

# RHODUNDA WILLIAMS & KONDRASCHOW

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February 19, 2020

Lewes Planning Commission  
Attn: Tom West  
P.O. Box 227  
Lewes, DE 19958

**Re: Fishers Cove**

Dear Members of the Lewes Planning Commission:

As you know, I represent 27 households of concerned citizens from Rodney, Hoornkill, and Pilottown Road (the "Concerned Citizens"). I am writing to you today concerning your recent reconsideration of the proposed Minor Subdivision application (the "Minor Subdivision") by Burke & Rutecki, LLC (the "Developer") for Tax Parcel ID No. 335-4.14-103.00. For the same reasons stated in my client's letter to the Planning Commission on May 15, 2019, the Concerned Citizens respectfully request that the Planning Commission deny or withhold any recommendation of the proposed Minor Subdivision until the Lewes City Council renders a decision on the proposed Fishers Cove Major Subdivision ("Fishers Cove" or the "Major Subdivision").

The Planning Commission's 8-1 vote to recommend the denial of the Fishers Cove application was partially predicated upon, *inter alia*, the Developer's proposal to use Rodney Avenue as the sole entrance to the community. Specifically, in Recommendation No. 31, the Planning Commission expressly found that Rodney Avenue was not suitable to serve as the entrance to Fishers Cove on the basis that: "it is a public road, widening this road will impact the property values of ~16 homes located on it by greatly reducing the house setbacks, reducing off street parking and increased traffic." Further, the Planning Commission rebutted the Developer's suggestion that access from the Minor Subdivision would destroy the historical Fishers Cove house, noting that, "The Fisher house can still be protected and include an access point to Pilottown Road from the development." The Concerned Citizens wholly agree with the Planning Commission's findings and certainly appreciate the Planning Commission's pragmatic approach to exploring alternative entrance locations to the proposed Fishers Cove development.

Nevertheless, Mr. Willard's letter to the Planning Commission, dated January 23, 2020, makes it absolutely clear that his client is not willing to voluntarily grant the City a 40ft to 50ft right-of-way, or make any adjustments to the Minor Subdivision application that would place an entrance to Fishers Cove in any location other than Rodney Avenue. The Developer's wholesale refusal to consider an alternative entrance to Fishers Cove through its Minor Subdivision (via Pilottown Road) is inconsistent with the Planning Commission's finding that Rodney is not a suitable entry to the proposed Fishers Cove development. Therefore, the Concerned Citizens request that the Planning Commission recommend denial of the minor subdivision, or in the alternative, deferral until the City Council renders a decision on the pending Fishers Cove application. In fact, my clients fully support the suggestion in Mr. Willard's January 23<sup>rd</sup> letter, wherein he suggested that the Planning Commission should deny the application for the Minor Subdivision, to the extent that the Planning Commission found it inherently connected to the Major Subdivision.

The Concerned Citizens maintain that the Developer's attempt to disentangle and distinguish the two applications is functionally impossible. Despite Mr. Willard's words to the contrary, the Developer's "voluntary" offer to dedicate a 20' easement is of great value and consequence to the proposed Fishers Cove development. Specifically, the Developer intends to use this easement as both an emergency access point and the primary construction entrance to Fishers Cove. Absent this grant of easement, the Developer's only alternatives for a construction entrance would be to procure an easement from an adjacent landowner or to propose using Rodney as its construction entrance (which would be functionally impossible given the narrow width of Rodney and the damage to finished roads from the constant flow of heavy machinery). My clients are not suggesting that the developer should be prohibited from using the Minor Parcel as a construction entrance, but only raise this to rebut the Developer's suggestion that its proposed 20ft easement is wholly "voluntary" and not of benefit or value to the proposed Major Subdivision.

For the reasons set forth above and in our prior letter, dated May 5, 2019, we respectfully request that the Planning Commission deny or withhold any recommendation of the proposed minor subdivision until a decision is rendered on the location of the entrance for the major subdivision of Fishers Cove.

Respectfully submitted,

*/s/ William J. Rhodunda, Jr.*

William J. Rhodunda, Jr.

cc: Janelle Cornwell