

TOWN OF OCEAN VIEW
DELAWARE

September 13, 2022

TO: Honorable Mayor and Council

FROM: Kenneth L. Cimino, Director of Planning, Zoning & Development *KC*

VIA: Carol S. Houck, Town Manager *CSH*

SUBJECT: Monthly Update for the Dept. of Planning, Zoning & Development as of
September 7, 2022

Maintenance & Operations

Roadside trimming was completed on August 24, 2022, along Woodland Avenue, Mitchell Avenue and in the Hunters Run Community.

Sidewalk repairs should begin this month along Woodland Avenue and in front of 201 Central Avenue.

The FY 2023 Street Patching & Paving Project was advertised for bid on September 8, 2022. This project will complete the resurfacing of October Glory Avenue in the Bear Trap Dunes Community.

Capital Improvement Projects

The design of the Hudson Avenue Pipe Culvert project has been completed. This project was advertised for bid on Thursday, September 8, 2022.

Construction activity at 33 West Avenue has resumed. We are working to complete this project by the October Cops & Goblins event.

An informational meeting was held on July 26, 2022, at 6:00 p.m. at 32 West Avenue to discuss the Country Village/Country Estates Drainage Project. Seven (7) members from the community attended along with Councilwoman Colleen Twardzik.

Design of the final segment of sidewalk along Woodland Avenue between Hudson Avenue and SR 26 has begun. Century Engineering is providing design services for this segment.

A meeting will be held on September 13, 2022, with residents from the Preserve at Ocean View and representatives from Lord Baltimore Elementary School to discuss the design of the footbridge from LB Elementary to Lake Village Circle.

Land Use and Development

We are working on code updates relating to land use and development chapter, signs, and property maintenance with our consultant AECOM.

Dan Ryan Builders (DRB) is scheduled to appear before the Planning and Zoning Commission on September 15, 2022, for a concept review of the proposed Villas at Ocean View Community on Woodland Avenue.

Code Enforcement

Violation notices were sent to the developer of Ocean View Beach Club, Convergence Investments, of Jackson Hole, Wyoming.

The violations issued include a fine of \$100.00 for the first offense and an additional \$100.00 per day for each day until the violation is rectified. The violations are as follows:

Violation of Ordinance 380 (notice attached)
Violation of §140-100—(D)(16) (notice attached)
Violation of §187-8(A)(B) (noticed attached)

We issued **one (1)** code violation notice for property maintenance issues, **eight (8)** notices for tall grass, **seven (7)** violations for failure to obtain a business license and/or building permit. Staff sent **four (4)** emails to follow up on potential rental properties without a current rental license. We continue to monitor properties for tall grass and other property maintenance violations.

Permits & Certificates of Occupancy (C.O.'s)

Total building & sign permits issued in July & August: **70**
Total C.O.'s issued in July & August: **79**

Business & Rental Licenses

- Total Business & Rental Licenses issued for CY22: **1317**

Correspondence

Please see attachments.

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(302) 539-1208, Ext. 113
FAX (302) 537-5306
kcimino@oceanviewde.gov
www.oceanviewde.gov

TOWN OF OCEAN VIEW

201 CENTRAL AVENUE
OCEAN VIEW, DE 19970

VIA EMAIL AND USPS

September 6, 2022

Mr Colby Cox
Managing Partner
Convergence Investments
172 Center Street, Suite 204
PO Box 1685
Jackson, Wyoming 83001

RE: Violation Notice - Ordinance 380
PIDN 408.000
Condominium Parcel A

Mr. Cox:

This correspondence has been generated to advise you that Convergence Investments is in violation of Ordinance 380. Specifically, Ordinance 380, an Ordinance to amend Condition No. 7 set out in Ordinance 214, was adopted by the Town of Ocean View. Specifically, the building labeled "reserved for future recreational amenity" shall include an indoor swimming pool which shall be constructed and open to use by the residents no later than the time of the issuance of the 244th certificate of Occupancy.

The 244th Certificate of occupancy was issued on November 30, 2021. As of this date, Convergence Investments is 280 days late on completion of the indoor pool facility.

Pursuant to §140-143 Fines, the Town of Ocean View will be assessing a fine of One Hundred Dollars (\$100.00) for this violation and an additional One Hundred Dollars (\$100.00) per day until all items associated with the construction of this amenity have been successfully completed.

Pursuant to §140-145, reviews of applications, building permits, inspections, or certificates of occupancy will be halted until the above noted violation is rectified.

Should the above noted violation not be rectified in 45 days, pursuant to §140-142, a cease and desist order will be issued for all residential and commercial construction associated with the Ocean View Beach Club Residential Planned Community.


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OCEAN VIEW, DE 19970

Very truly yours,



Kenneth L. Cimino
Director of Planning, Zoning and Development

Enclosure: Ordinance 380

KLC:klc

CC: Mariah Underhill, Convergence Investments
Veronica O. Faust, Town Solicitor, Morris James LLP
Carol S. Houck, Town Manager, TOV
James H. Lober, P.E., Town Engineer, TKG/Mott MacDonald
Greg Durstine, Code Compliance Official, TOV
Jill Oliver, Planner, TOV

ORDINANCE NO. 380

AN ORDINANCE TO AMEND CONDITION No. 7 SET OUT IN
ORDINANCE NO. 214 ENTITLED
"AN ORDINANCE ANNEXING INTO THE TOWN LIMITS OF
THE TOWN OF OCEAN VIEW, 85.43 ACRES, MORE OR LESS,
BEING THE LANDS OF TALIVADIS BERZINS AND
THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH OF DELAWARE."
AS AMENDED BY ORDINANCE NO. 334

WHEREAS, Article IV, Section 4.101, et. seq. of "AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE" empowered the Town Council to annex any territory contiguous to this Town; and

WHEREAS, by adopting Ordinance No. 214, the Town Council deemed it appropriate to annex tracts of land containing 85.43 acres, more or less, situate in Sussex County, Delaware, being the lands of Talivadis Berzins and the Trustees of the Protestant Episcopal Church of Delaware; and

WHEREAS, the aforesaid annexed territory includes 71.61 acres, more or less, designated on the Zoning Maps of the Town of Ocean View as R-3 Multifamily Residential District/RPC Residential Planned Community District, subject to the conditions set out in the ordinance and is now known as 'Ocean View Beach Club'; and

WHEREAS, the site plan was amended to modify the recreational area; and

WHEREAS, by adopting Ordinance No. 334, the Town Council amended certain of the applicable conditions to reflect those changes to the recreational area, as more particularly set out in Condition No. 7; and

WHEREAS, the developer of Ocean View Beach Club has requested that Condition No. 7 be modified to address recreational facilities.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF OCEAN VIEW, AS FOLLOWS:

Section 1. Amend of Ordinance 214, Section 2 B, as amended by Ordinance No. 334, by adding thereto those matters underlined and deleting those matters ~~interlined~~ as follows:

Section 2. The territory annexed into the Town of Ocean View shall be rezoned, as follows:

B. The territory containing 71.61 acres, more or less, as more particularly described in Exhibit "C", attached hereto and made a part hereof as if more particularly

set out herein, shall be designated on the Zoning Maps of the Town of Ocean View as R-3 Multifamily Residential District/ RPC Residential Planned Community District, subject to the following conditions:

7. a. Recreational facilities, e.g., swimming pool and community buildings shall be constructed and open to use by the residents not later than the time of the issuance of the 80th Certificate of Occupancy.

b. The recreational facilities subject to ~~this~~ condition 7. a. are all buildings and structures delineated on the approved site plan of Ocean View Beach Club Condo Parcel 'A' amenities area with the exception of Cottages 1, 2 and 3 and a building labeled "Reserved for Future Recreational Amenity".

c. The building labeled "Reserved for Future Recreational Amenity" shall include an indoor swimming pool which shall be constructed and open to use by the residents not later than the time of the issuance of the 244th Certificate of Occupancy.

Section 2. Except as amended herein, all prior terms and conditions of approval remain in full force and effect as before.

Section 3. This ordinance shall become effective upon its adoption by a majority of all members elected to the Town Council.

TOWN OF OCEAN VIEW

{SEAL}

By:

Mayor

Attest:

Town Clerk

ADOPTED: October 13, 2021



Benjamin P. Bartlett
Convergence Investments
172 Center Street Suite 204
Jackson, WY 83001

By First Class Mail and Email

April 23, 2021

Town of Ocean View
201 Central Avenue
Ocean View, DE 19970
Attn: Kenneth L. Cimino, Director of Planning, Zoning and Development
admintov@oceanviewde.com

**RE: Ocean View Beach Club – Ordinance 214 & Conditions of RPC
Annexation no. 7**

Dear Kenneth:

As you are aware, Windansea LLC (DBA Convergence Investments) is in the midst of redesigning the indoor pool building at Ocean View Beach Club at the request of community members and homeowners. We received a building permit from the Town of Ocean View earlier this year and commenced construction of the building, but put a halt to construction when we received multiple emails, phone calls and letters from homeowners desiring a larger pool. Prior to redesigning the indoor pool building, we were on schedule to receive a certificate of occupancy for the pool building prior to the 225th home certificate of occupancy.

Along with the President of the HOA and an indoor pool steering committee we have gone through a complete redesign of the indoor pool building, quadrupling the size of the pool and the building itself in order to satisfy the community. The HOA, indoor pool committee and the majority of homeowners are in full support of this new design.

Due to this redesign, we have been substantially delayed and need to request a change to our current RPC language which states we will be complete with all amenities, including the indoor pool building, by the 225th certificate of occupancy. I am requesting that The Town of Ocean View amend Ordinance 214 & Condition of RPC no. 7 to allow Windansea LLC 244 certificates of occupancy to complete the indoor building. This will provide sufficient time to complete the indoor pool to the satisfaction of the Ocean View Beach Club residents.



Convergence Investments has acted in good faith and has intentionally delayed our construction schedule in order to enhance Ocean View Beach Club and satisfy residents of the community, and the Town of Ocean View.

In addition, I would like to request leniency with the current ordinance requiring us to finish this building by the 225th CO, as we work through this process. It is our intent to continue with construction of the new pool building as soon as we are able to complete the permitting process. It is in the best interest of our building partner, K. Hovanian, and the constituents of Ocean View Beach Club to keep the project moving forward with no further delays. We greatly appreciate your consideration.

Sincerely,

Benjamin P. Bartlett
CEO
Convergence Investments

CC: John Reddington, Mayor (via email)
Dennis L. Schrader, Town Solicitor, Morris James LLP (via email)
Carol S. Houck, Ocean View Town Manager (via email)
James H. Lober, P.E., Town Engineer, The Kercher Group (via email)
Mike Irons, K.Hovnanian Homes (via email)



Spencer Van Schaack
Convergence Investments
172 Center Street Suite 204
Jackson, WY 83001

By First Class Mail and Email

Town of Ocean View
201 Central Avenue
Ocean View, DE 19970
Attn: Kenneth L. Cimino, Director of Planning, Zoning and Development
admintov@oceanviewde.com

Re: Ocean View Beach Club – Commitment to Indoor Pool Completion

Dear Ken:

Per our recent request to allow additional CO's prior to the completion of the indoor pool, I wanted to confirm our intent to construct the redesigned indoor pool building, pending all required government and municipal approvals. Windansea LLC (DBA Convergence Investments) intends to continue construction as soon as all permits are in place.

Construction scheduling will be based on input from our Contractor, but we are committed to completing the full scope of construction by the requested 244th home CO. Again, we appreciate the willingness of The Town of Ocean View to work with us to deliver a product that will serve the residents of Ocean View Beach Club for years to come.

Sincerely,

Spencer Van Schaack
Convergence Investments

CC: John Reddington, Mayor (via email)
Dennis L. Schrader, Town Solicitor, Morris James LLP (via email)
Carol S. Houck, Ocean View Town Manager (via email)
James H. Lober, P.E., Town Engineer, The Kercher Group (via email)
Mike Irons, K.Hovnanian Homes (via email)

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VIA EMAIL AND USPS

September 6, 2022

Mr. Colby Cox
Managing Partner
Convergence Investments
172 Center Street, Suite 204
PO Box 1685
Jackson, Wyoming 83001

RE: Violation Notice - §140-100(D)(16)
PIDN 408.000
Parcel B, SWP 6A

Mr. Cox:

This correspondence has been generated to advise you that Convergence Investments is in violation of §140-100(D)(16) which states that all wet ponds **shall** be aerated.

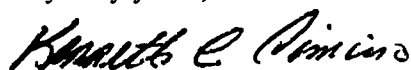
A review of the project records by the Town Engineer and the Sussex Conservation District confirm that this storm water management pond was constructed in 2018.

Pursuant to §140-143 Fines, the Town of Ocean View will be assessing a fine of One Hundred Dollars (\$100.00) for this violation and an additional One Hundred Dollars (\$100.00) per day until all items associated with the construction of this amenity have been successfully completed.

Pursuant to §140-145, reviews of applications, building permits, inspections, or certificates of occupancy will be halted until the above noted violation is rectified.

Should the above noted violation not be rectified in 45 days, pursuant to §140-142, a cease and desist order will be issued for all residential and commercial construction associated with the Ocean View Beach Club Residential Planned Community.

Very truly yours,



Kenneth L. Cimino
Director of Planning, Zoning and Development

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Carol S. Houck, Town Manager, TOV
James H. Lober, P.E., Town Engineer, TKG/Mott MacDonald
Greg Durstine, Code Compliance Official, TOV
Jill Oliver, Planner, TOV
Jessica Watson, Program Manager, SCD

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Managing Partner
Convergence Investments
172 Center Street, Suite 204
PO Box 1685
Jackson, Wyoming 83001

RE: Violation Notice - §187-8(A)(B)
PIDN 408.000
Construction Phase IV

Mr. Cox:

This correspondence has been generated to advise you that Convergence Investments is in violation of §187-8(A)(B) which states that all streets light for streets **shall** be required in all subdivisions and all public streets **shall** be illuminated.

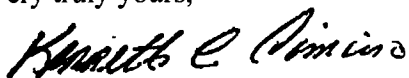
A review of the project records by the Town Engineer and this office revealed that all construction activity in phase IV was completed on November 30, 2021.

Pursuant to §140-143 Fines, the Town of Ocean View will be assessing a fine of One Hundred Dollars (\$100.00) for this violation and an additional One Hundred Dollars (\$100.00) per day until all items associated with the construction of this amenity have been successfully completed.

Pursuant to §140-145, reviews of applications, building permits, inspections, or certificates of occupancy will be halted until the above noted violation is rectified.

Should the above noted violation not be rectified in 90 days, pursuant to §140-142, a cease and desist order will be issued for all residential and commercial construction associated with the Ocean View Beach Club Residential Planned Community.

Very truly yours,



Kenneth L. Cimino
Director of Planning, Zoning and Development

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Greg Durstine, Code Compliance Official, TOV
Jill Oliver, Planner, TOV

From: [Karen Hirt](#)
To: [Kenneth Cimino](#)
Cc: [Susie Miller](#)
Subject: much gratitude
Date: Tuesday, August 2, 2022 5:27:20 PM

Good evening, Ken,

My name is Karen Hirt and I called the office this morning looking for some guidance.

We are soon to be settling on a property in OVBC, 8 Scarborough Lane. We have been trying to locate the elevation certificate as our bank and life insurance company are requiring it to move forward for settlement. The HOA company has informed us that they do not carry flood insurance. We weren't sure where to turn, so called the office this morning and Susie came to my rescue.

Susie listened intently, understood my request, and called me back in 10 minutes with information documenting that our townhouse is located in an area that is exempt from the flood plain, hence no elevation certificate. We forwarded it along to the bank and they needed more documentation. I again reached out to Susie and she assured me that she would look into it. Within an hour Susie emailed me with pdf's from Greg Durstine explaining why our block is removed from the flood plain.

I am sharing this with you because the care, professionalism, and the turn around to help me locate what I needed, was nothing but fabulous! I am so thankful for the people at the Town of Ocean View office. Thank you so much.

Fondly,
Karen Hirt
610-416-2008

Kenneth Cimino

To: Kathleen Holden
Subject: RE: Unit 1 Stingray

From: Kathleen Holden <kah101@comcast.net>
Sent: Wednesday, August 3, 2022 4:17 PM
To: Kenneth Cimino <kcimino@oceanviewde.gov>
Subject: RE: Unit 1 Stingray

Dear Ken:

I cannot thank you and Greg enough for all that you've done today.

Never, have I been listened to and provided with such immediate concern and action. I am still shaking my head. Your willingness to step in on our behalf is heartwarming at a time when there is very little caring and kindness to be found.

The hope of an earlier settlement date has alleviated a bit of the stress we have been under. As I mentioned, the stress is due to the threats made by the buyers of this house, who want us out asap. I was able to take a deep breath this afternoon.

My husband and I are very grateful and want you to know this

Sincerely,

Kathy