

Planning & Zoning Commission

September 21, 2017

The regularly scheduled meeting of the Planning & Zoning Commission was held at Town Hall on September 21, 2017. In attendance were Chairman Boyan, Commission Members Catellier and Wilson, Code and Community Development Coordinator Hardin. Absent: Commission Member Morgan and Code Enforcement Officer Bounds. Guests: Gary Spence, Thomas Babcock, Chris Gilkerson, Nilesh Patel, Chris Brown and Doug Marshall.

Call to Order

Chairman Boyan called the meeting to order. The Commission performed the Pledge of Allegiance. He asked anyone who would be addressing the Commission to sign in at the podium and that anyone with a cell phone to either turn it off or put it in silent mode.

Approval of Minutes

July, 2017- Chairman Boyan stated that the July minutes would need to be tabled since there was not a voting quorum for them this evening.

August, 2017- Commission Member Catellier made a motion to approve the August, 2017 minutes as circulated. Commission Member Wilson seconded the motion which passed with 3 ayes, 1 absent, and Commissioner Scholl abstaining due to his absence at the August meeting.

Old Business

Chris Gilkerson- Devreco, Inc. - Conceptual Plan Revisions for Delmar Business Park Lots 1 & 3

Chris Gilkerson was present and explained that they are changing the elevation of the proposed business park. He presented both the current plans as well as what he is proposing to change.

Commission Member Catellier made a note to the record that, even though there would be no vote regarding this presentation, he was part of this design team, he would take part in the discussion and he that he would not be participating if there was a vote.

Mr. Gilkerson said that Nanticoke Health Services will be occupying the majority of the space in the Business Park building. The building is the same size and shape as what was presented earlier. The major change is with the architectural elevation of the building. The colonnade was removed, the brick became just a watertable, the primary finish to the building became stucco and awnings are added over the interior tenant spaces. The endcap roofs became taller, but are to remain pyramid in shape with the columns.

The Planning and Zoning Commission gave favorable feedback for the conceptual revisions for the Delmar Business Park

New Business

Gary Spence- Sign replacement for Eastern Shore Systems- 512 Bi-State Blvd. Delmar, DE 19940

Mr. Spence said that the current sign was not illuminated but the proposed sign will. The current sign is 2 ft. by 32 ft. and the proposed sign will be 2 ft. by 16 ft. The new proposed sign is about half the size of the sign currently on the building.

Commissioner Scholl made a motion for favorable recommendation to the Delaware Mayor and Council for the sign replacement for Eastern Shore Systems located at 512 Bi-State Blvd., Delmar, DE, per the attached drawings. Commission Wilson seconded the motion which passed with 4 ayes and 1 absent.

Lorrie Brown- Bergey's Truck Centers- Sign replacement, 30299 Foskey Lane, Delmar, MD 21875

Thomas Babcock was present for Bergey's Truck Centers. He informed the Commission that he is asking for 2 illuminated signs for the building, one in the front and another on the side; one on the Foskey Lane side as well as the Rt. 13 side. There will not be any removal of existing signs. Anything that are on the posts will also remain. There will also be vinyl stickers on the doors.

Community Development Coordinator Hardin stated that he had spoken with Ms. Brown and informed her that the Bergey's name would have to be removed from the stickers on the service center. The hours and service department can remain but the name would have to be removed from the stickers on the doors.

Commission Member Catellier suggested that Mr. Babcock provide updated graphics prior to the Mayor and Commissioners meeting on the 9th of October.

Commission Member Catellier made a motion for favorable recommendation to the Mayor and Commissioners for sign approval for Bergey's Truck Centers located at 30299 Foskey Lane, Delmar, MD with the condition that the Bergey's name be removed from the doors. The motion was seconded by Commissioner Scholl and passed with 4 ayes and 1 absent.

Nilesh Patel- Addition to home- 9106 New Bridge Drive, Delmar, MD, 21875

Commission Member Wilson stated that she brought in the tax map indicating that there are 2 names on the deed. The HOA letter indicated there was only one homeowner.

Mr. Patel stated that he wants to expand the house adding two additional bedrooms and expanding the existing bedrooms.

Commission Member Catellier asked about a certified site plan showing the expansion. The walls will be bumped out, though it can be assumed that the new building will fit within the site plan. Mr. Patel furnished a copy of an old site plan showing the original house. Commission Member Catellier informed Mr. Patel that the Town will need a certified signed and sealed site plan showing the additions to ensure it fits within the

setbacks of the property. The assumption of the Planning and Zoning Commission is that it will not be in violation of the setbacks but it needs to be proven to the Mayor and Commissioners by means of a sealed site plan. Mr. Patel was instructed to go to a certified surveyor and get an update to the plans showing the additions and have it signed and sealed prior to the meeting of the Maryland Mayor and Commissioners.

Commission Member Catellier made a motion for a favorable recommendation to the Mayor and Commissioners for an addition to 9106 Newbridge Drive, Delmar, MD, on the condition Mr. Patel provides a certified site plan showing the additions prior to the Maryland Mayor and Commissioners meeting. The motion was seconded by Commissioner Scholl and passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- Approval of Home Style 2203 for Yorkshire Estates, Delmar, DE

Chris Brown from Ryan Homes was present and explained that home style 2203 would have 5 bedrooms and 3 bath rooms. The one option for this house is a covered entry porch.

After review of the plans for the new home style, Commission Member Catellier made a motion for favorable recommendation to the Mayor and Council for the home style 2203 to be included in the styles approved for Yorkshire Estates, Delmar, DE. The motion was seconded by Commission Member Wilson and passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- New Home at 36435 Carriage Walk Lane, Lot 94, Style 1680, Delmar, DE

This home style has already been approved for Yorkshire Estates. After reviewing the plans and seeing that it fit within the setbacks, Commission Member Catellier made a motion for favorable recommendation to the Mayor and Council for the new home build at 36435 Carriage Walk Lane, Lot 94, style 1680, in Yorkshire Estates, Delmar, DE., per the attached plans. Commissioner Scholl seconded the motion which passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- New Home at 36439 Carriage Walk Lane, Lot 95, Style 2203, Delmar, DE

This home style has already been approved for Yorkshire Estates. After reviewing the plans and seeing that it fit within the setbacks, Commissioner Scholl made a motion for favorable recommendation to the Mayor and Council for the new home build at 36439 Carriage Walk Lane, Lot 95, style 2203, in Yorkshire Estates, Delmar, DE., per the attached plans. Commission Member Wilson seconded the motion which passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- New Home at 36441 Carriage Walk Lane, Lot 96, Style 1918, Delmar, DE

This home style has already been approved for Yorkshire Estates. Commission Member Catellier asked about Ryan Homes building the same style home on both Lots 96 and 97. He believes that when these home styles were first brought to Planning and Zoning, they

were told that the same style homes would not be built next to each other. Ms. Brown said that Lot 96 is elevation B. Community Development Coordinator Hardin said that under the General Notes in the Planning and Zoning Regulations, the Planning and Zoning Commission does have the right to review the esthetics of the community. Ms. Brown said that these homes have been pre-sold and said that the buyers actually selected the homes they wanted built. She also said that because one is an Elevation B, they will be slightly different with different colors outside. One will have a porch and the other one doesn't. Commission Member Catellier suggested to Mr. Marshall that he review this issue with his sales team. Mr. Marshall noted that these homes are located in the rear of the development and would not be seen from the main entrance of the community.

Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for the new home build at 36441 Carriage Walk Lane, Lot 96, and style 1918, in Yorkshire Estates, Delmar, DE, per the attached plans. Commission Member Catellier seconded the motion which passed with 4 ayes and 1 absent.

Chris Brown- Ryan Homes- New Home at 36443 Carriage Walk Lane, Lot 97, Style 1918, Delmar, DE

This home style has already been approved for Yorkshire Estates. Mrs. Brown said that this plan is an elevation A style home. After reviewing the plans and seeing that it fit within the setbacks, Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for the new home build at 36443 Carriage Walk Lane, Lot 97, style 1918, in Yorkshire Estates, Delmar, DE., per the attached plans. Commissioner Scholl seconded the motion which passed with 4 ayes and 1 absent.

Community Development Coordinator William Hardin- MD-18-CD-25 Housing Grant

Mr. Hardin identified himself and stated that earlier this year he presented an application to the Department of Housing for a block grant for 8 houses. The grant awarded was for \$286,170. With contributions from the Town and other sources, it would total \$325,000.

To release the funds, the Town has to do an environmental review. The Town has submitted a letter on September 19th to the Environmental Historic Trust. Mr. Hardin provided the Commission with the project listings and the proposed scope of work on each one. The Town sees no environmental impact on the Town due to these projects. He is asking Planning and Zoning Chairman Boyan to sign a letter for the Community Development indicating a recommendation that is consistent with the comprehensive plan and regulations and ordinances. This would be the recommendation to proceed with the project.

Commission Member Catellier said that it is fantastic that the Town has the opportunity to raise the standards of the residents' homes.

Mr. Hardin said that he would be the project manager for the Town and there is a project manager for the CDBG. All the houses on the list will be lead tested. Commission Member Catellier asked about how the Town handles any detection of lead. CDC Hardin

indicated that there is a separate grant for lead remediation. The rehabs can only be done with contractors with housing rehabilitation certification from the State.

Commission Member Catellier asked how often this grant can be applied for. CDC Hardin said that it can be applied for every year and indicated that there were 2 years where the Town applied but was not allocated any funding. After reviewing the environmental impact letter, Chairman Boyan signed it.

Commission Comments

Commission Member Wilson informed everyone that on WBOC, Channel 16, an article was published about the lawsuit against the Town of Milton by the ACLU of Delaware on behalf of a homeowner who had been prevented from placing political signs in her yard. They came to a resolution and some of the Town of Milton's restrictions on signs have been lifted. Commission Member Wilson encouraged the Town of Delmar to review its sign ordinances so that we don't have a similar situation.

CDC Hardin said that this did set a precedent but each Town should have sovereign control.

Adjournment

Motion for adjournment was made by Commission Member Scholl and was seconded by Commission Member Wilson. The motion passed with 4 ayes and 1 absent.

Respectfully submitted,

Cindy Fisher

Clerk of Council