

**Planning & Zoning Commission Meeting**  
**August 27, 2020**  
**Via Teleconference**

The regularly scheduled meeting of the Planning & Zoning Commission was held via teleconference. Those in attendance: Chairperson William Boyan; Commission Members Eric Catellier, Rochelle Outten and Beverly Wilson. Key personnel: William Hardin, CDC; Liz Peek, CEO and Sara Bynum-King, Town Mgr. Guest: Sherry Cummins, Paul Patel, Richard Hurchalla Sr., Sadhak Gonzales, Kenneth Shockley, and Chris Brown.

Chairperson Boyan, called the meeting to order at 7:00 p.m. He conducted a roll call of Commission members to confirm a quorum. Four members were present and the quorum was established. (Absent Scholl).

**Approval of Minutes:**

A motion was made and seconded (Outten/Wilson) and carried to accept the August, 2020 meeting minutes as circulated by roll call, vote with 4 Ayes, 1 Absent (Scholl).

**Old Business - None**

**New Business**

Town Manager Sara Bynum-King said that we were in the process of updating our Delaware Comp. Plan doing some revisions. The planner that we are working with has scheduled a workshop for all those who are available on September 10, 2020 at 7:00 p.m. via teleconference. By next Monday, August 28, 2020, she should have the planners draft electronically. She will send the electronic copy to all Planning and Zoning Commission members for their review and comments so if, they cannot attend the meeting on, September 10, 2020 they can at least provide any input that they may want to add.

- 1. Sherry Cummins-Toadaly Primitives-New Sign and Flag at 603 A Bi-State Blvd., Delmar, DE** - Mrs. Cummins is proposing putting up a Toadaly Primitives Open Sign and a flag on a pole. Ms. Cummins was asked if the sign would be taken in at night and she replied the flag will be taken in at night when she is not open. CDC Hardin said he did explain that Ms. Cummins is entitled at some point if she wishes to have a sign on a standalone on the premise. CDC Hardin further said that all Ms. Cummins could have in that window if she'd like is an open sign. The requirements for the signage in a window cannot cover more than 50% of the window. Ms. Cummins did ask CDC Hardin if he was referring to an electric sign and he replied yes. Commission Member Wilson questioned if the size of the sign is within the percentages of the size of the window. Ms. Cummins said the window size is 36 x 48 and the sign will not cover more than 50% of the window.

A motion for favorable recommendation to the Delmar, DE Mayor and Council to accept Ms. Cummins proposal for New Sign and Flag located at 603 A Bi-State Blvd., Delmar, DE per the attached drawings. A motion was made/seconded (Wilson/Outten) and carried by roll call vote of 4 Ayes 1 Absent.

**2. Paul Patel - Bridgewood Estates Delmar, MD-Combine Lots 55 and 56 for Tax and Construction purposes** - Mr. Patel is proposing to combine both Lots 55 and 56 in Bridgewood Estates into one lot and construct a home.

Commission Member Catellier stated for the record that he is a renter at Bridgewood Estates and he has no financial or interest in this proposal. Commission Member Catellier asked if these are the two lots by the volleyball court and if on the site plan is there a vinyl fence from the other lot. Mr. Patel replied approved of that. Mr. Patel said no he did not approve the vinyl fence. The next line is Swingbridge Lane. Mr. Patel further said he will speak with his neighbor about the fence once he is approved because the fence is on his property.

A motion for favorable recommendation to the Delmar, MD Mayor and Commissioners to accept Mr. Patel's proposal for the combination of Lots 55 and 56, Delmar, MD per the attached drawings. A motion was made/seconded (Wilson/Outten) and carried by roll call vote 4 Ayes 1 Absent.

**3. Richard Hurchalla, Sr. - New Home Build-Lot ID Old Stage Road, Delmar, MD** - Mr. Hurchalla proposes to build a single-story bungalow and he noted that he built the one on lot 1C, as well. He described the bungalow as 1100 sq. ft., 3 bedrooms, 2 baths, 1 story and a front porch.

Commission Member Catellier said the house fits nicely on the lot and the house style certainly fits with the others on Old Stage Road. Commissioner Member Catellier further requested that Mr. Hurchalla relay to George Young the surveyor that we appreciate the completeness of the survey and he does a good job.

A motion for favorable recommendation to the Delmar, MD Mayor and Commissioners to accept Mr. Hurchalla Sr. proposal for the New Home Build-Lot ID, Old Stage Road, Delmar, MD per the attached drawings. The motion was made and seconded (Catellier/Wilson) and carried by roll call vote with 4 Ayes 1 Absent.

**4. Sadhak Gonzales - Bridgewood Estates-New Home Build - Lot 58, 9129 Swingbridge Lane, Delmar, MD** - Mr. Sadhak is proposing to build a new home in Bridgewood Estates on a vacant lot that he owns and is also the contractor.

Commission Member Wilson mentioned that the site plan had to have the side setback done and that was received, however, the plan has to be signed or stamped. Commission Member Wilson further said she wanted to be certain Mr. Gonzalez had the appropriate stamp and signature for the next meeting. CDC Hardin responded yes, the plan is signed or stamped. Commission Member Wilson questioned if this is the same Swingbridge Lane that we have four other applications for Chris Brown. CDC Hardin replied that Swingbridge is in Bridgewood Estates and Chris Brown is presenting for Heron Ponds.

A motion for a favorable recommendation to the Delmar, MD Mayor and Commissioners for Bridgewood Estates - New Home Build-Lot 58, 9129 Swingbridge Lane, Delmar, MD per the attached drawings. The motion was made/seconded (Wilson/Outten) and carried by roll call vote 4 Ayes 1 Absent.

**5. Kenneth Shockley-Breckenridge Subdivision-Proposed Bedroom addition, Master Bath and Deck on Lot 27 at 8867 Lynch Drive, Delmar, MD** - Mr. Shockley is proposing an additional bedroom, master bathroom and deck. Commission Member Wilson said she wanted to confirm the addition would not interfere with the septic. Commission Member Wilson further said she assumed the septic is in the rear. Commission Member Catellier said the well is located on the SE corner of the lot but the septic system is not located. Commission Member Catellier further said he is not concerned about it. If somebody else wants it on the plan they can ask for it.

Commission Member Wilson questioned if the septic is in the rear. Mr. Shockley said his septic is in the rear. Mr. Shockley further said it should show the locations and everything should be shown on the site plan. Commission Member Wilson said in particular, setbacks for the septic system. Commission Member Wilson said she is a real estate appraiser and if Mr. Shockley were to get an FHA mortgage the septic system would be inspected. Commission Member Wilson said if the home owner does not have any concerns than it is not a part of this approval process. Commission Member Wilson further says she was just inquiring per her profession. Mr. Shockley said he understood all inquiries.

A motion for favorable recommendation to the Delmar, MD Mayor and Commissioners for Breckenridge Subdivision, Delmar, MD, Subdivision- 1 Bedroom, Master bathroom and deck on Lot 27-8867 Lynch Drive, Delmar, MD per the attached drawings. The motion was made/second (Catellier/Wilson) and carried by roll call vote 4 Ayes 1 Absent.

**6. Chris Brown/Ryan Homes-Heron Ponds Subdivision-New Home Build-Lot 271, 9571 Song Sparrow Circle Delmar, MD** - Representative Chris Brown from Ryan Homes is proposing a new home build on Lot 271, 9571 Song Sparrow Circle Delmar, MD in the Heron Ponds Subdivision.

Commission Member Wilson said she had a few inquiries before the Commission started the review of the homes presented by Chris Brown. She inquired how long the Song Sparrow Circle road is? Commission Member Wilson further inquired if all of these styles are Roanoke just different elevations? Ms. Brown confirmed the styles and elevations. Commission Member Wilson questioned the layout of these houses. Ms. Brown replied she is unsure of the layout because this is a new development, that type of houses is currently being sold.

Commission Member Catellier it appears from the site plan that the numbers are in order as far as lot numbers 271 that is flanked by 270 and 272 according to the list. Additionally, he mentioned he doesn't see any lots next to each other and there is 282, 284, and 286 so those are like every other one.

Commission Chair Boyan asked if the houses were six-bedroom homes because there is quite a difference between the two elevations. Ms. Brown said that they are five and four-bedroom homes. CDC Hardin said just for clarification for the commission members this is Phase 2 of the Heron Ponds Subdivision.

Motion for favorable recommendation to the Delmar, MD Mayor and Commissioners for Chris Brown/Ryan Homes - Heron Ponds Subdivision- New Home Build- Lot 271, 9571 Song Sparrow Circle Delmar, MD per the attached drawings. A motion was made/seconded (Catellier/Outten) and carried with a roll call vote with 4 Ayes and 1 Absent.

**7. Chris Brown/Ryan Homes-Heron Ponds Subdivision-New Home Build-Lot 282, 9533 Song Sparrow Circle, Delmar, MD** - Representative Chris Brown of Ryan Homes is proposing to build a new home on Lot 282, 9533 Song Sparrow Circle in the Heron Ponds Subdivision. There was no comments or discussion from the Commission.

Motion for favorable recommendation to the Delmar, MD Mayor and Commissioners for Chris Brown/Ryan Homes - New Build - Lot 282, 9533 Song Sparrow Circle, Delmar, MD per the attached drawings. A motion was made/seconded (Catellier/Outten) and carried with a roll call vote with 4 Ayes 1 Absent.

**8. Chris Brown/Ryan Homes-Heron Ponds Subdivision-New Home Build-Lot 284, 9541 Song Sparrow Circle, Delmar, MD-** Representative Chris Brown of Ryan Homes is proposing to build a new home on Lot 284, 9541 Song Sparrow Circle, Delmar, MD in Heron Ponds Subdivision. There was no comments or discussion from the Commission.

Motion for favorable recommendation to the Delmar, MD Mayor and Commissioners for Chris Brown/Ryan Homes-New Build-Lot 284, 9541 Song Sparrow Circle, Delmar, MD per the attached drawings. A motion was made/seconded (Catellier/Outten) and carried with a roll call vote with 4 Ayes 1 Absent.

**9. Chris Brown/Ryan Homes-Heron Ponds Subdivision-New Home Build-Lot 286, 9516 Song Sparrow Circle, Delmar, MD-** Representative Chris Brown of Ryan Homes is proposing to build a new home on Lot 286, 9516 Song Sparrow Circle, Delmar, MD in the Heron Ponds Subdivision. There was no comments or discussion from the Commission.

Motion for favorable recommendation to the Delmar, MD Mayor and Commissioners for Chris Brown/Ryan Homes - New Build - Lot 286, 9516 Song Sparrow Circle, Delmar, MD per the attached drawings. A motion was made/seconded (Catellier/Wilson) and carried with a roll call vote with 4 Ayes 1 Absent.

**10. Chris Brown/Ryan Homes-Heron Ponds Subdivision-New Home Build-Lot 289, 9524 Song Sparrow Circle, Delmar, MD-** Representative Chris Brown of Ryan Homes is proposing to build a new home on Lot 289, 9524 Song Sparrow Circle, Delmar, MD in Heron Ponds Subdivision. There was no comments or discussion from the Commission.

Motion for favorable recommendation to the Delmar, MD Mayor and Commissioners for Chris Brown/Ryan Homes-New Build-Lot 289, 9524 Song Sparrow Circle, Delmar, MD per the attached drawings. The motion was made/seconded (Catellier/Wilson) and carried by roll call vote 4 Ayes and 1 Absent.

**11. Chris Brown/Ryan Homes-Heron Ponds Subdivision-New Home Build-Lot 293, 9546 Song Sparrow Circle, Delmar, MD-** Representative Chris Brown of Ryan Homes is proposing to build a new home on New Home Build-Lot 293, 9546 Song Sparrow Circle, Delmar, MD in Heron Ponds Subdivision. There was no comments or discussion from the Commission.

Motion for favorable recommendation to the Delmar, MD Mayor and Commissioners for Chris Brown/Ryan Homes-New Build-Lot 293, 9546 Song Sparrow Circle, Delmar, MD per the attached drawings. The motion was made/seconded (Catellier/Wilson) and carried by roll call vote 4 Ayes and 1 Absent.

**12. Chris Brown/Ryan Homes-Heron Ponds Subdivision-Review for new Prototype Models (Lehigh and Hudson) Elevations A, B, C, K, L-** Representative Chris Brown of Ryan Homes Heron Ponds is purposing a review of new prototype model homes. Commission Chair Boyan stated he did not have the drawing for this review. Town Manager Bynum-King informed Commission Chair Boyan she provided the information to search the prototypes in their mail packets. She added the file was too large to copy or send electronically. Commission Member Wilson questioned which review was first Lehigh or both because she did not think all of the models had the same elevations. Chris Brown said Lehigh and Hudson models both have the same elevations. Commission Member Wilson inquired if the older models are still available to put in the new section so there is a nice variety. Chris Brown said yes, the older models from Phase 1 are available as well as the two new models they are introducing this evening.

CDC Hardin said for clarity, there is a buffer between the two Phases. CDC Hardin said a tree line is separating the Phases, so Phase 2 is separated by a buffer from Phase 1. Council Member Catellier said to Commission Chair Boyan if he could not download models, he can google the models very quickly on NVR Homes and the Lehigh Model to get an idea of the elevations. He did google the models and was able to see them. Commission Chair Boyan said quite a bit of variation for Lehigh and as well as for the Hudson.

A motion for favorable recommendation to the Mayor and Commissioners for the Heron Ponds Subdivision-Review for new Prototype Models (Lehigh and Hudson) Elevations A, B, C, K, L. The motion was made/seconded (Catellier/Outten) and carried by roll call vote 4 ayes 1 absent.

**Public Comments** - Commission Beverly Wilson acknowledged the Public Works Department for their limb cleanup duties during the Isaias Storm. Commission Member Wilson said Public Works did an excellent job and she was able to thank a few of the employees in person. Commissioner Beverly Wilson further said for the record that the Public Works Department went above and beyond making sure we got cleaned up. Town Manager Bynum-King said she would convey this to that department.

Hearing no further Public Comments, Commission Chair Boyan called for a motion to adjourn the meeting. The motion was made/seconded (Catellier/Wilson) and carried with a vote 4 Ayes/1 Absent (Scholl).

Vondell Spencer  
Clerk of Council