



Eyes on County Council – August 25, 2026



Highlight Events:

- The extended review process for a Forest Preservation Ordinance continued at this meeting. Lawson presented for discussion certain amendments to the ordinance, which leaned in favor of the developer. Gruenebaum reminded her colleagues that each of these ideas were supported by the developer representative at the initial public hearing. The critical suggestions related to size of forest, inclusion of existing forest in perimeter buffers and fee-in-lieu. Defining a forest with larger specifications (one acre versus 0.23 acre, 120 feet wide versus 50 feet, four inch tree diameter versus two inch) will allow for more forest removal. Voting on the ordinance and amendments was tentatively planned for the September 1st Council meeting. See full report for details of the discussion.
- The Forest Preservation Ordinance, even with these watered down amendments, still provides protection on the books for our mature forests. Requirements for mitigation and enforcement will be obstacles for developers. A lookback period will protect forested land or require replanting. None of this existed before

Public Comments:

- **Trudy Kruger**, a Sussex County farmer spoke, argued that Sussex County's agricultural future depends on protecting farmland from continued development. She emphasized that farming is central to the county's identity, economy, food supply, and rural character, but farmland is steadily being lost to houses, roads, and other development.

She noted that unchecked growth brings traffic congestion and increased pressure on roads, emergency services, medical care, schools, utilities, and other infrastructure, and that farmers face additional challenges because they must move large equipment on increasingly crowded and dangerous roads.

Further, she noted that although growth is inevitable, it should be carefully planned and controlled so that development does not destroy the qualities that attract people to Sussex

County in the first place. Unlike development, productive farmland cannot easily be replaced once it is gone.

Finally, she urged Council to make farmland preservation a priority in development decisions, because protecting agricultural land is necessary to ensure that farming remains part of Sussex County's future.

- Local resident **Greg Kordal** conveyed his support for the Forest Preservation Ordinance, but did note that out of the 50 public comments made, 22 were labeled as neutral yet details within many of these included support for the changes. He also asked council to answer why an ordinance to require infrastructure prior to development was not included in the Land Use Reform Working Group recommendations – when it was obviously promoted by several participants.
- **Kirk Shively**, a resident of Frankford, spoke, and described that a sewer project was installed along their private dirt road without adequate notice. The sewer line was installed in front of several neighboring homes but stopped short of his house, leaving him without a direct connection. He received a bill for \$333 despite not having sewer service, and that because the main sewer line doesn't extend to his house, he may have to pay an additional \$4,000 to connect to the line 75 feet away. He asked Council to investigate and rectify the situation. [Doug Hudson mentioned he had spoken with this constituent twice yesterday; Todd Lawson noted that County Engineering engaged the individual immediately after their comments.]

Old Business:

- ***Ordinance 26-05 - amendments to Chapter 99 for “DEFINITIONS”, “PERIMETER BUFFERS”, and “INFORMATION TO BE SHOWN”, plus Chapter 115 “NEW FOREST PRESERVATION AND TREE PLANTING REQUIREMENTS”.***

Not voted upon at this meeting; Todd Lawson reviewed final potential changes to the Ordinance and sought feedback to draft final amendments prior to a final vote.

The main items are as follows:

- Definitions –
 - A forest will be determined covering one acre of land or greater, with a width of at least 120 feet, at least 100 trees per acre – with 50% of these having a diameter of four inches or greater. Note – the option that was rejected was land area from 10,000 sq. ft. (0.23 acre), two inch diameter and 50 foot width
 - For perimeter buffers use the term woodlands for consistency
 - Require landscape plan for all subdivision final site plans
- Standards of Existing Forest –
 - For growth area 30% preserved will only include preserved perimeter buffers, not newly planted perimeter buffers
 - For mitigation of forest removal, suggest to add a new hardship/waiver language. If a waiver is accepted the applicant could mitigate the removal of forest through either on-site replanting, off-site replanting and or preservation or fee-in-lieu. Note – the replanting rule is 2:1 in growth area and 2.5:1 in rural. Off- site

mitigation must be in similar area and maintained in perpetuity. Fee-in-lieu would be on an acre basis with monies to the county for land acquisition. (No fee structure was defined.)

- Additionally, a five-year lookback provision would be enforced. If forest was removed in this period, the applicant would comply with the proposed forms of mitigation.

- Council members comments:

- Gruenebaum was strongly opposed to the hardship waiver. At minimum, remove the word hardship. She felt the only hardship the developer would have is economic – keeping forest would reduce the number of homes he could sell.
- Lloyd asked what forms of hardship were. Lawson offered an example where the characteristics of the property required a forest area to be used for stormwater drainage. Here a waiver could be granted to remove that forest but mitigation would still be required.
- The fee-in-lieu item created the most “noise”. Gruenebaum was a hard no while Lloyd and Rieley appeared to approve. Hudson and McCarron did not reveal clearly their vote. It was unclear as to where a vote would end up. [Note – the Spotlight Delaware article attached below suggested it would be approved. We suggest the jury is still out on this.]
- Gruenebaum, in reaction to a comment that this would be “sticking it to developers”, reminded her colleagues that each of the amendments discussed this meeting were ideas from Jon Horner – the Homebuilders representative. Her opinion was a fee would not be a major hindrance to developers. The location of forests preserved is critical and providing another option for developers to remove forests is counter to the mission.

- Lawson announced that each of these amendments would be voted on individually as part of the approval process at the next meeting – to be ready for a prolonged event.

- **Conditional Use #2480** – *to grant a Conditional Use in an AR-1 Agricultural Residential district for an auto tire center on Down’s Road in Georgetown, across from the Old Furnace Wildlife Area*

DENIED unanimously based upon public comments and P&Z recommendation

- **Conditional Use #2424** – *to grant a Conditional Use in a MR Medium Density Residential district for 6 multi-family units on the east side of Route 1 in Bethany Beach*

Approved unanimously based upon public comments and P&Z recommendation. Doug Hudson also noted the developer reduced the number of units by one prior to this request for final approval

Other Motions for Review/Approval:

- **Jamie Whitehouse, Planning & Zoning Director - 18 Wilhaven (F.K.A. Wil King Station) – request for a six month extension, approved**

- **Bob Bryant, Airport Manager 1. Construct Parallel Taxiway B – Bid Package 2, Project A24-16 A. Approval of Change Order Nos. 1, 2, & 3**

Airport Manager presented three change orders, all approved unanimously:

- 1) Correction to the Fiber Optic installation – \$19,000 will be 95% federally reimbursed
- 2) Additional cost required for temporary use of the runway during construction periods. Workers need to be “pulled back” away from runway when larger planes need to land/take-off – extra cost occurs for these non-productive hours - \$30,750 cost also covered 95% by grant monies.
- 3) \$2,000 credit received from vendor for unused items.

Newly Introduced Conditional Use applications:

- Five applications for Solar Arrays were introduced, four in district 1 (western Sussex) and one between Old State Road and Dupont Blvd, midway between Milford and Ellendale.

Council Members Comments:

Steve McCarron highlighted the five newly introduced ordinances involving solar projects, primarily on the western side of Sussex County. He said that the county should quantify how many acres of land have already been approved for solar development and establish a clearer understanding of how much solar development is appropriate.

Referencing Ms. Kruger's public comments, he emphasized the importance of hearing from more sectors of the agricultural community, particularly farmers who are directly affected by growth and development.

He said that he had met with the FAA at Corman Airport about the effects of growth on aerial agricultural application operations. They warn that if agricultural pilots cannot perform crop applications quickly and efficiently because of development, it could have a significant economic impact on agriculture in Sussex County.

Matt Lloyd expressed concern about the loss of forests, natural resources, and farmland in rural Sussex County to development. He said that he supports efforts to reduce this loss while recognizing the need to balance property owners' rights, farmers' interests, affordable housing for middle- and lower-income families, and the broader rights of citizens.

He noted that protecting these competing interests is part of the government's responsibility and expressed support for the progress made on a forest preservation ordinance.

Jane Gruenebaum spoke about the three concerns raised during the public comment section:

1. On the forest preservation ordinance, she believes the proposal is close to approval.
2. On how public comments should be evaluated, she said that Council should not focus merely on the numerical count or ordering of comments. Council members have a duty to actually read the comments and consider their substance.
3. On infrastructure and development, she supports ensuring infrastructure keeps pace with

development, ideally being completed concurrently or closely before/alongside new development. The concern is that infrastructure problems arise when development outpaces existing capacity.

John Rieley said that he supports the forest preservation ordinance but believes in balancing environmental concerns with community interests and individual property rights. He said he views the debate as a philosophical question about how government balances competing rights. He characterized Sussex County landowners as a minority whose individual property rights deserve protection.

Grant Requests:

- Council made appropriate donations to the following organizations: 1. Historical Georgetown Association for Security Camera Installation for the Train Museum & First Fire House 2. Ocean Waves Quilt Guild for their Ocean of Quilts program and 3. American Cancer Society for their Relay for Life event.

Public Hearings:

- **Conditional Use #2485, filed on behalf of Christopher Hanyok to grant a Conditional Use in an AR-1 Agricultural Residential district for a fence installation business on 5 acres on Rust Road, ½ mile south of Harbeson Road.**
 - **Donald Downs** spoke in favor, saying that the owners are good people and small business owners, and said he saw no problem with noise or dirt.
 - **Eric Riley** of Smyrna spoke in favor, saying that he works for the applicant, and that they try to keep noise, dirt and disturbance to a minimum, and to help the neighbors out with whatever they can.
 - **Mark Wyatt** spoke in favor, saying that the owners are good people and will do whatever is necessary to keep the neighbors happy.
 - **Constantine Albu** spoke in opposition, saying that he lives next to where most of the fencing materials are stored. He said that there is constant noise and heavy equipment moving around as late as 9 PM.
 - **Nancy Zalick** spoke in opposition, saying that she lives immediately adjacent to the property, and that the fencing business would lower her property value, due to large trucks coming and going and the industrial nature of the business.
 - There were questions from Council about exactly what materials were being stored and what kind of equipment is being used on the property. Trees and native plantings were suggested as a way to control noise and dust.
 - Council voted unanimously to defer a decision on the application.

Council Meeting Upcoming Schedule: Tuesdays – check agenda for timing and location

- Future meetings schedule:
 - September 1, 22 and 29. No meetings for September 8 and 15.

Council Meeting Broadcast

[County Council Meeting - August 25, 2026](#)

Related Articles:

[Delaware Beach Towns See Retirement Boom as Florida Costs Rise - Bloomberg](#)

[Sussex County's Forest Preservation ordinance may add a "pay in lieu" option, other changes |](#)

[Delaware Public Media](#)

Note: Eyes on County Council makes every effort to render events at public meetings accurately. It either explicitly quotes speakers, or paraphrases their statements as accurately as possible. If any representation in these notes is inaccurate, please contact us.