

Re: Eisenmann Revisions

Carlo and Tessie Businelli <carlo.tessie@gmail.com>

Thu 4/8/2021 1:34 PM

To: Bobola, Rebecca (DNREC) <Rebecca.Bobola@delaware.gov>
Cc: Jones, Matthew R. (DNREC) <Matthew.Jones@delaware.gov>

1 attachments (417 KB)

Businelli Dock Extension Plan.pdf;

Ms. Bobola:

This is to let you know that we, the owners of 23962 Sundance Lane, maintain our objection to both the original and revised Eisenmann applications. Our objection to the original application was provided to you and Ms. Gayle Calder in our email dated May 28, 2020. All of the points raised in that email remain the same and will not be reiterated.

We continue to maintain our position that any extension of the existing Eisenmann structure will violate DNREC's ten-foot setback requirement and will require the applicant to obtain letters of no objection from the adjacent property owner(s). The applicant was aware of these issues when he purchased the property (per emails he sent to us in October 2019, prior to his settlement on the property in December 2019).

The revised Eisenmann application impacts us even more negatively and exacerbates many of our original concerns:

- The structure will be wrapped even more tightly around our dock. This significantly increases our concern around safety and navigation, as well as liability for potential accidents or damage.
- It will completely block access to our existing boat lift on one side.
- It will completely preclude our ability - or that of a future homeowner - to extend our property's pier and dock, negatively impacting our property's value. Since moving into our home, it has always been our intention to build an extension to our own dock to gain access to deeper water. We feel compelled at this time to share the attached sketch of a proposed structure. It falls completely within our property's ten-foot setback, as defined by DNREC when our current pier and dock were designed and approved. We do not want to lose our right, or our ability, to extend our own property's pier and dock.

DNREC's Proposed "Methodology for Equitable Apportionment"

On October 5, 2020, in advance of a group call with impacted parties to discuss Eisenmann's original application, DNREC provided a visual labeled "Proportional Property Lines Extended". Per DNREC, this visual was an attempt to illustrate a methodology of how water access should be apportioned in our cove. It is now included as Exhibit 9 in the revised Eisenmann application.

While we agree that such a methodology may be useful in situations where there has been minimal or no pier or dock construction, this is not the case in our cove on Herring Creek. All but two properties (Lot 46 and the HOA Community Lot) already have piers and docks that were designed and built within property lines as defined and approved by DNREC, prior to utilization of such a methodology. Applying the proposed "methodology for equitable apportionment", as it is referred to by DNREC now, after the fact, negatively impacts a number of property owners, including Eisenmann. These impacted piers and docks would now be located on someone else's equitably apportioned property. In fact, Eisenmann's current pier and entire proposed extension are both completely in the HOA's apportioned space. Wouldn't that require the HOA's approval? And would that then mean Eisenmann would need an easement or right of way from the HOA to access his structures?

The methodology for equitable apportionment arbitrarily changes existing property lines after the fact, creates confusion and uncertainty, and puts into question property owners' abilities to extend their docks and piers in the future. This uncertainty negatively impacts the value of millions of dollars of Villages of Herring Creek waterfront property. It seems a reasonable conclusion that the methodology for equitable apportionment is not appropriate nor recommended at this stage of development in our cove on Herring Creek.

Once again, we would like to express our appreciation to DNREC for the opportunity to document our objections. We would be happy to discuss any of these points further and/or provide additional information as needed. Should this matter move on to public hearing, we plan to actively participate.

Very truly yours,
Carlo & Teresita Businelli
973-978-0853

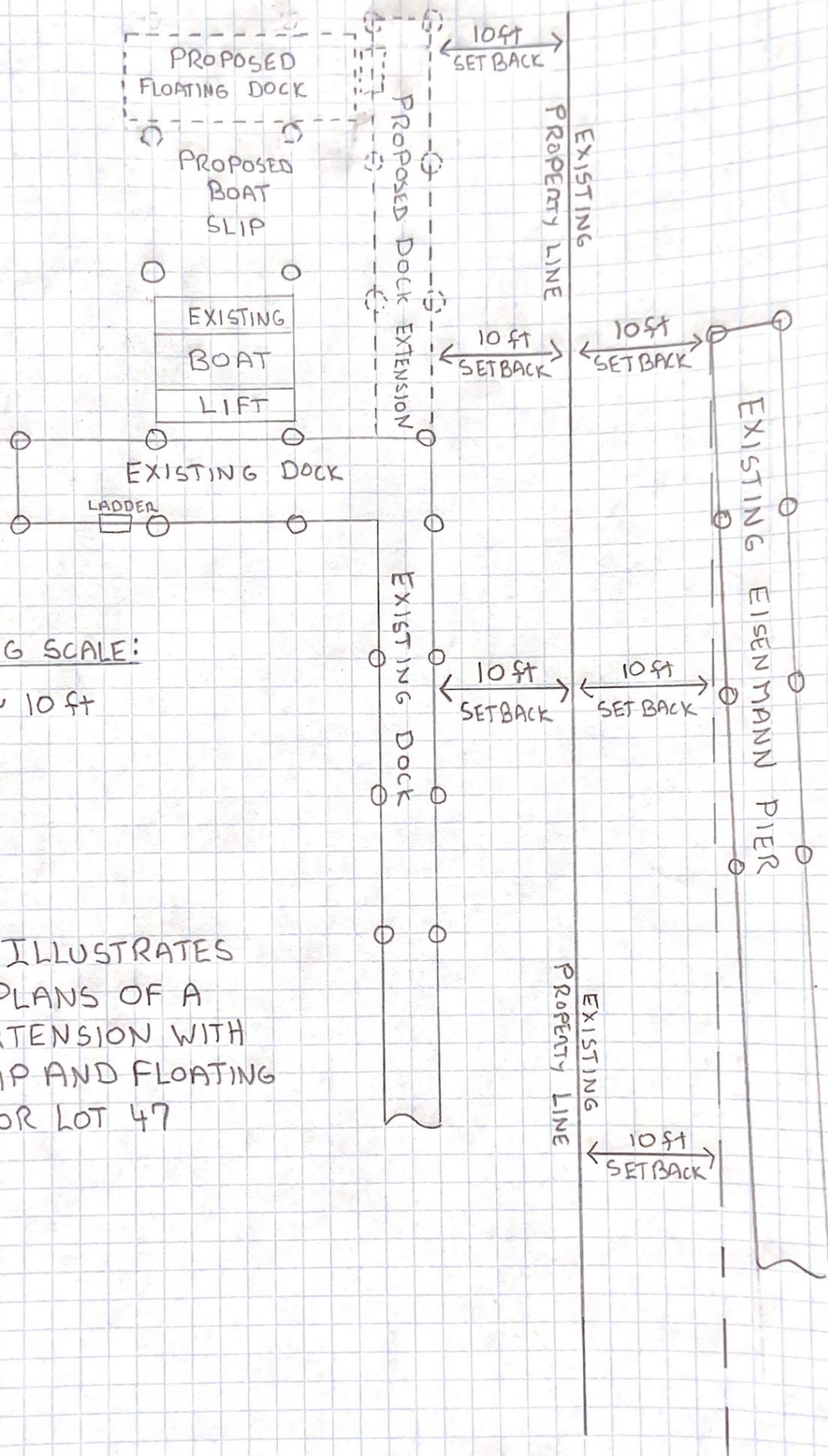
On Tue, Mar 30, 2021 at 2:20 PM Bobola, Rebecca (DNREC) <Rebecca.Bobola@delaware.gov> wrote:

Mr. and Mrs. Businelli,

You are receiving this email as a comment provider during the public notice period for the Eisenmann's docking structure application. Mr. Eisenmann has submitted a revised application for his proposed docking structure. Attached you will find a copy of the revised plans. Please let me know if the revised plans address your concerns or if you maintain your objections to the project.

If you have additional questions, please let me know.

Thank you,
Rebecca Bobola
Environmental Scientist
Wetlands and Subaqueous Lands Section
Department of Natural Resources and Environmental Control
302-739-9943



DRAWING SCALE:
 1 in ~ 10 ft

* SKETCH ILLUSTRATES
 FUTURE PLANS OF A
 DOCK EXTENSION WITH
 BOAT SLIP AND FLOATING
 DOCK FOR LOT 47



Rebecca Bobola
Environmental Scientist
Wetlands and Subaqueous Lands Section
Department of Natural Resources and Environmental Control

April 4, 2021

RE: Proposed Eisenmann Pier Extension and Revision

Dear Ms. Bobola:

Thank you for your efforts to keep the Villages at Herring Creek HOA(VHCHOA), a 141-home community, informed of the activities surrounding the proposed Eisenmann pier extension and associated revision. Your ongoing support is very much appreciated.

Before commenting on both however, may I ask if the entire original application was revised? Only Figures 7 and 8 were included in your March 30, 2021 email. It appears that in addition to the orientation of the proposed dock extension, associated design features (gangway versus boat lift versus floating pier) were modified. Neither the original nor the revised plans describe the methodology used to draw the property lines. If other information has been submitted as part of the revised application, please provide a copy for our review.

The logo features the text "The Villages at" in a white, cursive font, positioned above the words "HERRING CREEK" in a large, white, bold, sans-serif font. The text is set against a dark teal background that has a slight 3D effect with a shadow on the right side. Horizontal lines are placed on either side of the top text.

The Villages at HERRING CREEK

As stated in my March 31, 2021 email the VHCHOA maintains its objection to the proposed Eisenmann dock extension as both proposed designs negatively impact the HOA's ability to construct its own pier from the common grounds(parcel: 234-18.00-23.02).

It has been brought to my attention that in addition to this objection submitted on behalf of the community, several individual homeowners may be submitting objections to the proposed pier extension. Considering such, I request that a public hearing be scheduled to discuss this application.

Thank you in advance for your consideration,

Anne Lara

Anne Lara
VHCHOA Board President
anneelara@gmail.com
302-547-1681