



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF MANAGEMENT AND BUDGET  
STATE PLANNING COORDINATION

June 16, 2008

Randy DuPlechain  
Davis, Bowen & Friedel  
23 North Walnut Street  
Milford, DE 19963

RE: PLUS review – 2008-05-06; Fitzgerald Commercial

Dear Mr. DuPlechain :

Thank you for meeting with State agency planners on May 28, 2009 to discuss the proposed plans for the Fitzgerald Commercial project to be located on the northwest corner of Route 113 and Fitzgeralds Road.

According to the information received, you are seeking site plan approval through Sussex County for commercial office space and mini storage units on 14.50 acres of the existing 38 acre tract which currently houses a salvage yard.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

**Executive Summary**

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. *Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.*

### **State Strategies/Project Location**

- The proposed project calls for the construction of mixed variety of commercial / retail office space and mini storage units within a Level 3 Investment Area as defined by the Strategies for State Policy and Spending. The site is a portion of the large Fitzgerald recycling yard, a long time metal recycling facility off US 113 south of the City of Milford.

### **Street Design and Transportation**

- The applicant's engineer should contact Bill Brockenbrough to discuss the proposed uses and how the trip generation was estimated. If the project has changed significantly from the previous proposal, an update of the TIS will be needed.
- This project is subject to DelDOT's Corridor Capacity Preservation Program, which seeks to preserve the capacity of certain principal arterial highways by managing access along them.

### **Natural and Cultural Resources**

- DNREC encourages the applicant to leave the existing forested riparian buffer intact. It is also recommended that the buffer be at least 100 feet in width to adequately protect water quality, maintain wildlife travel corridors and to provide habitat for wetland dependent species which utilize upland buffers during a portion of their life cycle.'
- The proposed site is currently an active Site Investigation and Restoration Branch (SIRB) site: Fitzgerald Auto Salvage Yard Site (DE-1315). There are no other SIRB sites within a ½ mile radius. The proposed site has been a salvage yard for automobiles and electronic equipment from 1937 to the present, and is approximately 40 acres. The Herring Branch runs along the western edge of the site. A letter requesting a Remedial Investigation has been sent to the applicant or potentially responsible party. SIRB understands that the applicant intends to enter into a Voluntary Cleanup Program agreement with SIRB that will include the Remedial Investigation and any required remediation before development.

This office has received the following comments from State agencies:

### **Office of State Planning Coordination – Contact: Bryan Hall 739-3090**

The proposed project calls for the construction of mixed variety of commercial / retail office space and mini storage units within a Level 3 Investment Area as defined by the Strategies for State Policy and Spending. The site is a portion of the large Fitzgerald recycling yard, a long time metal recycling facility off US 113 south of the City of

Milford. Although the proposed use is acceptable on the Sussex County Zoning Codes for Highway Commercial, the developer is strongly encouraged to work with DNREC to address the environmental issues found within this site and with the City of Milford to secure City' water and sewer to help lessen the potential health impacts to possible tenants of the proposed.

**Department of Transportation – Contact: Bill Brockenbrough 760-2109**

- 1) A traffic impact study (TIS) was scoped in 2004 and completed in 2006 for a similar development on ten of the subject acres. Specifically, the TIS evaluated the development of 45,750 square feet of light industrial and commercial space and 17,500 square feet of mini-storage. Attached is a November 21, 2006 letter commenting on that study. From Item 38 on the PLUS application, the current proposal would generate 3,409 vehicles per day, more than three times the amount of traffic DelDOT would have expected based on the TIS.

Much of this difference may be attributable to the fact that the TIS assumed the light industrial and commercial space would be similar to an industrial park, as opposed to a more intense use, such as a shopping center. The applicant's engineer should contact Bill Brockenbrough to discuss the proposed uses and how the trip generation was estimated. If the project has changed significantly from the previous proposal, an update of the TIS will be needed.

- 2) DelDOT's US 113 North/South Study seeks to develop an alignment for a limited access highway from north of Milford to the Maryland line near Selbyville. In the Milford/Lincoln area, DelDOT has yet to identify an alignment that has local support. For the purposes of the Environmental Impact Statement, DelDOT has selected an Eastern Bypass as the Recommended Preferred Alternative. However, as directed in the 2007 Bond Bill, DelDOT is still working to find an alternative that will have local support. DelDOT recommends that the applicant contact the DelDOT project manager, Mr. Monroe Hite for more information, and monitor the progress of the project on the website. Mr. Hite can be reached at (302) 760-2120. The project website can be found at <http://www.deldot.gov/information/projects/us113/>.
- 3) This project is subject to DelDOT's Corridor Capacity Preservation Program, which seeks to preserve the capacity of certain principal arterial highways by managing access along them. Preliminarily, the access is acceptable as proposed, but further review will be required. For more information on the Program, the applicant may contact the DelDOT program manager, Mr. Charles Altevogt. Mr. Altevogt may be reached at (302) 760-2124.
- 4) The developer's site engineer should contact the DelDOT Subdivision Manager for western Sussex County, Mr. Derek Sapp, regarding specific requirements for the site plan. Mr. Sapp may be reached at (302) 760-4803.

**The Department of Natural Resources and Environmental Control – Contact:  
Kevin Coyle 739-9071**

**Soils**

According to the Sussex County soil survey, Downer, Fort Mott, Ingleside, and Longmarsh were mapped in the immediate vicinity of the proposed construction. Downer, Fort Mott, and Ingleside are well-drained upland soils that, generally, have few limitations for development. Longmarsh is a very poorly-drained wetland associated (hydric) soil that has severe limitations for development.

**Wetlands**

Based on Statewide Wetlands Mapping Project (SWMP) mapping, palustrine forested wetlands were mapped within and along most of the western boundary of this parcel. The mapped occurrence of the palustrine forested wetlands closely mirrors the mapped occurrence of the hydric soils.

The applicant is responsible for determining whether any State-regulated wetlands (regulated pursuant to 7 Del.C. Chapter 66 and the Wetlands Regulations) are present on the property. This determination can only be made by contacting the Division of Water Resources' Wetlands and Subaqueous Lands Section at 302/739-9943 and consulting the State's official wetland regulatory maps, which depict the extent of State jurisdiction. The area regulated by State law may be very different from the area under federal authority. No activity may take place in State-regulated wetlands without a permit from DNREC's Wetlands Section.

In addition, most perennial streams and ditches and many intermittent streams and ditches are regulated pursuant to the Subaqueous Lands Act (7 Del.C. Chapter 72) and the Regulations Governing the Use of Subaqueous Lands. Ponds which are connected to other waters are also regulated, while isolated ponds are not. Any work in regulated streams, ditches or ponds requires a permit from the Wetlands and Subaqueous Lands Section. An on-site jurisdictional determination is recommended in order to determine whether any regulated watercourses exist on the property. Please contact the Wetlands and Subaqueous Lands Section at 302/739-9943 to schedule an on-site visit. Such appointments can usually be scheduled within 2 to 3 weeks.

The applicant should also be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland associated hydric soils as they are subject to regulatory jurisdiction under Federal 404 provisions of the Clean Water Act. A site-specific field wetlands delineation using the methodology described in the 1987 United States Army Corps of Engineers (USACE, or "the Corps) manual is the only acceptable basis for making a jurisdictional wetland determination for nontidal wetlands in

Delaware. The applicant is forewarned that the Corps views the use of the National Wetlands Inventory (NWI) mapping or the Statewide Wetlands Mapping Project (SWMP) mapping as an unacceptable substitute for a field-based jurisdictional wetland delineation (i.e., 1987 USACE manual). To ensure compliance with said Corps regulatory requirements, it is strongly recommended that a field wetlands delineation using the above-referenced methodology be performed on this parcel before commencing any construction activities. It is further recommended that the Corps be given the opportunity to officially approve the completed delineation. In circumstances where the applicant or applicant's consultant delineates what they believe are nonjurisdictional isolated (SWANCC) wetlands, the Corps must be contacted to evaluate and assess the jurisdictional validity of such a delineation. The final jurisdictional authority for making isolated wetlands determinations rests with the Corps; they can be reached by phone at 736-9763.

Based on a review of existing buffer research by Castelle et al. (Castelle, A. J., A. W. Johnson and C. Conolly. 1994. *Wetland and Stream Buffer Requirements – A Review*. J. Environ. Qual. 23: 878-882), an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from the landward edge of all wetlands and water bodies (including all ditches).

### **Impervious Cover**

Based on information provided by the applicant in the PLUS application form, the applicant's projected estimate of post-construction surface imperviousness is 45 percent. However, given the scope and density of this project, this estimate appears to significantly understate the actual amount of created post-construction surface imperviousness. The applicant should realize that all forms of constructed surface imperviousness (i.e., rooftops, sidewalks, open-water stormwater management structures, and roads) should be included in the calculation for surface imperviousness; this will ensure a realistic assessment of this project's likely post-construction environmental impacts. Therefore, surface imperviousness should be recalculated with all the above-mentioned forms of surface imperviousness included. Failure to do so will significantly understate this project's true environmental impacts.

Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed's overall water quality. It is strongly recommended that the applicant implement best management practices (BMPs) that reduce or mitigate some of its most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete in conjunction with an increase in forest cover preservation or additional tree plantings are some examples of practical BMPs that could easily be implemented to help reduce surface imperviousness.

## **TMDLs**

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Mispillion watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. In the Mispillion watershed, “target-rate-nutrient reductions” of 57 percent will be required for nitrogen and phosphorus. Additionally, “target-rate-reductions” of 87 percent will be required for bacteria.

## **TMDL compliance through the PCS**

As indicated above, TMDLs for nitrogen and phosphorus have been proposed for the Mispillion watershed. The TMDL calls for a 57 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for an 87 percent reduction in bacteria from baseline conditions. A Pollution Control Strategy (PCS) will be used as a regulatory framework to ensure that these nutrient reduction targets are attained. The Department has developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. Additional nutrient reductions may be possible through the implementation of BMPs such as increasing the amount of passive, wooded open space (planted with native woody and herbaceous vegetation), use of pervious paving materials to reduce surface imperviousness, and the deployment of green-technology stormwater management treatment technologies. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

## **Water Supply**

The information provided indicates that the City of Milford will provide well water to the proposed projects through a public water system. DNREC files reflect that the City of Milford does not currently hold a Certificate of Public Convenience and Necessity (CPCN) to provide public water in these areas. They will need to file an application for a CPCN with the Public Service Commission, if they have not done so already. Information on CPCN requirements and applications can be obtained by contacting the Public Service Commission at 302-736-7547. Should an on-site public well be needed, it must be located at least 150 feet from the outermost boundaries of the project. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction

of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

### **Sediment and Erosion Control/Stormwater Management**

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan as soon as practicable. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact Jessica Watson at the Sussex Conservation District at (302) 856-2105 for details regarding submittal requirements and fees.
- Because of the parcel's location in an impaired watershed and the amount of impervious surface, green technology BMPs and low impact development practices should be considered a priority to reduce stormwater flow and to meet water quality goals.

### **Drainage**

- The Drainage Program requests that the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water. The Drainage Program requests that the engineer check existing downstream ditches and pipes for function and blockages prior to the construction. Notify downstream landowners of the change in volume of water released on them.
- Have all drainage easements recorded on deeds and place restrictions on obstructions within the easements to ensure access for periodic maintenance or future re-construction. Future property owners may not be aware of a drainage easement on their property if the easement is only on the record plan. However, by recording the drainage easement on the deed, the second owner, and any subsequent owner of the property, will be fully aware of the drainage easement on their property.

### **Wetland Habitat Impacts**

DNREC encourages the applicant to leave the existing forested riparian buffer intact. It is also recommended that the buffer be at least 100 feet in width to adequately protect water quality, maintain wildlife travel corridors and to provide habitat for wetland dependent species which utilize upland buffers during a portion of their life cycle. This buffer should not contain lot lines or infrastructure. If the existing buffer is less than 100 feet in width, we recommend plantings of native vegetation so that an adequate buffer exists to protect water quality from run-off resulting from this land-use change.

### **Nuisance Waterfowl**

Wet ponds created for stormwater management purposes may attract resident Canada geese and mute swans that will create a nuisance. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species.

The Division of Fish and Wildlife does not provide goose control services, and if problems arise, the property owner/land manager will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized.

*Recommendation:* Exclusion is one of the most effective methods at deterring geese. In a commercial setting such as this project, completely fencing the pond at the edge (even one foot high) may be feasible. Even though geese can fly over the fence, if they constantly have to fly between land and water the area is less desirable. If fencing is not a desired option, we recommend native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within an adequate buffer (15-30 feet in width) around the ponds. When the view of the surrounding area from the pond is blocked, geese can't scan for predators and are less likely to reside and nest in the area of the pond. The vegetation also blocks the ability to easily move between land and water.

At this time, DNREC does not recommend using monofilament grids due to the potential for birds and other wildlife to become entangled if the grids are not properly installed and maintained. In addition, the on-going maintenance (removing entangled trash, etc.) may become a burden to the property owner/land manager.

### **Site Investigation and Restoration**

The proposed site is currently an active Site Investigation and Restoration Branch (SIRB) site: Fitzgerald Auto Salvage Yard Site (DE-1315). There are no other SIRB sites within a ½ mile radius. The proposed site has been a salvage yard for automobiles and electronic



equipment from 1937 to the present, and is approximately 40 acres. The Herring Branch runs along the western edge of the site. A letter requesting a Remedial Investigation has been sent to the applicant or potentially responsible party. SIRB understands that the applicant intends to enter into a Voluntary Cleanup Program agreement with SIRB that will include the Remedial Investigation and any required remediation before development.

A Remedial Investigation is needed prior to development, to delineate and characterize any potential soil and/or groundwater contamination that may have resulted from the previous use of hazardous substances at the site. Should a release or imminent threat of a release of hazardous substances be discovered during the course of development, construction activities would have to be discontinued immediately, and DNREC notified at the 24-hour emergency number (800-662-8802) for potential emergency remedial response. This could result in significant construction delays and additional costs to the applicant.

### **Underground Storage Tanks**

There is one inactive LUST site located near the proposed project:

Fitzgerald's Salvage, Inc.

Facility #: 5-000282

Project #: S9108187

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tanks or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that construction specifications would need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel with nitrile rubber gaskets in the contaminated areas.

### **State Fire Marshal's Office – Contact: Duane Fox 856-5298**

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

- a. **Fire Protection Water Requirements:**
  - Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

- Where a water distribution system is proposed for office building sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- b. **Fire Protection Features:**
- All structures over 10,000 sqft aggregate will require automatic sprinkler protection installed.
  - All “mini-storage” buildings over 2,500 square feet in area will require automatic sprinkler protection installed.
  - Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
  - Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
  - Show Fire Lanes and Sign Detail as shown in DSFPR
- c. **Accessibility:**
- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Route 113 must be constructed so fire department apparatus may negotiate it.
  - Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
  - Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
  - The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
  - The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.
- d. **Gas Piping and System Information**
- Provide type of fuel proposed, and show locations of bulk containers on plan.
- e. **Required Notes:**
- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”

- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov) technical services link, plan review, applications or brochures.

**Department of Agriculture - Contact: Scott Blaier 739-4811**

The Delaware Department of Agriculture has no objections to the proposed project. The *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 3 areas.

*Right Tree for the Right Place*

The Delaware Department of Agriculture Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource. To further support this concept the Delaware Forest Service does not recommend the planting of the following species due to the high risk of mortality from insects and disease:

Callery Pear

Ash Trees

Leyland Cypress

Red Oak (except for Willow Oak)

If you would like to learn more about the potential problems or impacts associated with these trees, please contact the Delaware Forest Service for more information at (302) 698-4500.

*Native Landscapes*

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

**Public Service Commission - Contact: Andrea Maucher 739-4247**

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

**Department of Education – Contact: John Marinucci 735-4055**

This proposed project is in the Milford School District. This site plan review is commercial in nature with no apparent impact on educational service delivery or infrastructure and, as such DOE has no further comments regarding this request.

**Sussex County – Contact: Richard Kautz 855-7878**

The application appears to be to the sole benefit of one property owner and to the detriment of adjacent residential properties because there are no contiguous commercially zoned properties and the Comprehensive Plan does not clearly anticipate commercial zoning in this area.

The site plan should also show compliance with the Route 113 Highway Corridor Overlay as required by 115-194.1 of the County Code, where applicable.

The State Wetlands map indicates the possibility of wetlands impacting the site. Therefore a jurisdictional determination letter should be provided to support the proposed design for that area. This letter should be obtained prior to the request for approval of any final plan.

The Sussex County Zoning Ordinance Section 115-166 C states, "Parking within front yard setback shall be discouraged and subject to site plan review." The developer should be aware that the Planning and Zoning Commission is reluctant to approved parking in the front setback and so the design should be revised to show compliance with the setback requirement.

Because this proposed development appears to contain or is adjacent to a perennial non-tidal river or non-tidal stream, a 50-foot buffer (not the 30 foot buffer shown on the

drawing) (see Article 115-193 of the County Code of the Sussex County Zoning Ordinance) is required and the following must be shown on the appropriate plan.

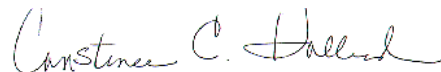
1. Where adjacent to or when containing perennial non-tidal rivers and non-tidal streams, the location of the ordinary high water line and the method or source for locating or determining such line,
2. The landward limits of the 50 foot buffer zones adjacent to the perennial rivers/streams shown in # 1 above,
3. An appropriate description of the buffer zone native vegetation consistent with the definition as contained in Article 115-193A,
4. The location of the appropriate required building setbacks for lots adjacent to the buffer zone,
5. No building setback lines within the buffer zone,
6. No man-made encroachments or disturbances within the buffer zone unless there is no alternate design option,
7. The type/location of monuments or fencing that distinguishes the upland edge of the buffer zone,
8. A notation to the effect that all silt fences will be on the upland edge of any buffer zone required under Article 115-193 of the County Code.

Also, will the "privacy fence" be relocated? Will new fencing be installed around the storage units/contractors office and warehouse?

**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,



Constance C. Holland, AICP  
Director

CC: Sussex County