

**MINUTES  
COMMISSIONERS OF BRIDGEVILLE  
NOVEMBER 11, 2013 – 7:00 P.M.  
TOWN HALL**

**I. CALL TO ORDER**

The meeting was called to order by President Pat Correll at 7:00 P.M. Present: Commissioners Paul Kovack, Jay Mervine, Lawrence Tassone, Town Manager Jesse Savage and Town Solicitor Dennis Schrader. The meeting began with the Pledge of Allegiance and Prayer.

**II. QUORUM PRESENT**

President Correll reported a quorum was present to discuss the business of the Town of Bridgeville, despite the absence of Commissioner McDowell.

President Correll asked all of the Veterans attending to stand for recognition of their service to our country.

President Correll reported Ms. Rebecca Davis from the Seaford Star newspaper is in attendance this evening. She will be covering the Bridgeville Commission meetings for the paper. President Correll also reported that Commissioner Kovack's wife, Lynette, is out of the hospital and is much improved.

**III. APPROVAL OF AGENDA**

Motion to approve the Agenda – Kovack; 2<sup>nd</sup> – Tassone; motion carried.

**IV. APPROVAL OF MINUTES**

Motion to approve the Minutes from the October 14, 2013 Commission meeting – Tassone; 2<sup>nd</sup> – Mervine; motion carried.

**V. CORRESPONDENCE**

Town Manager Savage advised a letter has been received from Sussex County inviting the Commissioners to participate in the "Caroling on the Circle" event in Georgetown on Monday, December 9<sup>th</sup> at 6:30 P.M. Please RSVP to Town Clerk Buckler by December 6<sup>th</sup>.

President Correll reminded the audience of the upcoming Bridgeville "Caroling in the Park" to be held in December. It was later clarified it will take place Sunday evening, December 15<sup>th</sup>, 6:30 P.M. at the Historical Society Park.

## **VI. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE**

Balance Sheet – October 31, 2013

General Fund – \$1,812,500

Reserve Accounts – \$622,012

All Accounts – \$2,606,268

Accounts Receivable – \$136,411

Commissioner Tassone questioned the \$28,253.55 in the Code Department concerning demolitions. Town Manager Savage advised the amount concerns liens placed on two buildings in Town.

Budget Report Target – 33%

Income – \$1,191,825 (51%)

Expenses – \$843,629 (36%)

Net Income – \$348,196 to-date

Accounts Payable

Bills – \$59,561

Expected Expenses – \$116,500

Amount to be approved – \$176,061

Motion to approve the bills as presented – Tassone; 2<sup>nd</sup> – Kovack; motion carried.

Commissioner Mervine questioned the status of the Bridgeville Charity Open Golf Tournament. Town Manager Savage advised the Town ran an ad in the Seaford Star thanking all golf sponsors and the golfing/food vouchers have been sent to all golf teams.

## **VII. TOWN REPORTS**

Town Manager Savage reported he will be glad to answer any questions on the Police Report, as Police Chief Longo is not in attendance tonight.

Commissioner Tassone questioned the Sussex County Revenue Sharing Grant. Per Town Manager Savage, the \$25,000 is for police officer salaries. Commissioner Tassone questioned the Violent Crime Grant and the matter of taser training. It was clarified the officers receive taser training; new officers received their training at the Police Academy and our continuing officers have previously received the training.

President Correll commented that the Police Department seized 82 pounds of drugs on October 26<sup>th</sup>. She also wanted to thank the department for their participation in the “Family Feud” event at the Apple Scrapple Festival. Our police won against Woodbridge High School students and the Fire Company’s Ladies Auxiliary. They donated \$250 of winnings to St. Jude’s Hospital and donated a \$250 Vernon Powell’s gift certificate to the Woodbridge School District.

## **VIII. CITIZEN'S PRIVILEGE**

Mrs. Ruth Skala from 108 Whistling Duck Dr. advised the Bridgeville Caroling in the Park event will take place on Sunday, December 15<sup>th</sup> at 6:30 P.M.

## **IX. OLD BUSINESS**

There was no Old Business to be discussed at this meeting.

## **X. NEW BUSINESS**

### **A. Public Hearing, Discussion and Possible Voting on AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 COMMERCIAL DISTRICT FOR THREE (3) OFF-PREMISES SIGNS (BILLBOARDS) TO BE LOCATED ON CERTAIN PARCELS OF LAND ON THE WESTERLY SIDE OF U.S. ROUTE 13 IN THE TOWN OF BRIDGEVILLE CONTAINING 5.17 ACRES, MORE OR LESS, BEING THE APPLICATION OF F.E.D. INVESTMENTS, LLC (#2013-H)**

Solicitor Schrader advised this Conditional Use application was filed on August 21, 2013 and was heard before the Planning and Zoning Commission (P&Z) on October 15, 2013. The members recommended the granting of the Conditional Use to the Commissioners of Bridgeville. Mr. Joe Conaway spoke on behalf of the applicant and advised in September the applicant received permission to sub-divide the property into separate lots in order to return tonight for a Conditional Use to erect 3 new billboards on separate parcels.

Mr. Conaway commented the property owner is pursuing clients for those parcels. Three off-site billboards will be built on three separate parcels advertising entities other than the parcel itself. There is an existing billboard located on the north end of the property that has been there since before the land was annexed into the Town. The proposed signs will be positioned 300 ft. apart; all metal, single post and 12x24 ft. in size. They will not be a hindrance to traffic on Rifle Range Rd. A red light is proposed for that intersection and Mr. Conaway believes this would be a good time to proceed with that improvement.

Mr. Conaway advised if the application is approved, they may also replace the existing sign on the property. This sign design is the same as a billboard on Rt. 1 in Rehoboth Beach, Delaware close to the Panera restaurant. He added, currently there are 24 off-site billboards in Bridgeville on Rt. 13; 12 are doubled in size. The applicant realizes Rt. 13 and not Rt. 13A is the appropriate location for signs. Mr. Conaway reported he had asked P&Z to restrict the developer from placing signs on Rt. 13A.

Mr. Conaway advised the construction of the signs will meet all Town requirements in Article 18 of the zoning ordinance, including setbacks. The signs will be illuminated. It is almost a "by right" application; the applicant has followed all requirements of the Town. He added that Ad Art in Georgetown will be constructing the signs. If the application is successful, the owner will begin courting advertisers.

Commissioner Mervine asked if the billboards are intended to be temporary structures or will remain when further development of the area takes place. Mr. Conaway advised the signs are designed to be permanent; however, if a developer wanted the entire frontage property without the billboards, they would be removed.

President Correll questioned if a business bought a parcel on which to build their business, could the sign be used to advertise their business. Mr. Conaway advised it could be changed to an on-site advertising sign. Future owners or lease-ees would determine the future of the signs.

Commissioner Kovack asked if they would follow the 25 ft. setbacks and Mr. Conaway replied the developer will follow all requirements of the Town Code.

Solicitor Schrader opened the Public Hearing at 7:19 P.M.

Mr. Bill Merritt from 53 Canvasback Circle asked if there would be any limitation on the types of advertisements on the signs. Solicitor Schrader does not believe limitations on the advertisers have been mentioned; it is a rental sign.

Solicitor Schrader closed the Public Hearing at 7:20 P.M. and advised there is an Ordinance with Conditions before the Commissioners for three off-premises signs. In approving this application, the Commissions must find, based upon the record of the hearing as presented, that the placement of off-premises signs on the property:

1. Is in harmony with the purposes and intents of the Comprehensive Plan;
2. Will be in harmony with the general character of its neighborhood considering density, design, bulk and scale of the proposed new structures;
3. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties;
4. Will not cause objectionable noise, vibrations, fumes, odors, dust, glare or physical activity;
5. Will have no detrimental effect on vehicular or pedestrian traffic;
6. Will not adversely affect the health, safety, security or general welfare of residents, visitors or workers in the area; and
7. Complies with all other applicable standards, laws and regulations in addition to the provisions of this Code.

Motion to adopt the Ordinance and to re-name the Ordinance #13-10, Tassone; 2<sup>nd</sup> – Kovack; motion carried – 4 members in favor and 1 member absent.

## **B. Heritage Shores Phase III – Preliminary Major Development Plan Review**

Solicitor Schrader advised the initial application for the Heritage Shores Residential Planned Community (RPC) was submitted in 2002. The completed project will include 2,000 units.

Engineer Mr. Robert Rauch came to represent Passwaters Farm LLC and to request a revised RPC plan for the Heritage Shores Phase III subdivision. He advised the Commissioners acted on a motion at the October, 2013 meeting to allow for the P&Z to consider variances to the Ordinance for development, which was passed. The developer was then able to meet with P&Z on October 15<sup>th</sup> to present their proposed Preliminary RPC Phase III plan. They presented the plan along with other exhibits and philosophies associated with the development plan.

The developer asked P&Z to support the revised plan and to acknowledge and agree to several specific changes:

1. Lot size reductions ranging from 2,600 sq. ft. to 4,400 sq. ft. lots. This was the most substantive revision. It was agreed that, no matter what the size of the lots, the developer would maintain 5 ft. side-yard setbacks.
2. Some parking-related issues were discussed, such as the parking space size reduction from the current size of 10x20 ft. to 9x18 ft. This will need to be addressed at the final review.
3. Mr. Rauch reported when site development is complete, there will be issues between the relationship of parking to buildings within a prescribed distance.
4. He added that two multi-family units (condominiums) are being added to the housing mix. All of these proposals will be discussed and decided upon at the final development plan review and RPC approval.
5. Mr. Rauch advised they anticipate minor adjustments to road cross-sections, specifically to the devil strip.

The developer will return to P&Z with full engineering and subdivision plans. The plan will ultimately return to the Town Commission for final approval. This plan will include all details – i.e. full engineering, phasing and parking plans. The developer is currently requesting approval of the revised Preliminary Development Plan for the Phase III of the RPC.

Solicitor Schrader questioned the number of homes in Phase III. Mr. Rauch advised there will be 277 new homes. The total amount of commercial activity was questioned. Phase III-A will include land bay K, L and the movement of the pro shop/tennis courts, including all related infrastructure. The Village Center details – Phase III-B will be worked out and will go to P&Z for a commercial site plan approval; it will then be heard by the Town Commission for final approval.

Commissioner Kovack questioned the Village lots, which are 40x65 ft. He asked how large a home is anticipated for these size lots. Ms. Dottie Harper from Providence of Brookfield Homes advised those homes are anticipated to be approximately 1,250 to less than 1,600 sq. ft., 2-story houses. Commissioner Kovack believes this will far exceed the 30% lot coverage and suggested a 48x65 ft. lot. Mr. Rauch advised these units are to replace the original plan for attached units, with a similarly compact design. Commissioner Kovack doesn't believe 2,600 sq. ft. is large enough for a 1,500 sq. ft. house. He doesn't believe a fire truck could maneuver between the houses and has concerns about that size house on that size lot.

Mr. Rauch advised they have a limited number of that product anticipated in this land bay. He added that the Commissioners will be able to review each phase and approve it. He also clarified that all side-yard setbacks will be 5 ft.; they will not build any more dwellings with a 3 ft. side-yard setback. It was noted that P&Z does have a Fire Company representative. P&Z has approved the 5 ft. setbacks and has unanimously approved the Phase III Plan. It was noted the Fire Marshall also has jurisdiction concerning the setbacks.

Commissioner Mervine understands that the initial discussion included making Heritage Shores Circle less wide. Mr. Rauch advised that plan has been abandoned.

Mr. Rauch advised, with the Commission's support of this phase plan, the next step would be the engineering stage. With the confidence of the Commission's support of their preliminary plan, they will begin the configuration of lots, which is a significant project. Mr. Rauch anticipates the design process to take a full 90 days.

Commissioner Kovack questioned the proposed alleys. Mr. Rauch advised this new phase will include areas where garages would be accessed by alleyways. There are some exciting plans coming from the land planners on this project.

The Public Hearing was opened at 7:37 P.M. Mr. Harvey Lieberman from 144 Widgeon Way wanted to understand the reasoning for moving the tennis courts. Mr. Rauch advised the entire commercial activity is landing on top of the existing tennis courts; therefore, they intend to move the sporting complex across the road, including the pro shop. The former pro shop will become an expansion of gym/health facilities.

Mr. Gil Wildes from 132 Emily's Pintail Dr. questioned golf cart parking in this new plan. Mr. Rauch indicated the golf cart staging area on the visual aids. The permanent parking will stay the same.

Commissioner Kovack asked if there was any attention being paid to enhancing re-sales of properties for the sake of the current homeowners. Mr. Rauch advised this topic has been discussed at community meetings. He advised one of the best ways to secure the value of a property is to make sure you do not have an unlimited amount of the exact same thing. Variety and diversity are important.

Mrs. Annette Cottrell from 18 Harlequin Loop advised the Tennis and Pickle Ball committees have written to Ms. Harper about expanding the courts and adding 2 more courts for Pickle Ball. She asked if that is being considered. Mr. Rauch advised in anticipation of each new phase they will evaluate the existing recreational amenities and make changes, as needed. Currently, Phase III does not anticipate adding Pickle Ball courts. Ms. Harper advised they haven't gotten to that point in their planning yet. It is still under consideration.

Mr. Jim Durkin from 49 Ruddy Duck Ln. advised Tennis is losing to Pickle Ball. There are currently only 2 tennis courts available due to Pickle Ball; no one can play tennis when Pickle Ball is in progress. Ms. Harper explained that Pickle Ball is a court sport. It is played on

a different sized court than tennis. Two courts have been marked with 2 different colored lines to denote the Pickle Ball court and the Tennis court – a compromise. Solicitor Schrader advised when the developer returns to P&Z for a final review, this valid concern can potentially be considered.

Commissioner Tassone also mentioned the desire to have bocce ball represented in this discussion. Mr. Bill Merritt from 53 Canvasback Circle advised bocce ball and horseshoe pits have come up in various discussions previously. He doesn't believe it would take much to provide adequate bocce ball and horseshoe pits, as it is a senior community. Mr. Rauch commented that all of these issues are valid and will be considered in the future.

Mr. Mike Harrigan from 20 Amanda's Teal Dr. questioned the storage of the golf carts and the expense to move 200 carts across the street to the new location daily. Mr. Dave Carro from Passwaters Farm LLC advised they can daisy-chain the carts, which will greatly reduce the issue and, is a very common solution.

Mrs. Ruth Skala from 108 Whistling Duck Dr. questioned the status of promised commercial development. Will the development have access to commercial property? Mr. Rauch advised this phase will include the connector road to Walgreens. The Wawa gas/convenience store is moving forward and will likely stimulate additional commercial activity in the area. The economy has been very slow; however, things are picking up. The next phase of Heritage Shores will show the commercial entities that there is activity here; we can't control the commercial, but we can hopefully stimulate interest. The developer is beginning to receive phone calls of commercial development interest due to Wawa coming to the area. He added the "Marketplace" at Heritage Shores will be a local entity. The bottom line is that the community will have access to commercial activity.

Solicitor Schrader closed the Public Hearing at 7:50 P.M. He reported additional correspondence concerning public comment has been received and was read into the record. Letters were received from Bob & Pat Sweet, Dennis & Tina Hill, James & Loretta Scully, Donald Rohlwing, Ron North and Robert Pfau. This correspondence is attached to the original Minutes of this meeting.

Solicitor Schrader advised under Town Code Chapter 234-38 RPC Review Processes, this is a Preliminary Plan for Phase III of the development. The developer has one year to submit a final plan for the phase, which will include stormwater management, engineering, parking details, etc.

Motion to approve the Preliminary Major Development Plan for Heritage Shores Phase III – Kovack; 2<sup>nd</sup> – Tassone; motion carried.

### **C. Veterans Day Proclamation**

Commissioner Tassone presented and read the Veterans Day Proclamation. Motion to approve – Mervine; 2<sup>nd</sup> – Kovack; motion carried.

Commissioner Mervine asked all veterans to introduce themselves and include their years and location of service.

**XI. INTRODUCTION OF ORDINANCE(S)**

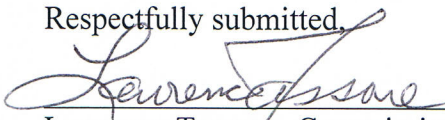
**AN ORDINANCE TO CREATE A NEW CHAPTER OF THE BRIDGEVILLE CODE, REQUIRING THE MAINTENANCE AND CARE OF ABUTTING RIGHTS-OF-WAY AND CURBS, SIDEWALKS, BIKE PATHS, WALK PATHS, OR SWALES.**

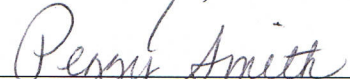
Commissioner Tassone read Ordinance #2013-J by Title and introduced the Ordinance for consideration at the December Commission meeting.

**XII. ADJOURNMENT**

Motion to adjourn – Kovack; 2<sup>nd</sup> – Commissioner Tassone; motion carried. The meeting was adjourned at 8:02 P.M.

Respectfully submitted,

  
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Lawrence Tassone, Commission Secretary

  
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Peggy Smith, Transcriptionist