



APPLICATION FOR A COASTAL ZONE ACT PERMIT

**State of Delaware
Department of Natural Resources & Environmental Control
Office of the Secretary**

**October 8, 2008
TA Instruments – Waters LLC
109 Lukens Drive
New Castle, Delaware**

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Permit Application Instructions

1. Complete all parts of the application. For sections which are not applicable to your project, do not leave blank; present a statement that clearly states why the section is not applicable to your project.
2. Because all applicants' projects are different, this word document template will provide you flexibility for needed space to answer the questions. Please insert additional lines for text where needed for your application. If appropriate, attach extra pages referencing each answer by the corresponding section and question number.
3. Submit eight complete hard copies of the permit application to:

Office of the Secretary
Department of Natural Resources & Environmental Control
State of Delaware
89 Kings Highway
Dover, DE 19901

In addition to the eight hard copies, submit a complete electronic "pdf" copy of the permit application and a copy of the Offset Matrix in Microsoft Word format on cd-rom.

4. Comply, if required, or as requested by the DNREC Secretary, with 7 Delaware Code, Chapter 79, Section 7902. If requested, but not completed, your application will not be considered administratively complete until this form is reviewed.
5. Be sure to include your permit application fee of \$3,000; otherwise the application will not be considered administratively complete. Make checks payable to the "State of Delaware."
6. Be advised that the application for a Delaware Coastal Zone Act Permit is a public document, which may be displayed at DNREC offices, public libraries, and the web, among others. If this application requires you to place confidential information or data in the application to make it administratively complete, note the Delaware Freedom of Information Act (29 Delaware Code, Chapter 100) and DNREC's Freedom of Information Act Regulation, Section 6 (Requests for Confidentiality), for the proper procedure in requesting confidentiality.

Note: This application template was last revised by DNREC on January 30, 2008. Please discard any previous versions.

PART 1

CERTIFICATION BY APPLICANT

Under the penalty of perjury pursuant to 11 Delaware Code §1221-1235, I hereby certify that all the information contained in this Delaware Coastal Zone Act Permit Application and in any attachments is true and complete to the best of my belief.

I hereby acknowledge that any falsification or withholding of information will be grounds for denial of a Coastal Zone Permit.

I also hereby acknowledge that all information in this application will be public information subject to the Delaware Freedom of Information Act, except for clearly identified proprietary information agreed to by the Secretary of the Department of Natural Resources & Environmental Control.

Terrance P. Kelly

Print Name of Applicant

Terrance P. Kelly

Signature of Applicant

President
Title

__10-13-08_____
Date

PART 2

APPLICANT INFORMATION AND SITE IDENTIFICATION

2.1 Identification of the applicant:

Company Name: **TA Instruments – Waters LLC**
Address: **109 Lukens Drive**
New Castle, DE 19720
Telephone: **(302) 427-4000**
Fax: **(302) 427-4001**

2.2 Primary contact: Please list the name, phone number and email of a preferred contact within your company in case the DNREC needs to contact you regarding this permit application.

John Sharpe
Director, Facilities
(302) 427-4053
Sharpe@tainstruments.com

2.3 Authorized agent (if any): **Does Not Apply**

Name:
Address:
Telephone:
Fax:

If you have an authorized agent for this permit application process, provide written authorization from client for being the authorized agent.

2.4 Project property location (street address): **Parcel 32, Lukens Drive, New Castle, DE**

2.5 In a separate attachment, provide a general map of appropriate scale to clearly show the project site.

Attachment A

2.6 Is the applicant claiming confidentiality in any section of their application?

YES

NO

If yes, see instructions on page 3.

PART 3

PROJECT SUMMARY

Provide a one-page summary describing the proposed project. Include a brief quantitative description of the anticipated environmental impacts, and how the Environmental Offset Proposal will “clearly and demonstrably” more than offset any negative impacts.

TA Instruments-Waters LLC is a manufacturer of thermal analysis instruments used to determine how materials change when heated or cooled. TA also manufactures rheology instruments. These instruments determine how materials deform/flow under force. TA has been located in the Riveredge Business Park since 1990.

The project is the construction and utilization of a new 152,000 sq ft multi-purpose building next to the existing building in the Riveredge Business Park. All existing headquarters, research and development and manufacturing operations will be transferred to this new facility and the existing building will revert to the owner.

Rheology and Thermal Analyzer Manufacturing

The products being manufactured are rheological and thermal instruments that are composed of motor assembly, transducers, frames PC boards and various cables and harnesses. The units are largely composed of purchased fabricated parts and off the shelf components having no safety and/or environmental issues. The assembly process requires the use of solder, alcohol and glues to assemble the units. A description of the process is attached as Attachment C, D, E.

The associated MSDS's are included in the MSDS listing as attachments to this application. Byproducts of the operation include aluminum hard coat, diamond dust stainless steel and aluminum. There are no carcinogens, mutagens, or teratogens associated with these byproducts. Liquid nitrogen is used in the assembly and testing process.

The procedure consists of electro-mechanical assembly of the various components followed by a test of the unit. During the testing phase liquid nitrogen may be required to purge the system. The completed and tested unit is then packaged and shipped.

The offset proposal entails the total removal of hazardous waste to recycling facilities in Ohio. All fluorescent light bulbs will be removed and transported to another state for recycling. All cardboard will be recycled by Waste Management. Manufacturing techniques and the use of pre-processed materials eliminate air emissions.

PART 4

**PROJECT PROPERTY RECORD AND
EVIDENCE OF LOCAL ZONING AND PLANNING APPROVAL**

PROJECT PROPERTY RECORD

- 4.1 Name and address of project premises owner(s) of record:

**Parkway Gravel Inc
4048 New Castle Avenue
New Castle, DE 19720
302-326-0554**

- 4.2 Name and address of project premises equitable owner(s):

**TA Instruments – Waters LLC
109 Lukens Drive
New Castle, DE 19720
Telephone: 302-427-4000
Fax: 302-427-4001**

- 4.3 Name and address of lessee(s):

Same as owner

- 4.4 Is the project premises under option by permit applicant? **No**

- 4.5 What is the present zoning of the land for this entire project site?
Industrial Office Park.

EVIDENCE OF LOCAL ZONING AND PLANNING APPROVAL

I, _____, for _____
(Name of County, City of Town)

do hereby affirm that the project proposed by TA Instruments – Waters, LLC
(Name of Applicant)

located at _____, in
(Address)

the _____ zoning district is in
full compliance with the zoning code as it applies to this project.

The above named applicant's project is in compliance with the adopted comprehensive development plan for the geographic area within which the project will be located.

(Signature)

(Title)

(Date)

This part is essential for a complete Coastal Zone Act Permit Application. No application will be considered administratively complete without it. While the applicant is strongly advised to use this form, the local zoning jurisdiction may utilize a different form or document to demonstrate "evidence of local zoning approval," provided such documents are signed and dated by the proper official.

PART 5

PROJECT OPERATIONS –

- 5.1 Describe daily hours of plant operations and the number of operating shifts.
Hours of operation are one shift 7:30 to 4:30 Monday thru Friday.
- 5.2 Provide a site plan of this project with
- a. a north arrow;
 - b. a scale of not less than one inch to 200 feet;
 - c. identity of the person responsible for the plan, including any licenses and their numbers;
 - d. the acreage of the applicant's entire property and acreage of the proposed project;
 - e. property lines of entire property;
 - f. lines designating the proposed project area for which application is being made, clearly distinguished from present facilities and operating areas (if any);
 - g. existing and proposed roads, railroads, parking and loading areas, piers, wharfs, and other transportation facilities;
 - h. existing water bodies and wetlands and proposed dredge and fill areas, and;
 - i. existing and proposed drainage ways, gas, electric, sewer, water, roads, and other rights-of-way.

Attachment B

- 5.4 How many acres of land in total are required for this proposed project?

Existing/ currently utilized/ developed land: 20.8529 acres.

New land: 0 acres.

Currently, this operation is situated in a building in the same industrial park. TA Instruments purchased the lot adjacent to its current location, within the

same industrial park, and will be moving their operation into the new building once its constructed.

- 5.5 Has the property been involved with a state or federal site cleanup program such as Superfund, Brownfields, HSCA Voluntary Cleanup Program, RCRA Corrective Action, Aboveground or Underground Storage Tank Cleanup Programs? If so please specify which program.

No

- 5.6 With regards to environmental cleanup actions, has a Uniform Environmental Covenant, Final Plan of Remedial Action, or no further action letter been issued by the Department? If so are the planned construction activities consistent with the requirements or conditions stated in these documents?

No

PART 6A

ENVIRONMENTAL IMPACTS

Air Quality

- 6.1 Describe project emissions (new, as well as any increase or decrease over current emissions) by type and amount under maximum operating conditions:

Pollutant	Existing Emissions		Net Increase/Decrease		New Total Emissions		Percent Change (compare tons/year)
	<i>Lbs/day</i>	<i>Tons/year</i>	<i>Lbs/day</i>	<i>Tons/year</i>	<i>Lbs/day</i>	<i>Tons/year</i>	
0	0	0	0	0	0	0	0

No new emissions will be associated with this facility.

- 6.2 Describe how the above emissions change in the event of a mechanical malfunction or human error.

No change.

- 6.3 Describe any pollution control measures to be utilized to control emissions to the levels cited above in 6.1.

None.

- 6.4 Show evidence that applicant has, or will have, the ability to maintain and utilize this equipment listed in 6.3 in a consistently proper and efficient manner. (For example, provide college transcripts and/or records of training courses and summary of experience with this pollution control equipment of person(s) responsible for pollution control equipment, and/or provide copies of contracts with pollution control firms to be responsible for maintaining and utilizing this equipment.)

The Facility staff performs regular maintenance on all building equipment.

Water Quality

- 6.5 Describe wastewater discharge (new, as well as any increase or decrease over current discharge levels) due to project operations:

Pollutant	Current Discharge Concentration (ppm)	New or Changed Discharge Concentration (ppm)	Current Discharge		Net Increase/Decrease		New Total Emissions	
			Lbs/day	Tons/year	Lbs/day	Tons/year	Lbs/day	Tons/year
0	0	0	0	0	0	0	0	0

No wastewater discharge should be present from the manufacturing operations. Only discharge to local sewage system.

- 6.6 Describe the current method of employee sanitary wastewater disposal and any proposed changes to that system due to this proposed project.

Local municipal sewage system.

- 6.7 Identify the number, location, and name of receiving water outfall(s) of any and all process wastewater discharge (new or current) affected by this proposed project. Provide NPDES Permit Numbers for each discharge affected.

None

- 6.8 If any effluent is discharged into a public sewer system, is there any pretreatment program? If so, describe the program.

There is no effluent discharge into the public sewer system now, nor will there be as a result of the new facility.

- 6.9 Stormwater:

- a. Identify the number, location, and name of receiving waters of stormwater discharges. Provide permit number for each discharge.
Stormwater discharges are managed by Riveredge Industrial Park
- b. Describe the sources of stormwater run-off (roofs, storage piles, parking lots, etc).
Sources of stormwater run-off are roofs and parking lots.

- c. Describe the amount of stormwater run-off increase over current levels that will result from the proposed project.

Storm water run-off proposal for the project was approved by New Castle Conservation District on September 12, 2008

- d. Describe any pollutants likely to be in the stormwater.

No special water streams/pollutants should be present.

- e. Describe any pollution control device(s) or management technique(s) to be used to reduce the amount of stormwater generated, and devices to improve the quality of the stormwater run-off prior to discharge.

None

- f. Describe any new or improved stormwater drainage system required to safely carry off stormwater without flooding project site or neighboring areas down gradient.

None. All buildings and any drainage management systems will be onsite.

- 6.10 Will this project use a new water intake device, or increase the use (flow) from an existing intake device? **Does not apply**
YES
NO

If yes, state:

- a. the volume of water to be withdrawn, and;
- b. describe what will be done to prevent entrainment and/or entrapment of aquatic life by the intake device.

- 6.11 Will this proposed project result in a thermal discharge of water, or an increase in the flow or temperature of a current thermal discharge? **Does not apply**
YES
NO

If yes, state:

- a. the volume of the new flow or increase from the existing thermal discharge, both in flow and amount of heat;

- b. how warm will the water be when it is discharged into a receiving waterway, discharge canal, or ditch, and what will be the difference in discharge temperature and ambient temperature (delta T) at various seasons of the year after all cooling water mechanisms have been applied to the hot water?
- c. the equipment and/or management techniques that will be used to reduce the thermal load of the discharge water.

6.12 Will any proposed new discharge or change in existing discharge cause, or have potential to cause, or contribute to, the exceedence of applicable criteria appearing in the “State of Delaware Surface Water Quality Standards”?

YES

NO

If yes, explain:

6.13 Describe any oils discharged to surface waters due to this proposed project.

None

6.14 Describe any settleable or floating solid wastes discharged to surface waters due to this project.

There are no solid wastes discharged to surface waters currently nor will there be any as a result of this project.

6.15 Show evidence that the applicant has, or will have, the ability to maintain and utilize any water pollution control equipment listed in questions 5.5 through 5.14 in a consistently proper and efficient manner. (For example, provide operator license numbers, college transcripts and/or training courses and summary of prior experience with this pollution control equipment of person(s) responsible for pollution control equipment, and/or provide copies of contracts with pollution control firms.)

Does not apply

6.16 Estimate the amount of water to be used for each specified purpose including cooling water. State daily and maximum water use in the unit of gallons per day for each purpose and source of water. State if water use will vary with the seasons, time of day, or other factors.

No cooling water usage is foreseen. Water usage should appear heaviest during the normal business working hours of 7:30 a.m. to 4:30 p.m. Water usage is all but primarily used for the operation of the bathroom facilities. Daily usage is estimated at below 3,000 gallons per day.

- 6.17 Identify the source of water needed for the proposed project, including potable water supplies.

Current source of water is Artesian Water Company

- 6.18 Are wells going to be used?
YES
NO

If yes:

- a. Identify the aquifer to be pumped and the depth, size and pumping capacity of the wells.
- b. Has a permit been applied for to do this?
- c. How close is the proposed well(s) to any well(s) on adjacent lands?

Solid Waste

6.19 Will this project result in the generation of any solid waste?

YES

NO

If yes, describe each type and volume of any solid waste (including biowastes) generated by this project, and the means used to transport, store, and dispose of the waste(s).

TA Instruments generates cardboard and general office trash types wastes.

a. Approximately 4 cubic yards of office types trash daily

b. Approximately 3 cubic yards of cardboard daily

6.20 Will there be any on-site recycling, re-use, or reclamation of solid wastes generated by this project?

YES

NO

If yes, describe:

6.21 Will any waste material generated by this project be destroyed on-site?

YES

NO

If yes, how will that be done?

Hazardous Waste

- 6.22 Will this proposed project result in the generation of any hazardous waste as defined by the "Delaware Regulations Governing Hazardous Waste"?

YES

NO

If yes, identify each hazardous waste, its amount, and how it is generated:

Spent Isopropyl Alcohol 30 gallons per year It is waste from cleaning parts in manufacturing.

- 6.23 Describe the transport of any hazardous waste and list the permitted hazardous waste haulers that will be utilized.

We presently use Safety Kleen, a licensed and reputable recycler of hazardous waste. Our waste generation is conditionally exempt (under 220 lbs. a month).

- 6.24 Will the proposed project cause the applicant to store, treat, and/or dispose of hazardous waste?

YES

NO

Spent Isopropyl Alcohol will be stored on site until recycled by Safety Kleen.

- 6.25 Does the applicant currently generate any hazardous waste at this site?

YES

NO

If yes, describe:

Yes, spent Isopropyl Alcohol

Habitat Protection

6.26 What is the current use of the land that is to be used for the proposed project?

The current land is utilized for industrial/manufacturing. Project is within existing established business park.

6.27 Will the proposed project result in the loss of any wetland habitat?

YES

NO

If yes, describe:

6.28 Will any wastewater and/or stormwater be discharged into a wetland?

YES

NO

If yes, will the discharge water be of the same salinity as the receiving wetlands?

6.29 Will the proposed project result in the loss of any undisturbed natural habitat or public use of tidal waters?

YES

NO

If yes, how many acres?

6.30 Do threatened or endangered species (as defined by the DNREC and/or the Federal Endangered Species Act) exist at the site of the proposed project, or immediately adjacent to it?

YES

NO

If yes, list each species:

6.31 Will this proposed project have any effect on these threatened or endangered species (as defined by the DNREC and/or the Federal Endangered Species Act).

YES

NO

- If yes, explain:
- 6.32 What assurances can be made that no threatened or endangered species exist on the proposed project site?

No threatened or endangered species or in proximity of this site.

- 6.33 Describe any filling, dredging, or draining that may affect nearby wetlands or waterways.

Does not apply

- 6.34 If dredging is proposed, how much will occur and where will the dredged materials go for disposal?

Does not apply

Other Environmental Effects

- 6.35 Describe any noticeable effects of the proposed project site including: heat, glare, noise, vibration, radiation, electromagnetic interference, odors, and other effects.

No heat, glare, vibration, electromagnetic interference or odors will be generated by this project. New facility will mitigate any external impacts.

- 6.36 Describe what will be done to minimize and monitor such effects.

See 6.35

- 6.37 Describe any effect this proposed project will have on public access to tidal waters.

This project will have no effect on public access to tidal waters.

- 6.38 Provide a thorough scenario of the proposed project's potential to pollute should a major equipment malfunction or human error occur, including a description of backup controls, backup power, and safety provisions planned for this project to minimize any such accidents.

The worst case scenario that could occur would be to have the 5 gallon collection barrel for spent Isopropyl Alcohol knocked off the secondary containment system before it is recycled.

- 6.39 Describe how the air, water, solid and hazardous waste streams, emissions, or discharge change in the event of a major mechanical malfunction or human error.

The worst case scenario would have the janitorial staff putting regular office trash in the recycling dumpster.

PART 6B

ENVIRONMENTAL OFFSET PROPOSAL REDUCTION CLAIM

Is applicant claiming the right to have a reduced offset proposal due to past voluntary improvements as defined in the “Regulations Governing Delaware’s Coastal Zone”?

YES

NO

If yes, provide an attachment to the application presenting sufficient tangible documentation to support your claim.

PART 6C

ENVIRONMENTAL OFFSET PROPOSAL

If the applicant or the Department finds that an Environmental Offset Proposal is required, the proposed offset project shall include all the information needed to clearly establish:

- A. A qualitative and quantitative description of how the offset project will “*clearly and demonstrably*” more than offset the negative impacts from the proposed project.
- B. How and in what period of time the offset project will be carried out.
- C. What the environmental benefits will be and when they will be achieved.
- D. What scientific evidence there is concerning the efficacy of the offset project in producing its intended results.
- E. How the success or failure of the offset project will be measured in both the short and long term.
- F. What, if any, negative impacts are associated with the offset project.
- G. How the offset will impact the attainment of the Department’s environmental goals for the Coastal Zone and the environmental indicators used to assess long-term environmental quality within the Coastal Zone.

Additional Offset Proposal Information for the Applicant

1. The offset proposals must “*clearly and demonstrably*”¹ more than offset any new pollution from the applicant’s proposed project. The applicant can claim (with documentation) evidence of past voluntary environmental investments (as defined in the Regulations) implemented prior to the time of application. Where the Department concurs with the applicant that such has occurred, the positive environmental improvement of the offset proposal against the new negative impact can be somewhat reduced.
2. The applicant must complete the Coastal Zone Environmental Impact Offset Matrix. This matrix can be found on the CZA web page (<http://www.dnrec.delaware.gov/Admin/CZA/CZAHome.htm>), or by clicking on [this link](#). On page one, the applicant must list all environmental impacts in the column labeled “Describe Environmental Impacts.” In the column to the immediate right, the applicant should reference the page number of the application or attachment which documents each impact listed. In the “Describe Environmental Offset Proposal” column, applicant must state what action is offsetting the impact. The offset action shall be referenced by page number in the column to the right to show how the offset will work. The applicant shall not utilize the far right column. *Please ensure the matrix is complete, detailed, and as specific as possible, given the allotted space. Also, thoroughly proof-read to ensure there are no spelling or grammatical errors.* The applicant must submit a completed matrix both in hardcopy and electronic form.
3. Please note: the entire offset proposal, including the matrix, shall be available to the public, as well as the evidence of past voluntary environmental enhancements.

¹ For purposes of this requirement, the DNREC will interpret the phrase “clearly and demonstrably” to mean an offset proposal that is obviously so beneficial without detailed technical argument or debate. The positive environmental benefits must be obviously more beneficial to the environment than the new pollution that minimal technical review is required by the Department and the public to confirm such. The total project must have a positive environmental impact. The burden of proof is on the applicant.

PART 7
ECONOMIC EFFECTS

Construction

- 7.1 Estimate the total number of workers for project construction and the number to be hired in Delaware.

Unknown

- 7.2 Estimate the weekly construction payroll.

Unknown

- 7.3 Estimate the value of construction supplies and services to be purchased in Delaware.

Unknown

- 7.4 State the expected dates of construction initiation and completion.
October 2008---May 2009

- 7.5 Estimate the economic impact from the loss of natural habitat, or any adverse economic effects from degraded water or air quality from the project on individuals who are directly or indirectly dependent on that habitat or air or water quality (e.g. commercial fishermen, waterfowl guides, trappers, fishing guides, charter or head boat operators, and bait and tackle dealers).

**There is no economic impact on any of the above mentioned activities.
The site is within an existing business park.**

Operations

- 7.6 State the number of new employees to be hired as a direct result of this proposed project and how many of them will be existing Delaware residents and how many will be transferred in from other states.

None

- 7.7 If employment attributable to the proposed project will vary on a seasonal or periodic basis, explain the variation and estimate the number of employees involved.

There are no seasonal or periodic changes in employment associated with this project.

- 7.8 Estimate the percent distribution of annual wages and salaries (based on regular working hours) for employees attributable to this project:

<u>Wage/salary</u>	<u>Percent of employees</u>
<\$10,000	0
\$10,000-14,999	0
\$15,000-24,999	0
\$25,000-34,999	6
\$35,000-49,999	26
\$50,000-64,999	22
\$65,000-74,999	7
\$75,000-99,999	18
>\$100,000	21

- 7.9 Estimate the annual taxes to be paid in Delaware attributable to this proposed project:

State personal income taxes:	\$939,179
State corporate income taxes	\$ Unknown
County and school district taxes:	\$ Unknown
Municipal taxes:	\$ Unknown
Del Gross Receipts, Del. Manufacturers, Del. Wholesalers Taxes	\$105,700

PART 8

SUPPORTING FACILITIES REQUIREMENTS

Describe the number and type of new supporting facilities and services that will be required as a result of the proposed project, including, but not limited to:

- a. Roads
- b. Bridges
- c. Piers and/or docks
- d. Railroads
- e. Microwave towers
- f. Special fire protection services not now available
- g. Traffic signals
- h. Sewer expansion
- i. Energy related facilities expansion
- j. Pipelines

No supporting facilities or services are required. New facility is to be constructed in an existing business park with adequate capacities in all categories listed above.

PART 9

AESTHETIC EFFECTS

- 9.1 Describe whether the proposed project will be located on a site readily visible from a public road, residential area, public park, or other public meeting place (such as schools or cultural centers).

Project is located within an existing industrial park. The building will be well landscaped and exterior maintained by the industrial park management.

- 9.2 Is the project site location within a half mile of a place of historic or scenic value?

Project is located near the Veteran's Memorial Park, which is accessible from Route 9 and Cherry Lane.

- 9.3 Describe any planned attempt to make the proposed facility aesthetically compatible with its neighboring land uses. Include schematic plans and/or drawings of the proposed project after it is complete, including any landscaping and screening.

The building will meet all county and municipal building and aesthetic code standards required in an existing business park.

PART 10

EFFECTS ON NEIGHBORING LAND USES

- 10.1 How close is the nearest year-round residence to the site of this proposed project?

The nearest year round residence is located approximately 100 yards from the rear of the facility.

- 10.2 Will this proposed project interfere with the public's use of existing public or private recreational facilities or resources?

No

- 10.3 Will the proposed project utilize or interfere with agricultural areas?

No

- 10.4 Is there any possibility that the proposed project could interfere with a nearby existing business, commercial or manufacturing use?

No

END OF APPLICATION

ATTACHMENTS TO FOLLOW