously 5/0.

4. **NEW BUSINESS**
 - A. **P-346 6 Hickman Ave. (PIDN: 128.000 / CTM: 134-12.00-321.02): Lands of Jane H. Tribbitt & Timothy R. Tribbitt**
 - 4 Hickman Ave. (PIDN: 129.020 / CTM: 134-12.00-321.03): Lands of Nancy H. Rhodes**
 - 0 Hickman Ave. (PIDN: 129.030 / CTM: 134-12.00-321.04): Lands of Jane H. Tribbitt & Timothy R. Tribbitt**
 - 47 Betts/2 Hickman Ave. (PIDN: 129.010 / CTM: 134-12.00-321.05): Lands of Carol A. Baker**

Ms. Faust swore-in Mr. Cimino, Mr. Lober, and Ms. Schwartz. She asked Ms. Oliver if the signs and notices were placed according to the town specifications. Mr. Liddle read the details of the application.

Mr. Lober made the following comments from our previous review have been addressed as follows. We have no new comments based on the current plan. Revise and Reassemble Survey, Simpler Surveying & Associate, dated 7/9/24 and as revised through 4/10/25

1. Addressed
 - a. If the intent is to extinguish the existing 20' ingress/egress easement across parcel A, it should be noted on the plan.

2. Addressed
 - a. In accordance with Chapter 116 Article II of the Town code, a wetland investigation and report are required to be completed in conjunction with the proposed development plan. Any wetlands identified shall be

delineated in the field, surveyed and depicted on the plan. Should the investigation determine that wetlands are not present on the property, a report summarizing those findings is still required, as well as a certification on the plan from the qualified professional who completed the investigation.

3. Addressed
 - a. Should wetlands be found, the plan shall also include the requisite buffers in accordance with §116-14.
4. No further comment necessary
 - a. Provide a copy of the deed, which previously conveyed land from parcel 321.04 to parcel 321.02.
5. Addressed
 - a. Provide a note on the plan stipulating who the easement is to benefit and outlining the responsibilities of the parties involved. Please revise the label for the easement to state that the easement is being created per this plat, as opposed to proposed.
 - b. Provide a metes and bounds description of the 15' easement area shown on parcel C. Provide a note stipulating who the easement is to benefit and outlining the responsibilities of the parties involved.
6. Addressed
 - a. Ensure that the bearings of the various parcel boundaries are described in a clockwise direction for each parcel. As currently labeled the parcel figures do not close.
 - b. There are numerous portions of the parcel boundaries shown on the plan that disagree with the recorded documents. Provide a depiction of the parcel boundaries as outlined in the deeds and reflective of the previous record plan. These lines should be thinner and lighter and labeled as "per deed". Label the property lines currently shown as "per field evidence" and place a note on the plan explaining that the field evidence was inconsistent with the deed language, that the field evidence was followed, and the plan has been completed in accordance with 24 De. Admin. Code §2700-12.0. Specifically address how this affects the adjoining parcel to the north, lands of Nancy A. Ryan, tax map no. 134-12.00-2014.00.
7. Addressed
 - a. Provide a site data column on the plan listing all of the applicable dimensional regulations associated with R-1 Zoning.
8. Addressed
 - a. Provide the correct postal addresses for the subject parcels.
 - i. 6 Hickman Ave. (PIDN: 128.000 / CTM: 134-12.00-321.02) Lands of Jane H. Tribbitt & Timothy R. Tribbitt

- ii. 4 Hickman Ave. (PIDN: 129.020 / CTM: 134-12.00-321.03) Lands of Nancy H. Rhodes
 - iii. 0 Hickman Ave. (PIDN: 129.030 / CTM: 134-12.00-321.04) Lands of Jane H. Tribbitt & Timothy R. Tribbitt
 - iv. 47 Betts/2 Hickman Ave. (PIDN: 129.010 / CTM: 134-12.00-321.05) Lands of Carol A. Baker
9. Addressed
- a. Depict the building setback lines on the plan.
10. Addressed
- a. Depict the 10' easement as required by §140-79-B(6).
11. Addressed
- a. Label each lot's area in both acres and square feet.
12. Addressed
- a. Provide an assessment of the lot coverage for parcels C and D.
13. Addressed
- a. The existing dwellings on parcels C and D, as well as the driveways are all non-conforming. Please expand the note to include these items as well.
 - b. Provide a note stating that the existing detached garages on parcels C and D are existing nonconformities in accordance with §140-92.
14. Addressed
- a. Depict any water and sanitary sewer mains that exist along the frontage of the property. Note on the plan that Tidewater Utilities is the water service provider and Sussex County is the sanitary sewer service provider.
15. Addressed
- a. Provide topographical data at one ft. contour intervals.
16. Addressed
- a. Correct the note to state that the property **IS** in a special flood hazard area.
 - b. Depict the floodplain on the plan. Correct the note to state that the property is in a special flood hazard area. The note should reference map panels 511 and 512 as the properties span the edge between the two.

Mr. Timothy Tribbitt was sworn-in by Ms. Faust. He explained the reasoning behind the application. Mr. Lober asked Mr. Tribbitt about an existing easement on Betts. Mr. Tribbitt noted that there is an easement on the middle parcel for access.

Public Comment -none
Public Comment closed

A motion was made by Mr. Sigvardson, seconded by Mr. Nicholson, to approve the combination of lots. The motion carried unanimously 5/0.

**V-346 107 Central Avenue (PIDN:055.100/CTM#134-12.00-499.00)
97 Woodland (PIDN:057.040/CTM#134-12.00-498.00)
99 Woodland Avenue (PIDN:057.030/CTM# 134-12.00-498.03)**

Mr. Lober made the following comments about the Preliminary Development Plan for Howard Subdivision by Plitko, LLC dated 4/10/25.

Floodplain, Wetlands and Water Resource Protection Areas

1. Portions of the site lie within a special flood hazard area Zone AE elevation 7, with floodway. The project will need to be designed in accordance with the applicable requirements in Chapter 116 Article I of the Town code.
2. A wetland investigation report has been provided and found to be acceptable. No regulated wetlands exist within the property boundary.
 - a. A wetland investigation will be required in accordance with the requirements in Chapter 116 Article II of the Town code. Should it be determined that no wetlands exist on site, a report documenting the investigation and absence of any wetlands as well as a certification note on the final plan are still required in order to provide compliance with §116-13.
3. The boundary of the “excellent” recharge soils was determined to not be within the subject parcel.
 - a. It appears that soils deemed to have “excellent” potential for groundwater recharge exist within the vicinity of the subject parcels. Verify the boundary of these soils as determined by the Delaware Geologic Survey relative to the boundary of the site. If these soils exist on site, the project will need to be designed in accordance with the applicable requirements in Chapter 116 Article III of the Town code.

Drainage

1. The site contains a portion of Prong 2 of the Banks Bennett tax ditch as well as the associated 30 ft. wide right of way. Development within and/or reconfiguration of the right of way will require DNREC approval prior to final plan approval.
2. Addressed

- a. The tax ditch, including the length of the ditch beyond the tax ditch limits, may not be on lots. Open space will be required to be provided to encompass the entirety of the ditch. The open space should be sized to include the ditch to the top of bank plus an additional 10 ft. or 20 ft. total, whichever is greater. Tax ditch right of way beyond this width may overlap lot area.
3. Sediment and stormwater approval will be the jurisdiction of the Sussex Conservation District. However, the Town will also need to review the stormwater design. Please provide copies of the sediment and stormwater management plans to the Town.

Open Space

1. The open space provided on the plan is not sufficient to address the open space requirement included in §140-71. The code requires 300 sq. ft. per lot or ½ acre, whichever is greater. In this instance ½ acre of open is required to be provided. The area of open space provided on the plan is greater than this, however it is mainly encumbered with stormwater management facilities and linear along the rear of lots containing the regional drainage ditches. The open space provided is required to be of suitable size, dimension, topography and general character to support active and passive recreation.
 - a. This project will require the dedication of open space, beyond that required to protect the significant drainage features, in accordance with the requirements of §140-71 of the Town code.
2. This project will require the establishment of a Homeowners' Association in accordance with the requirements of §140-72 of the Town code.

Lot Standards

1. Addressed
 - a. Corner lots require front yard setbacks along all rights of way.
2. Lot 6 does not provide sufficient lot width in accordance with the definition included in the code. The width of the lot along the street line must be at least 80% of the required lot width, which, in this case, is 75 ft. Therefore, lot 6 must provide at least 60 ft. of width along the street line.
 - a. Lot 7, as currently designed, does not provide appropriate orientation or a satisfactory building site.

Streets and Sidewalks

1. An additional 10 ft. of right of way is required beyond the edge of paving at the proposed dead-end turnarounds. Ensure that the dead turnarounds provide the appropriate lengths in both directions as required by the Delaware State Fire Prevention Regulations.
 - a. This project will require 50 ft. wide rights of way and 30 ft. wide streets in accordance with the requirements of §187-2 of the Town code.
2. The rights of way and streets will be dedicated to the Town for public use.
3. Sidewalks will be required along both sides of the entire length of all streets.
4. The public rights of way created within the subject parcel to serve the proposed development may not contain any portion of the tax ditch right of way.
5. The public rights of way created within the subject parcel to serve the proposed development shall not abut any adjoining parcel, unless permission is obtained from the owner of any affected parcels accepting the increase in setback requirements associated with the newly created road frontage.
6. Clear site triangles have been calculated in accordance with DelDOT standards. Where these triangles cross private property outside the bounds of the subject parcel, record easements preserving the ability to keep these triangles clear in perpetuity. Depict these triangles and include the recordation information for the easements on the plan.
 - a. Verify that sufficient sight distance exists to the south along Woodland Avenue for the proposed location of the entrance in accordance with DelDOT requirements.
7. Provide proposed street names.

Utilities

1. The sanitary sewer manhole shown on the eastern side of Woodland Ave. appears to be a cleanout. Verify that the line from the cleanout to the manhole on the western side of Woodland Ave. is indeed 8". If the line in question is smaller than 8", the plan will need to include sufficient detail to depict the construction that will be necessary in

Woodland Ave. to replace the smaller pipe with the proposed 8" main to serve the community.

- a. No utility information was provided on the plan, so no comments can be offered at this time regarding connections to public water or sewer.
2. No existing water mains are shown on the plan. Depict the water mains in Woodland Ave and Central Ave. that are proposed for tie in.

Easements

1. Depict the boundary of the existing 50 ft. wide private right of way and note that it is to be extinguished per this plan. Label the proposed access easement as to be created per this plan.
2. Depict the easements on each lot as required by §140-79-B(6).

Traffic Operational Analysis

1. An operational analysis was provided for the proposed intersection with Woodland Ave. That analysis has determined that the number of trips generated by the proposed 13 single family homes does not meet the warrants for either a left or right turn lane.
2. Clear site triangles have been identified and must be provided as addressed previously in this letter.

Landscaping and Lighting

1. Landscaping shall be provided at a rate of 1 plant/ 3,000 square feet developed in accordance with §140-74-3-c. The plant types shall be provided in accordance with §140-74-3-d.
2. The existing vegetation within the drainage ditches along the boundary of the property will need to be removed in order to facilitate the clean-out of the ditches, which will be requirement of the final development plan. The existing treeline shown on the plan within the ditches should be removed from all but the existing conditions sheet so that it is clear that that vegetation will not remain after construction.
3. Street lighting will be required in accordance with §187-8 of the code.

Outside Agency Approvals

Approval from all applicable outside agencies will be required prior to final plan approval.

Mr. Ray Blakely, of Plitko, was present representing the property owners. He said the property consists of three parcels on 8.22 acres. He said there are no wetlands on the property. There is an existing driveway, and the property will be divided into thirteen single lots. They have planned for an emergency vehicle turnaround. He estimated that there will be 32% open space, and they have applied to Tidewater for water service, and Sussex County for sewer.

PUBLIC COMMENTS

Ms. Beverly Brady, Mitchell Avenue, stated she had several concerns, especially flooding. She said the ditch is full, and needs cleaning. She asked whose responsibility it was. She is also concerned with privacy.

Mr. David Skyes, Dove Court, said he was also concerned with the ditch maintenance and right of way management.

Mr. Chris Bason, Mitchell Avenue, said he was concerned about the traffic, flooding and ditch maintenance.

Mr. Jim Barnes, Briarcliffe, stated he was concerned about headlights into his house, he would like to see shrubs planted.

Mr. Bob Wolfe, Woodland Avenue, asked if there would be a retention pond.

Mrs. Kathleen Barnes, Briarcliffe, asked how long to final approval.

Ms. Julia Hudson, Woodland Avenue, expressed concern about emergency vehicles.

PUBLIC CLOSED

Mr. Lober noted that it is not the intention of creating additional runoff. He said the ditches will hold water; there will be less runoff.

A motion was made by Ms. DiNoto, seconded by Mr. Nicholson, to approve this preliminary as presented. The motion carried unanimously 4/1. Mr. Maly voted against the approval.

5. ADJOURNMENT

A motion was made by Ms. DiNoto, seconded by Mr. Sigvardson to adjourn the meeting at 5:00pm. The motion was carried unanimously 5/0.

Respectfully submitted,
Donna M. Schwartz MMC