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Sussex County

DELAWARE
sussexcountyde.gov

March 22, 2024

By Hand Delivery and Certified Mail

CRIVELLA ANTHONY F JOHNSON
CONSTANCE R CATT'S SUB TTEE REV TR
35846 Black Marlin Drive
Lewes, DE, 19958

Dear Mr. Crivella,

**Re: Constable's Office Case Reference Number: 7554
Violation of the Code of Sussex County relating to the addition of fill at the northeast corner of the intersection of Silver Lake Drive and Pine Street, Lewes, DE, approximately 320 feet north of Chesapeake Street
Tax Parcel: 334-20.10-159.00**

I am writing to you further to the Notice of Violation that was issued and served on February 6, 2024, concerning the above violation of the Code of Sussex County at Tax Parcel 334-20.10-159.00.

I understand that, following the issuance of the Notice of Violation, no more additional fill has been transported onto the parcel. I also understand that your consultants have since entered into discussions with the US Corps of Engineers concerning the addition of fill in potential wetland areas and that potential remedial action to remove some of the fill and then re-grade the parcel is being explored.

Please note that the removal of some of the fill recently transported onto the parcel, and the regrading of the slope, would not resolve the violation of the Code of Sussex County.

In the absence of any submitted hydrologic and hydraulic engineering analyses, the County believes that all of the fill recently transported onto the parcel, outside of an approved Building Permit, constitutes a violation of 115-141.1 through 115-141.6. These sections of the Code seek to ensure that additional fill, which falls within the definition of "Development" in 115-141.2, will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but has not delineated a floodway. Additional regulatory guidance regarding fill can also be found within the FEMA Technical Bulletins on the FEMA website.

As Sussex County has not been contacted since the issuance of the Notice of Violation on February 6, 2024, and no permit applied for, or hydrologic and hydraulic engineering analyses submitted, it is my position that all of the fill recently transported onto the parcel without the necessary approvals must be removed, and the parcel then re-graded and restored back to its original condition.

Please could a response to this letter, along with details of the property owner's intentions concerning the Violation of the Code of Sussex County, be provided within 30 days of the date of this letter. Staff



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

are willing and able to meet with your team to answer any questions that you may have, but such a meeting would not extend the deadline for submitting a response. If we do not hear from the property owner within 30 days of the date of this letter, we shall have no choice but to assume that there is no intent to respond. Formal action may then become necessary to remedy any outstanding violation of the Code of Sussex County.

Please feel free to contact the Planning & Zoning Department with any questions during business hours 8:30am – 4:30pm Monday through Friday at 302-855-7878.

Sincerely,

A handwritten signature in black ink that reads "J. Whitehouse". The signature is written in a cursive style with a horizontal line extending to the right.

Jamie Whitehouse, AICP
Director, Planning & Zoning Department

- CC. Sussex County Constable's Office
- Michael Reilly, U.S. Army Corps of Engineers (USACE), Dover, DE Regulatory Field Office, Surveillance & Enforcement Section
- Jeff Shockley, Environmental Manager, Sussex County
- Jessica Watson, Sussex County Conservation District