

To the Lewes Planning Commission and Tom West,

On behalf of twenty-six households of concerned citizens from Rodney, Hoornkill, and the surrounding Lewes areas (the “Concerned Citizens”), we are writing to you today concerning the Proposed Minor Subdivision by Burke & Rutecki, LLC (the “Developer”) for Tax Parcel ID No. 335-4.14-103.00. As you know, this piece of land was one of the three parcels in the proposed major subdivision plan known as Fishers Cove. In March, 2019, the Developer withdrew the original Fishers Cove Plan, and resubmitted a new iteration of the major subdivision plan without the two parcels adjacent to Pilottown Road: TP 335-4.14-103.00 and TP 335-4.14-104.00. The Major Subdivision now consists of only TP 335-4.00-15.00, which is approximately 11 acres with no access to Pilottown Road. The Concerned Citizens would like to know why the Developer has stricken the Pilottown parcels from the Fishers Cove plan.

Our concern is that this proposed minor subdivision and resubmission of the new Fishers Cove plan is a veiled attempt by the Developer to completely foreclose the possibility of using Pilottown Road as the main access point to the proposed Fishers Cove Development. If this minor subdivision is approved as proposed, TP 335-4.14-103.00 will likely be sold to a third-party buyer. Thereafter, the Developer will no longer have the ability to use Pilottown Road for ingress and egress to the proposed Fishers Cove major subdivision (absent reserving an easement that would permit for such road at a later date). Thus, at the time the proposed Fishers Cove major subdivision plan is being considered for recommendation by the Planning Commission and approval by City Council, the Developer’s only access option would be through Rodney Avenue.

The Developer and its counsel are well aware of the City Council’s May 8, 1989 decision to strike down a proposed 26-lot development referred to as the Estates of Swan Creek, which was situated on what is now being proposed as the Fishers Cove major subdivision. Like Fishers Cove, the developer of the Estates of Swan Creek also proposed to use Rodney Avenue as the main access point to the proposed development. As clearly set forth in the minutes of that meeting, the City Council and Mayor considered and rejected the Planning Commission’s Recommendation for preliminary approval of the Estates of Swan Creek. Specifically, the City Council unanimously denied the Planning Commission’s recommendation based upon the condition of the road, the size of the road, and the availability of other possible access points (including access via land adjacent to Pilottown Road). In fact, the minutes actually state, “*since there is the possibility of procuring other land to allow another entrance, [Councilman Gott] made a motion to deny Recommendation #323A.*” This motion to deny the Planning Commission’s Recommendation for preliminary approval of Estates of Swan Creek was unanimously approved. Surely, the circumstances and condition of the road on Rodney has not changed in a manner that would contradict or alter the underlying rationale of City Council’s 1989 denial on a proposed development on the same parcel.

Here, the Developer *actually owns* the property adjacent to Pilottown Road and the resubmitted Fishers Cove major subdivision plan. If the minor subdivision is approved as submitted and sold to a third-party buyer, the Developer is essentially manufacturing a scenario where there is no longer “the possibility of procuring other land to allow another entrance” for the proposed major subdivision before the entrance location in the said proposal is actually

considered. This would be fundamentally inequitable, unfair to the citizens of Rodney, and in direct conflict with City Council's precedent rejecting a proposed major subdivision on the same piece of property. In our opinion, there is simply no basis to overturn the City Council's prior holding.

In light of prior City Council precedent, and for the reasons set forth above, we respectfully request that the Planning Commission withhold any approval or recommendation of the proposed minor subdivision until a decision is rendered on the location of the entrance for the major subdivision of Fishers Cove. If the Planning Commission is not inclined to grant this request, we alternatively propose that the Developer be required to retain an easement on Tax Parcel ID No. 335-4.14-103.00 that is of the appropriate size and width to support the use of Pilottown Road as the primary entrance point for the proposed major subdivision of Fishers Cove. This alternative would reserve the use of Pilottown as the point of entry for Fishers Cove, should the City determine that Rodney Avenue is not the appropriate entrance location. Likewise, the Developer would not be prohibited from selling the historic home on Tax Parcel ID No. 335-4.14-103.00 to its proposed buyer, subject of course to said easement.

Regards,  
Representing the Concerned Citizens of Rodney, Hoornkill & Friends:  
Andrew Campanelli  
Eunice Henderson  
Barbee Kiker  
Janice Pinto  
Doug Rock  
Rick Spitzborg

cc: Lewes City Council