

**Planning & Zoning Commission Meeting**  
**September 24, 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, Donald Scholl, Rochelle Outten and Beverly Wilson. Key personnel: William Hardin, CDC; Liz Peek, CEO, Sara Bynum-King Town Mgr., Clerk of Council Vondell Spencer. Guest: Chris Brown, Bobby Ringgold, Faisal Farooq, Mike Horvath, Bill Houlihan, Chris Gilkerson, Brooks Hearn, Town Engineer Joseph Taylor and Vernon Esham.

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

**Approval of Minutes:**

A motion was made and seconded (Outten/Catellier) and carried to accept the August, 2020 meeting minutes with corrections on page 4, item 7 changing the Lot to 282 and the house address to 9533 Song Sparrow Circle by roll call, vote with 4 Ayes, 1 Abstain (Scholl).

**Old Business – None**

**New Business-**

- 1. Chris Brown/Ryan Homes-Heron Ponds Subdivision-New Home Build-Lot 292, 9544 Song Sparrow Circle, Delmar, MD-** Representative Chris Brown presented a New Home Build as referenced. There were no comments or discussion from the Commission.

A motion for favorable recommendation to the Delmar, MD Mayor and Commissioners for the approval of New Home Build -Ryan Homes in the Heron Ponds Subdivision - Lot 292, 9544 Song Sparrow Circle, Delmar, MD, per the attached drawings. A motion was made/seconded (Scholl/Wilson) and carried by roll call vote of 5 Ayes.

- 2. Julie or Bobby Ringgold- New Home Build - 101 W. Elizabeth Street, Lot 4, Delmar, MD-**Mr. Ringgold informed the Commission this is their fourth lot on this street and they have already built Lot 1, and are in the process of building Lot 2. Commission Member Catellier stated the building plan shows a garage but the site plans do not. Mr. Ringgold said the drawing is incorrect. The drawing should be a rancher similar to Lot 1. He stated his site drawing shows a 1300 sq. ft. rancher. The two stories with the garage are to be built on Lot 2 and Lot 3. Commission Member Catellier said the building plans the Commission have show a one-story rancher with a garage. Mr. Ringgold responded the garage is not going to be built, just the home. Commission Member Catellier suggested to Mr. Ringgold for the Mayor and Commissioners

meeting he should make note and resubmit the plans showing the garage taken off or make note that is obvious the garage is not part of the structure. CDC Hardin added to the discussion that this step is necessary for processing the building permit application. Mr. Ringgold said he would revise the plans to show no garage.

A motion for favorable recommendation to the Delmar, MD Mayor and Commissioners for the approval of New Home Build Julie or Bobby Ringgold - 101 W. Elizabeth Street, Lot 4, Delmar, MD, per the revised drawings showing the home will have no garage. A motion was made/seconded (Wilson/Catellier) and carried by roll call vote 5 Ayes.

**3. Faisal Farooq/Delmar Market-New Signs proposal at 403 S. Bi-State Blvd., Delmar, MD-** Mr. Farooq proposed a new sign to be placed in the existing frame currently on the building. Mr. Farooq also mentioned he wanted to change the sign that shows the gas prices into an electronic LED sign so it will be safe for him and his employees. He said the gas rates can be changed from inside the store, the current sign has to be changed manually and is not safe. Commission Member Wilson questioned if this sign would be on the freestanding sign and will it remain the same size? Mr. Farooq replied yes the sign is freestanding and will remain the same size.

A motion for favorable recommendation to the Delmar, MD Mayor and Commissioners to accept the approval of Mr. Farooq's proposal for the New Signs one on the building and one electronic sign for the gas rates- 403 S. Bi-State Blvd., Delmar, MD, per the attached drawings. The motion was made and seconded (Catellier/Wilson) and carried by roll call vote with 5 Ayes.

**4. CIMA Network-Signage permit to replace Rite Aid signs located at 1301 E. State Road, Delmar, MD-** Mr. Horvath proposed new signage on behalf of his client Rite Aid. He described the process would involve removing the existing signage and replacing it with the new branded Rite Aid logo as illustrated on the attached signage plan. Commission Member Outten asked Mr. Hovarth to add an additional directional sign. She requested adding a no left turn in sign on the west side of the right in only access point. She said it would be on the west side of that entrance because it still has a right in only. She further explained that the sign would be a no left turn sign placed diagonal towards State Line Road so that people would know they need to go to Woodlawn Avenue to make the left and not into the right in only access point. Mr. Horvath agreed and noted the additional sign would be included.

A motion for a favorable recommendation to the Delmar, MD Mayor and Commissioners for the approval of CIMA Network-Signage permit to replace Rite Aid signs located at 1301 E. State Street Road, Delmar, MD, per the attached drawings with the addition of a sign No Left Turn placed near E51 on the drawing. The motion was made/seconded (Outten/Catellier) and carried by roll call vote 5 Ayes.

**5. Roger Adlon-Subdivision of Parcel 37 and Approval of office/showroom-30342 Foskey Lane Lane, Delmar, MD-** Mr. Bill Houlihan proposed to sub-divide Parcel 37 and construct a model home for an office/showroom. This property consists of 1.75 acres. It is zoned Community Business. Mr. Houlihan has proposed to sub-divide approximately 15,000 sq. ft. of the parcel that would front on Foskey Lane. Commission Member Wilson questioned if the home

was going to be a business and will it be built as a single-family home that includes a showroom. Mr. Esham responded the home will be a model as a showcase to sell from and we would include our offices. The home would never be occupied as a residence. Commission Member Wilson further questioned the anticipated use for the remainder of the land. Mr. Houlihan replied the remainder of the land would be office space with common parking. Mr. Esham will have 11 parking spaces. He said there is existing paving there and Mr. Esham is going to add some pavement for parking. Commission Member Catellier inquired about the location of the community Mr. Houlihan will build the new homes. Mr. Houlihan responded he will not be building any homes. Mr. Esham is interested in acquiring the subdivided parcel to do his model home. Commission Member Catellier questioned if Mr. Esham is selling model homes. Mr. Esham replied he doesn't have a subdivision and he doesn't own any lots. He is a custom builder. These homes will be built in Sussex, Wicomico, Worcester, and Somerset Counties.

A motion for favorable recommendation to the Delmar, MD Mayor and Commissioners for the approval of Subdivision Parcel 37 and Approval of office showroom - 30342, Foskey Lane, Delmar, MD, per the attached drawings. The motion was made/second (Scholl/Wilson) and carried by roll call vote 5 Ayes.

**6. Chris Gilkerson-New Home Build-11754 Buckingham Drive, Lot 6, Delmar, DE-**Mr. Gilkerson proposed construction of a new single family home build. Commission Member Wilson said we have asked you for site plans in recent history that identify the lots next door as either vacant or showing what model is designated. He replied no problem and just to clarify these are the only lots we own in Yorkshire and the style will be somewhat different than what is currently built.

A motion for favorable recommendation to the Delmar, DE Mayor and Council for the approval of Chris Gilkerson-New Home Build-11754 Buckingham Drive, Lot 6, Delmar, DE, per the attached drawings. A motion was made/seconded (Catellier/Outten) and carried with a roll call vote with 5 Ayes.

**7. Chris Gilkerson-New Home Build-11758 Buckingham Drive, Lot 7 Delmar, DE-** Mr. Gilkerson proposed to construct a new single-family home build. There were no comments or discussion from the Commission.

A motion for favorable recommendation to the Delmar, DE Mayor and Council for the approval of Chris Gilkerson-New Home Build-11758 Buckingham Drive, Lot 7, Delmar, DE, per the attached drawings. A motion was made/seconded (Catellier/Wilson) and carried with a roll call vote with 5 Ayes.

**8. Chris Gilkerson-New Home Build-13415 Grace Lane, Lot 28, Delmar, DE-**Mr. Gilkerson proposed to construct a new single-family home build. There were no comments or discussion from the Commission.

A motion for favorable recommendation to the Delmar, DE Mayor and Council for the approval of Chris Gilkerson-13415 Grace Lane, Lot 28, Delmar, DE, per the attached drawings. A motion was made/seconded (Scholl/Wilson) and carried with a roll call vote with 5 Ayes.

**9. Chris Gilkerson-New Home Build-13420 Grace Lane, Lot 23, Delmar, DE**—Mr. Gilkerson proposed to construct a new single-family home build. There were no comments or discussion from the Commission.

Motion for favorable recommendation to the Delmar, DE Mayor and Council for the approval of Chris Gilkerson-New Home Build-13420 Grace Lane, Lot 23, Delmar, DE, per the attached drawings. A motion was made/seconded (Wilson/Catellier) and carried with a roll call vote with 5 Ayes.

**10. Angela Hendricks-New Sign at 605 N. Bi-State Blvd., Unit A, Delmar, DE**- Mr. Brooks Hearn a family member proposed to put vinyl letters on the window with the name and hours for the salon. Chairperson Boyan questioned will this all be transparent? Mr. Hearn responded he believed so. Chairperson Boyan asked if there will be an overhead sign? Mr. Hearn said not as of right now. Chairperson Boyan responded that approval is required by the Commission prior to installing an overhead sign.

A motion for favorable recommendation to the Delmar, DE Mayor and Council for the approval of New signage for Angela Hendricks - 605 N. Bi-State Blvd., Unit A, Delmar, DE, per the attached drawings. The motion was made/seconded (Outten/Scholl) and carried by roll call vote 5 Ayes.

Town Manager Bynum-King stated starting in October the Mayor and Commissioners have decided to return to in person meetings in addition to having teleconference meetings available to those who do not feel safe to return to the in-person meetings. Staff will be working to set up the Council Chamber to ensure we can adequately social distance. Face coverings will be required as well. Staff will confirm if we can work out the in-person meeting or remain via teleconference. Chairperson Boyan said okay, he just got off a 14 day quarantine from being exposed to COVID.

Town Manager Bynum-King mentioned September 10, 2020 we had the workshop with the Planner Chris Jakubiak to go over a power-point presentation with regards to the Delaware Comp Plan upgrade. Mr. Jakubiak pointed out several key points that were essential to moving the Comp Plan completion forward. 1.) Population growth. 2.) Land use. 3.) Community character. 4.) Growth impact. The power-point also mentioned the impact to our existing facilities and infrastructure primarily our schools and Waste Water Systems. When the 1st draft is completed the Comp Plan will go before the Delaware Council on October 5, 2020. The Comp Plan will then go to the Delaware State Planning Office and Sussex County Planning Office for review. Once reviewed by the State the Comp Plan will come back to the Town with their comments. After all of the comments from the State/County are taken into consideration and edits are made, the Town's Planning and Zoning Commission will have one last time to review in December. At that time this Commission will have the opportunity to give additional comments. If you have any comments or thoughts please feel free to email myself or CDC Hardin with your questions or ideas. Commission Member Wilson as well as CDC Hardin were both on the conference call and participated in the workshop.

Commission Member Wilson stated the area that they are proposing to include for the Town of Delmar was appropriate towards Iron Hill Road. She asked Town Manager Bynum-King if they would be incorporating Delaware and Maryland into one report. Tmgr Bynum-King replied they are trying to make them consistent however two separate documents. Commission Member Wilson mentioned the importance of an overall look at what the water and sewer in particular can withstand because of new subdivisions and apartment buildings. We are technically at 89% capacity. Commission Member Wilson suggested making sure developments that have already been approved are accounted for in the report not only existing units but approved units as well.

Mr. Taylor, DBF added the Town should be aware of the limitations we currently have at the WWTP. He stated, Commission Member Wilson is correct 89% is the number that we have based on a 3-year average. We are currently working with the Town on an I&I Rehabilitation Project that would reduce the amount of flows to the WWTP. The Town is looking at a reduction of 20% and if we can realize that it could get us down to about 70% because MBE requires that you start planning for a Waste Water Treatment upgrade at 80% and we are at 89% right now. If we could get down to 69% that would put us in a good position. He further said from an engineering viewpoint, we would like to see is a drastic reduction I&I over the next three or four years with two or three projects on the Maryland and Delaware side to reduce the overall flows to the WWTP. Mr. Taylor said that he, Town Manager Bynum-King, and Dept. of Public Works have been actively working on that.

Commission Member Wilson said another problem is going to be the school. It is becoming more apparent that the Delaware side will need to build a new school. She further said she is unsure where that can be placed in the Plan. The future should include a new elementary school on the Delaware side. The question is what do the schools in Wicomico County and Delaware side want to do?

CDC Hardin said he wanted to confirm that the presentation was excellent. Planning and Zoning issues include: 1.) Home styles. 2.) Appearance of neighborhoods. 3.) Placement of business and commercial communities. Mr. Jakubiak also talked about those blends and how to create a homogenous neighborhood. The Commission as well as Town Manager Bynum-King that entertain presentations should be mindful as we consider the things that are presented before us for placement in different areas of town.

### **Public Comments –None**

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 5 Ayes.

Vondell Spencer  
Clerk of Council