

Salt Pond Plaza Update
July 2007

If you attended the annual SPHA meeting on June 2, 2007, you heard a verbal presentation by Cheryl Wisbrock, co-chair of the Salt Pond Plaza Work Group, on the status of the Salt Pond Plaza, so much of this report may be familiar to you.

This winter, when the Salt Pond community learned that the former mini-golf course land had been sold and was scheduled for redevelopment into a retail corner to include a large grocery, drug store and bank called Salt Pond Plaza ("SPP"), the SP Board of Directors quickly organized a Salt Pond Plaza Work Group to focus specifically on this development and to become educated on the County and State code and policies with respect to commercial development, private residential communities (as The Salt Pond is), and the Sussex County planning and zoning process.

As stated in the April SPHA newsletter, the SPP Work Group learned that the parcel is properly zoned for this type of development and that all major code requirements for its development had been anticipated and approved in the early 1990's, when The Salt Pond was first developed. In other words, its location, the use of private roads (Bethany Loop) for access from Fred Hudson and Cedar Neck Roads, and the impact on water drainage and management, had all been considered and approved. Although we all know that there has been major change in traffic and road conditions, stormwater management, etc., there is no mechanism in the County or State government that requires reconsideration or reevaluation of that earlier plan, especially at our request instead of the request of the developer. Since the overall concept has already been approved and is within County Code, future involvement of the Department of Transportation ("DelDot"), Department of Natural Resources ("DNREC") and other State and local agencies will be relatively limited to continuing to meet existing code requirements.

The work group determined that it was in the best interests of The Salt Pond Community to make the best of this situation and to work to minimize any negative impacts that this project may create for our homeowners. We also determined that it was in the best interests of the entire community for us to proceed as a single, unified organization representing over 500 owners in discussions with the County as well as the SPP developer. The work group appreciates the cooperation of our friends and neighbors of The Salt Pond in this effort. Our neighboring community, Bethany Lake Homeowners Association, also joined us.

The SPP Work Group decided to take a multi-prong approach. The first step was to try to influence the approval process to address our concerns during the preliminary site plan review. To that end, we met with several legislators and spoke with commissioners and representatives of the Planning & Zoning Commission ("P&Z") and other government agencies, and then presented a comprehensive letter to P&Z prior to the first hearing for preliminary site plan review in April. Bethany Lakes also submitted a letter similar to ours. Those letters identified our major concerns and asked that the project be referred to the Technical Advisory Committee ("TAC"), an organization defined in the County Code,

comprised of representatives from various agencies who would review and comment on the developer's plan.

Several homeowners attended the hearing in Georgetown and our presence and interest was noted by the Commissioners. After discussing the plans, acknowledging our presence and our concerns, and advising that all government agencies would participate in the review of the plans in the normal course of development of the property (through the standard permit process), the Commission announced its decision to not forward the plan to TAC. However, the Commission did reject the preliminary site plan due to a violation of the front set back. We knew then that the site plan would be resubmitted almost immediately and would likely be approved. As expected, the minor adjustment was made in the plan and it was resubmitted within a short period of time. It was placed on the agenda for the May meeting, at which it was approved without comment, and the SPP developer was free to begin obtaining permits to build out the site.

The Work Group continues to be focused on several important issues which affect our Homeowners Association and us individually. We believe it is important to coordinate all our efforts so we might achieve the best possible outcome. Following are the issues we've identified, with the help of your input, and the current status of each:

(1) Private Roads: Because SPP was going to utilize (and had obtained an easement for) private roads that SPHA was already in the process of purchasing from SPA, it was critical to get agreement about them. Prior to signing off on the transition documents, our Board was able to get agreement from the SPP developer on revisions to the permanent easement. The revised easement clarified the SPP developer's responsibilities for upgrading the entrance roads, for liability insurance and for sharing of road maintenance costs

Unfortunately, DeIDot does not get involved in issues relating to safety or other use of private roads, even if they are the primary means for traffic entering and exiting a shopping center. We know there is potential for increased traffic and safety issues within our community as shoppers seek short-cuts to enter and exit SPP. There is no government agency to deal with this; we are considering many suggestions made by homeowners and will evaluate the possibility of gates, speed bumps, one-way directional traffic, etc. to preserve the quiet nature of our neighborhood.

We have a contact at DeIDot who is aware of our concerns and may be able to help by making recommendations to us once the SPP developer has filed its plans with that agency.

(2) Public Roads: The SPP work group knows there will be significant traffic problems on Fred Hudson and Cedar Neck Roads, increased likelihood of accidents, and difficulty for emergency vehicles to quickly traverse these important roads. We also are concerned about the problems our homeowners will face when they attempt to enter and exit their own community. We have alerted DeIDot to our concerns, but we understand that decisions about lights, lanes, etc., are made by that agency based on experience and budgets rather

than on anticipated problems or recommendations by the community. We are all fully aware of the funding problems DeIDot and the State of Delaware face, and we think it is unrealistic to expect DeIDot to expend monies on this project. It is possible that DeIDot could recommend (if not require) the developer to address potential traffic problems in its entrance design.

Once the developer has filed its plans and permit applications with DeIDot, we will have an opportunity to comment (again) on safety and similar issues. We will initiate a site visit by DeIDot, to meet with us and review the plan once it has been submitted by the developer, prior to formalizing our comments.

(3) Stormwater Management: The work group is very concerned that the preliminary site plan does not illustrate in any detail just how drainage will be managed, especially in light of the relatively fragile balance already in The Salt Pond. County code only requires that the area for stormwater management be identified on the plan; details of the exact design and method will be worked out during the permit process.

When the documentation is filed with DNREC, we will have an opportunity to review it and comment, as appropriate.

(4) Utilities: Our telephone service is provided by Verizon through a centralized location on the property now owned by SPP. We are not sure what plans the developer has, if any, for relocating or maintaining it. This will become clearer when permit applications are filed. As appropriate, SPHA will address these issues.

(5) Noise, Lights, and Similar Issues: The work group is concerned about the effect that bright lights, headlights, automobile and truck lights and noises, trash collection, air handlers and refrigeration systems, etc. will have on the quiet residential environment we have enjoyed for many years. The P&Z is aware of our interests and requested the developer to illustrate its plan for landscaping. SPP responded by including its plan with the preliminary site plan submitted in May, a good faith effort but a step not required by County code. We have gotten input from professional landscape architects about the suitability of the developer's plan, and hope to be able to discuss it with SPP.

Homeowners have suggested enhanced landscaping, fences, and walls as possible solutions to the intrusion of lights and noise. We will continue to talk with experts on these subjects before making any recommendation to the SPHA Board.

(6) Salt Pond Plaza Developer and Tenants: Although there is no legal requirement that the developer or tenants of this commercial site coordinate with us, the work group plans to establish a dialogue with both. They are experienced in dealing with local communities, homeowners, and associations in the context of building or expanding into residential areas. Many of those experiences are less than congenial, and we hope to strike a collaborative, friendly relationship with each. Steps have been taken to this end, and we are hopeful that the outcome will be positive.

The Salt Pond Plaza working group will continue to track the progress of this project and welcomes input from all our neighbors. We appreciate the comments and suggestions from you, our neighbors. Please contact us through the Salt Pond Homeowners Association website email at: info@sphamembers.org.

The Salt Pond Working Group members are

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Cheryl Wisbrock
Margot DuPuys
Bill Everngam
Rich Keefer
Bill Loschmann
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FREQUENTLY ASKED QUESTIONS

1. How can this large-scale project be approved at this busy corner? The project was approved by the County and the State Department of Transportation in conjunction with the original design and approval of our community in the early '90's... No further approval is required, although the developer must comply with current standards for construction, engineering, etc.
2. Why can't we relocate the entrances, or have the SPP developer relocate them? Or, can we ask that there be an adjacent entry road parallel to The Salt Pond entrance for use only by shopping center traffic? Delaware Department of Transportation has total control over access to State roads, including location of entrances, their size and width, turning radius, etc. The approval granted in the early '90s applies to this project and is not likely to be adjusted.
3. What will the signs, shopping center lighting, etc. look like and where will they be located? The developer and tenants (stores) will be required to comply with County and State codes for placement of any signs. We hope and expect that the developer and stores will work with us to achieve the most attractive and least intrusive design for lights and signage.
4. What will the operating hours be, and can we limit the hours of deliveries, trash collection, etc.? We hope to discuss these matters during our conversations with the developer and tenants.

5. When will construction begin and end? We understand that projects of this size take approximately 18 months after all permits are in hand. At this time, no permit applications have been received so we have no idea about the timetable. We hope to learn more when we talk with the developer.

6. Should we, the homeowners, write individual letters or contact the developer, Harris Teeter, DelDot, or others? We do not think that would be helpful and actually may be counter-productive to our efforts.