

Planning & Zoning Commission

July 26, 2018

The regularly scheduled meeting of the Planning & Zoning Commission was held at Town Hall on July 26, 2018. In attendance were Chairman Boyan, Commissioner Scholl, Commission Members Catellier and Wilson, Community Development Coordinator Hardin and Clerk of Council Fisher. Guests: Jerry McClymont, Robert Palmer, Jessica Webb, Matthew Leimbach, Ellis Hammond, Kalpesh Patel and Chris Brown.

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

April 2018- Commissioner Scholl made a motion to approve the April, 2018 minutes as presented. Commissioner Wilson seconded the motion which passed with 3 ayes and Chairman Boyan abstaining due to his absence in April.

June, 2018- Commission Member Wilson made a motion to approve the June, 2018 minutes as circulated. Commission Member Catellier seconded the motion which passed with 4 ayes and 0 absent.

New Business

Matt Leimbach and Robert Palmer- Redevelopment of 2 N. Pennsylvania Avenue, Delmar, DE

Mr. Leimbach informed the Commission that he has a contract for the building across the street and described it as an eye sore. He said that he and the engineer are here this evening for preliminary site plan approval.

Mr. Palmer introduced himself and thanked everyone for changing things around so that they would be able to make these meetings and meet the deadline set by the bank for financing. They are here for a preliminary site plan approval with the contingency that approval for the variances comes from the Delaware Board of Adjustments, a meeting on Tuesday, July 31, 2018 that they will be attending.

Mr. Palmer explained that they are requesting to restore the non-conforming use of the property. The only setback that they meet already is the rear setback. They will completely renovate the building and bring it back as it once was. The proposal for the 1st floor is for 4 commercial units. He said that they would be used as office units which will have a low impact on water and sewer. The 2nd and 3rd floors will be developed as age restricted apartment units for 55 and older individuals. The plan is for a mixture of 1 and 2 bedroom apartments with more 1 bedroom than 2 bedrooms. They have worked with the Town Manager and the Town Engineer on this project and the engineer is recommending that 8 EDU's are needed.

Mr. Palmer said that there will not be a lot of disturbance on the site. They will not need a site plan for the fire marshal, all roads are serviced by the Town, no DelDot approval is needed, no conservation disturbance will be happening.

Chairman Boyan asked that if the building is already in existence, why they would need approvals or variances. Community Development Coordinator Hardin responded that the building has not been in use for over 10 years and it has lost its' grandfather's status. The building was built prior to a Code being established. The building never complied with the requirements for minimum lot for setbacks. Since the property has not been used in such a long time, a determination was made that this is the process to go. There has not been any feedback from the town solicitor for variance or special exception that it would not have to go back through the process.

There was some discussion on it being an historical building. CDC Hardin said that the building is in the Historical District, but the building has not been registered as an historical building.

Mr. Leimbach said that he is trying to maintain the historic value of the building. He is either thinking about having an elevator or a staircase leading to the upper levels. Commission Member Wilson asked if ADA approval would be given for a staircase. He stated that if needed they do have room for an elevator tower to be installed.

In the discussion about parking, Mr. Leimbach said that it would be on-street parking as it is now. There was some questions on where exactly the residents of the apartments would park. He also said that having the 12 rental units is a deal breaker. He will be putting in around \$800,000 to \$1 Million into the project. He is willing to spend the money along as certain terms are met.

Chairman Boyan said that he wants to work out something. Mr. Palmer said that with the age restriction there probably won't be as many cars as if they were renting to families. CDC Hardin informed everyone that the buildings in the Historic District that are facing the railroad tracks are exempt from the parking restrictions. Mr. Leimbach suggested that someone buy the building that used to house the RT 54 Bargain Outlet, demolish it and rent out the land as parking.

CDC Hardin explained that the Delaware Board of Adjustments meeting is a quasi-judicial hearing conducted by the town solicitor. The Board is made up of the town solicitor, the Delmar, DE Mayor and the Director of Public Works. There are special criteria involved in providing evidence of a hardship if the variance were not to be granted.

Commission Member Wilson made a motion for favorable recommendation for preliminary approval for the site plan for 2 N. Pennsylvania Avenue, Delmar, DE pending variance approval from the Delmar, DE Board of Adjustments, per the attached drawings. Commissioner Scholl seconded the motion which passed with 4 eyes and 0 absent.

Ellis Hammond- New Sign for Delmar Public Library- 101 N. Bi-State Blvd., Delmar, DE

Commission Member Wilson informed everyone that she is the President of the Board for the Delmar Public Library and will be abstaining from discussion and voting on this agenda item.

Mr. Hammond said that the base of the sign will be brick, have a digital read-out and have an LED screen that will be for text only. The top of the sign will be illuminated. He said that the sign is shown close to the building to keep the pathway clear.

Commission Member Catellier made a motion for favorable recommendation to the Delmar, DE Mayor and Council for a new sign for the Delmar Public Library located at 101 N. Bi-State Blvd, Delmar, DE, per the attached drawings. Commissioner Scholl seconded the motion which passed with 3 ayes, 0 absent and Commission Member Wilson abstaining.

Jerry McClymont- New Window Graphics for Obbey Tattoo- 38660 Sussex Highway, Unit 9, Delmar, DE

Mr. McClymont said he is in charge of the installation of the window graphics for Obbey Tattoo.

There was some discussion on having the name on the door, along with on the graphics and then on the top of the store. Mr. McClymont was informed that he could not have the name of the business on the window graphics since the Code does not allow it, unless it is a corner business, which it is not.

There was also discussion on the 911 address that was imprinted over the door to the business and if that is something the Planning and Zoning Commission can address. CDC Hardin stated that the 'Unit 9' can be left since it indicates that particular unit and is helpful for first responders. It is permitted to have the business hours and phone number displayed on the door, but not the name if it is displayed anywhere else on the building.

Commission Member Wilson, after reviewing the proposed graphics, said that she is not okay with the one that has the snake coming out of the skull. She said the business is right next door to Delmar Pizza and she is not comfortable with that graphic being that close to families with small children.

Mr. McClymont said that he will substitute another graphic for the snake and skull one.

Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for window graphics for Obbey Tattoo located at 38660 Sussex Highway, Unit 9, Delmar, DE, per the attached drawings but with the "Obbey Tattoo" wording and the snake and skull graphic removed and replaced with something more appropriate. The

new replacement graphic will be approved by the Mayor and Council. Commissioner Scholl seconded the motion which passed with 4 ayes and 0 absent.

Chris Brown- Ryan Homes- New Home Style 2203, Lot 79- 11493 Buckingham Drive, Delmar, DE

Upon reviewing the attached documentation, Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for the building of new home style 2203, on Lot 79 at 11493 Buckingham Drive, Delmar, DE, per the attached drawings. Commissioner Scholl seconded the motion which passed with 4 ayes and 0 absent.

Chris Brown- Ryan Homes- New Home Style 1440, Lot 196- 38391 Elizabeth Lane, Delmar, DE

Upon reviewing the attached documentation, Commissioner Scholl made a motion for favorable recommendation to the Mayor and Council for the building of new home style 1440, on Lot 196 at 38391 Elizabeth Lane, Delmar, DE, per the attached drawings. Commission Member Wilson seconded the motion which passed with 4 ayes and 0 absent.

Chris Brown- Ryan Homes- New Home Style 1296, Lot 197- 38387 Elizabeth Lane, Delmar, DE

Upon reviewing the attached documentation, Commission Member Wilson made a motion for favorable recommendation to the Mayor and Council for the building of new home style 1296, on Lot 197 at 38387 Elizabeth Lane, Delmar, DE, per the attached drawings. Commission Member Catellier seconded the motion which passed with 4 ayes and 0 absent.

Chris Brown- Ryan Homes- New Home Style 2203, Lot 198- 38383 Elizabeth Lane, Delmar, DE

Upon reviewing the attached documentation, Commissioner Scholl made a motion for favorable recommendation to the Mayor and Council for the building of new home style 2203, on Lot 198 at 38383 Elizabeth Lane, Delmar, DE, per the attached drawings. Commission Member Catellier seconded the motion which passed with 4 ayes and 0 absent.

Kalpesh Patel- New Home Build at 30376 Trestle Place, Delmar, MD

Mr. Patel informed the Commission that the front yard faces Trestle Place and the side yard is on Newbridge Drive. Commission Member Catellier informed Mr. Patel that his site plan is incorrect. Since it is a corner lot, the side setbacks are 15' instead of 10' as the plan indicates. It also shows the rear yard as 20' instead of the required 30'.

The question arose if this was even a buildable lot. CDC Hardin said that the minimum building lot width size is 60 ft. The question is if the whole lot needs to be a minimum width of 60' or just the section of the lot where a house is being built. CDC Hardin did say that Bridgewood Estates was developed after the Town's regulations were established.

CDC Hardin asked if the intent of the provision is only at the location of the front of the house as opposed to the minimum width of the whole lot. If the intention is for the whole lot, then they will need a variance for the rear minimum lot width for an R-2 zoning district.

Commission Member Catellier stated that the site plan is incorrect. An approval will need to be based off of a correct site plan. The surveyor needs to change the wording to show the correct setbacks. CDC Hardin stated that he did contact and have a conversation with the surveyor and he was under the impression that surveyor would make the needed corrections prior to this meeting.

Commission Member Catellier informed Mr. Patel that he needs to get the site plan corrected so they can tell if in fact he will need a variance. Commission Member Catellier made a motion to table this agenda item until such time as Mr. Patel is able to provide a corrected site plan for the proposed house build at 30376 Trestle Place, Delmar, MD. Commission Member Wilson seconded the motion which passed with 4 ayes and 0 absent.

Adjournment

After hearing no public comments, Commissioner Scholl made a motion for adjournment which was seconded by Commission Member Catellier. The motion passed with 4 ayes and 0 absent.

Respectfully submitted,

Cindy Fisher
Clerk of Council