

Planning & Zoning Commission Meeting
April 25, 2024
MEETING HELD IN-PERSON & VIA TELECONFERENCE

The regularly scheduled meeting of the Planning & Zoning Commission was held at Delmar Town Hall and via teleconference. Commission Members in attendance: Deputy Mayor Lenox, Vice Mayor Jones, Beverly Wilson, and Jonathan Layton. Key personnel: Town Mgr. Jeff Fleetwood, Code Enforcement Officer Liz Peek and Clerk of Council Vondell Spencer. Guests: Raj Thakkar, Rodney Brown, Candice Pete, and Joshua Joyner; via teleconference: Chris Brown, and Ken Thakkar. Absent: Commission Member Shawn Johnson.

Called to Order:

Deputy Mayor Lenox called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

Deputy Mayor Lenox commented Commission Member Jonathan Layton is on his way and will be joining the meeting momentarily.

Approval of Minutes –

A motion was made and seconded (Wilson/Jones) to approve the March 21, 2024 meeting minutes with the noted corrections as circulated by a vote of 3 Ayes 2 Absent (Johnson/Layton).

Old Business –

None.

New Business –

None.

New Business –

1. **Ken Thakkar and Raj Thakkar – New Business Requiring Well and Septic – Lot 01, Westside, Sussex Highway, Little Creek Hundred, Delmar, DE** – Mr. Thakkar proposed a new business requiring well and septic as referenced per the attached drawings. Deputy Mayor Lenox stated the main issue that would be addressed is the recommendation to the Mayor and Council regarding utilities.

Mr. Raj Thakkar stated the location is on the west side of Sussex Highway and is not connected to sewage and water, and they are proposing to build a storage building or flex space bringing 20 to 25 jobs to the town as well. He explained they are proposing to get their own septic tank and water supply until they are able to tie-in to the sewer and water from the town.

Town Mgr. Fleetwood asked for clarification from Mr. Thakkar if he was talking about holding tanks or a bonified septic system. Mr. Thakkar explained they wanted a septic tank to make sure all the washrooms and sewers are safe to use and operational until they can tie-in to the city sewer and water. He further asked Mr. Thakkar if he was speaking of a holding tank and he explained to Mr. Thakkar the definition of a holding tank, drain field, and how to tell the difference. Town Mgr. Fleetwood questioned Mr. Thakkar about receiving estimates. Mr. Thakkar answered he has not received any estimates as of yet but they were thinking of a tank which can be drained.

Deputy Mayor Lenox asked Town Mgr. Fleetwood who would oversee the holding tank. Town Mgr. Fleetwood answered DNREC. He further asked Town Mgr. Fleetwood if that is something that DNREC entertains these days. He further answered he is unsure. Mr. Thakkar replied he thought that the cost was \$25,000 to \$30,000 for water and sewer. Town Mgr. Fleetwood explained to Mr. Thakkar he would have to have permission from DNREC to get a septic system. A conversation ensued about types of septic systems, what DNREC would allow, and prices. Town Mgr. Fleetwood expressed he is not in favor of a holding tank. A conversation occurred in reference to researching septic systems, connections, expenses, and DNREC.

Town Mgr. Fleetwood offered his recommendation to the Planning and Zoning Commission. He said the applicant should return with estimates on tying into the west side of US Rt.13. A discussion occurred.

Deputy Mayor Lenox asked Mr. Thakkar if the business was particular. Mr. Thakkar answered they have a business called 1-800-RADIATORS & A.C. that is currently operating in Salisbury, MD. He said they were going to put that business in a portion of their warehouse, the rest will be space for other businesses to rent or lease.

Deputy Mayor Lenox asked Mr. Thakkar what the size of the building is in total. Mr. Thakkar answered around 20,000 to 25,000 square feet. He further asked Mr. Thakkar the number of units were going to be in the warehouse. Mr. Thakkar further answered depending on how much space their company occupies; he was guessing 3 to 4 units. Deputy Mayor Lenox stated the business proposed appears consistent with the town's zoning.

Commission Member Layton joined the meeting.

Commission Member Wilson questioned if the properties that are north of the proposed location have proved that they have water and sewer and also how was that in line with the 4 parcels that are south of the Mr. Thakkar's property that are not in town limits, and how the town's Comprehensive Plan is proposing to handle those 4 parcels in the future? She stated whatever the proposal is in general it has to comply with the town's Comprehensive Plan.

Commission Member Wilson said there is a property to the south that is in the same circumstance, they do not have a feasible financial way to hook-up to water and sewer

and the Commission did not approve anything special for that either. She asked Mr. Thakkar how long he owned the property. Mr. Thakkar replied it is a recent purchase. A discussion occurred.

Commission Member Wilson stated her other concerns are the size of the proposed building, site size, and how that would accommodate the septic system and a drain field. She said that could pose a real problem. Mr. Thakkar replied he unfortunately does not have the full information on that but they could definitely get some estimates and a drawing to accommodate.

Town Mgr. Fleetwood stated he would give Mr. Thakkar some direction on his proposal.

Commission Member Wilson said she is unsure if she would approve the concept without looking at the Comprehensive Plan.

Deputy Mayor Lenox informed Mr. Thakkar before the Commission expected him to do a fully engineered plan, he thought Mr. Thakkar would need a nod from the town about whether they would go along with the idea of Mr. Thakkar providing his own services. Deputy Mayor Lenox said before Mr. Thakkar spends that money, he should know whether or not the Town of Delmar, DE will allow him to proceed without a tie-in to municipal services.

The Commission stated they are not ready to recommend to the Mayor and Council without more information and details about septic, a site plan, DNREC information, a study by DelDot in reference to highway access, and referencing the Comprehensive Plan.

2. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Dogwood/Elevation K – Lot 14, 11719 Silverbell Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there is an Elder on one side and a Birch on the other. She said setbacks appear to be in order.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Dogwood/Elevation K – Lot 14, 11719 Silverbell Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Wilson/Jones) and carried by a vote of 4 Ayes 1 Absent (Johnson).

3. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 102, 38334 Stillwater Parkway, Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there is an Aspen on one side and a Hazel on the other. She said the setbacks appear to be in order.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 102, 38334 Stillwater Parkway, Delmar, DE, per the attached drawings. A motion was made/seconded (Jones/Layton) and carried by a vote of 4 Ayes 1 Absent (Johnson).

4. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 89, 11885 Yellow Wood Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there are vacant lots on either side and the setbacks appear to be in order.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 89, 11885 Yellow Wood Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Wilson/Layton) and carried by a vote of 4 Ayes 1 Absent (Johnson).

5. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 91, 11891 Yellow Wood Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted there is a Tupelo on one side and development property on the other side. She said across from the development property is a vacant lot. The setbacks appear to be in order.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 91, 11891 Yellow Wood Dr., Delmar, DE, per the attached drawings. A motion was made/seconded (Layton/Jones) and carried by a vote of 4 Ayes 1 Absent (Johnson).

6. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 104, 11888 Yellow Wood Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson noted it looks to be a curve lot and it is unclear what is to the left but she believes it is going to be a Hazel and a Tupelo is on the right. She said noticing the straight line from the street to the front porch read 22.5, and she noticed the corner lot read 26 feet. She further said because it is on a curve she is unaware if there is leeway and she explained what she meant by leeway. The 22 feet is not in line with the required minimum. Vice Mayor Jones said the required minimum is 25 feet. A conversation occurred.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Cedar/Elevation K – Lot 104, 11888 Yellow Wood Dr., Delmar, DE., subject to confirmation that the front setback is in full compliance. A motion was made/seconded (Jones/Wilson) and carried by a vote of 4 Ayes 1 Absent (Johnson).

7. **Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 106, 11880 Yellow Wood Dr., Delmar, DE** – Mr. Brown presented a new home build as referenced per the attached drawings. Commission Member Wilson said there is a 24 line and a 26 line. If the 24 line is meaning something regarding a setback, then that means that does not meet the minimum.

Deputy Mayor Lenox called for a favorable recommendation to the Mayor and Council for – Chris Brown/Ryan Homes – New Home Build – Stillwater/Hazel/Elevation K – Lot 106, 11880 Yellow Wood Dr., Delmar, DE., subject to confirmation of compliance with front setback requirements. A motion was made/seconded (Wilson/Layton) and carried by a vote of 4 Ayes 1 Absent (Johnson).

Public Comments –

1. Deputy Mayor Lenox thanked the FD for attending the meeting.
2. Ms. Candie Pete commented they were coming by and they are one of the lottery winners for the Wicomico County Dispensary. So, they were just coming by to take a look at some areas.

Commission Comments –

1. Commission Member Wilson welcomed new Commission Member Jonathan Layton. She said she looks forward to working with him.

Adjournment –

Deputy Mayor Lenox called for a motion to adjourn the meeting. The motion was made/seconded (Jones/Layton) and carried by a vote of 4 Ayes.

Submitted by:

Vondell Spencer

Clerk of Council