

PLANNING AND ZONING COMMISSION
MEETING MINUTES
November 20, 2025

1. The meeting was called to order by Kent Liddle at 4:00pm with the Pledge of Allegiance. Commission Members Maly, Sigvardson, DiNoto, and Nicholson were in attendance. Planning, Zoning & Development Director Ken Cimino, Town Solicitor Max Walton, and Planner Jill Oliver, Engineer Jim Lober were present. Donna Schwartz, Town Clerk, was also present. The meeting was being held at 32 West Avenue.

2. APPROVAL OF AGENDA

A motion was made by Mr. Maly, seconded by Mr. Sigvardson, to approve the agenda. The motion was carried unanimously 5/0.

3. APPROVAL OF MINUTES

A motion was made by Ms. DiNoto, seconded by Mr. Maly, to approve the minutes of September 18, 2025. The motion was carried unanimously 5/0.

4. NEW BUSINESS

A. P-360 32451 Windmill Drive (PIDN:401.099/CTM#134-12.00-386.00)

Mr. Cimino made the following comments, Application P-360 is a local rezoning request, submitted by the property owner to amend the zoning of lands of SMC Enterprises, LLC, aka Tax Parcel # 134-12.00-386.00, from R-1 Single Family Residential to R-2 One and Two Family Residential.

The zoning of R-1 was set for this parcel upon annexation into Town on 9/3/2002.

The Department has the following comments.

1. The property consists of 0.572 acres with approximately 210 ft. of frontage along Windmill Road
2. The maximum number of dwelling units that the current zoning will support is 1 single family dwelling.
3. The maximum number of dwelling units that the proposed zoning will support is 2 single family dwellings, or 2 semidetached or duplex units.
4. The parcel is bounded on three sides by RPC zoning within Town limits.
5. The parcel is across the street from the community of Bishop's Landing, which is outside of Town boundaries in the Town of Millville. Bishop's Landing is comprised of a combination of single family, townhouse and condominium units.

6. The parcel is shown on the future land use map, within the comprehensive plan, as Planned Community, which would support a mix of residential unit types.
7. Should the rezoning ordinance be adopted, any future subdivision or development of the parcel would require development plan review through the Town.

Mr. Sean Cummings, Mikken LLC, was present to answer questions from the Commission. Mr. Lober made a couple of comments regarding water runoff and flow. Mr. Lober added there could be a combination of up to three homes, a single family and two duplexes. Mr. Liddle questioned the height allowed. Mr. Lober replied 42feet. Mr. Cummings showed a side-by-side house. Mr. Liddle asked how common ownership would work. Mr. Cummings replied it would be dual ownership. Mr. Cimino stated it was fee simple. Mr. Maly asked if the homes would be stand alone. Mr. Cummings replied one 4,000sqft or two 2,000sqft would have the same impact on the environment. He noted that a tax ditch runs behind the property. Mr. Cimino agreed that it was Prong 3.

PUBLIC COMMENTS

Mr. Mark Sewok, Brighton Street, President of the Avon Park HOA stated he is concerned about the pond and water run-off and what the impact would be on the pipe. He would like to see the zoning remain at R-1.

Ms. Anne Oberste, Millville, said a shorter home would be okay.

Ms. Wendy Keenan, Brighton Street, stated that she is concerned about someone who buys the homes that use Avon Park property. She is against change.

Ms. Mary Beth Rappe, Brighton Street, stated she was against the R-2 because of height concerns.

Ms. Meghan Evans, Avon Park, stated she was against the R-2.

PUBLIC COMMENT CLOSED

A motion was made by Mr. Liddle, seconded by Mr. Sigvardson, to approve the change to R-2.

Mr. Nicholson – nay, due to overcrowding concerns.

Mr. Sigvardson – yes, can't see any difference.

Ms. DiNoto – nay, concerned about aesthetic continuity.

Mr. Liddle – yes, can't see any difference.

Mr. Maly - nay, negative impact on community.

Motion failed 3/2.

B. P-361 NW/Elliott Avenue, E/DeMarie Drive – Residual Lands of Jeffrey

A. & Stephanie A. Wilkerson (PIDN:135.004/CTM#134-12.00-327.00)

Mr. Lober clarified that this is a concept plan review, plan is mistitled as final site plan, however, no vote will be taken today. Mr. Lober had the following comments about the concept plan:

General

1. The plan should not include proposed lot-coverage values. Each single lot grading plan that is submitted will be required to address the lot coverage associated with what is actually proposed at the time and will be expected to comply with the maximum allowable value for the zoning.
2. Moving forward, additional comments will be provided regarding specific plan requirements as each level of plan review is achieved through the process.
3. Although no open space is required to be provided in conjunction with this project given that only four residential lots are proposed, open space is required to support the stormwater management facility. Therefore, a homeowner's association will need to be created in accordance with the requirements of §140-72 to provide for the ownership and maintenance of all of the common facilities.

Variance

1. The Board of Adjustment granted a variance for required lot width associated with the previous submission of this application. Place the following note on the plan.
 - a. On October 21, 2021, the Board of Adjustment granted a variance providing relief from the minimum lot width requirement of 75 ft. to allow lots 2 and 3 as shown hereon to be created at 40.8 and 40.9 ft. wide respectively. See Application V-424.
2. Provide dimensions for all four lots at the building setback line to verify the provided lot widths.

Floodplain

1. Conditional letter of map revision approval was received from FEMA dated December 29, 2022. Verify that the proposed conditions are consistent with the application to FEMA that received approval. If changes need to be made, an updated approval may be required.

Easements

1. Show the existing 10 ft. wide easement along the rear of the adjoining parcel to the east in accordance with Plot Book 310 page 66.
2. Depict the 10 ft. wide easement around the perimeter of each lot as required by §140-79-B(6) regardless of other easements that may exist or be required in those areas.
3. Any drainage infrastructure that is installed on private property will need to be covered by a 20 ft. wide easement in accordance with §140-79-B(3) and will need to be labeled as to benefit the HOA.
4. No easements will be required for the proposed modifications to the existing cul-de-sac at the end of Demarie Drive unless elements of that work are necessary outside of the public right-of-way.

Wetlands

1. The plan needs to reflect the existing condition of the wetlands and depict the area to be filled in accordance with the nationwide permit. Provide a note referencing the nationwide permit approval on the plan. Please note the expiration date of the nationwide permit and be aware that the plan design may need to be revisited should the project not be able to comply with the requirements within the verification dated July 24, 2025.
2. Grading associated with the construction of any improvements on the lots is not a permitted activity within either of the wetland boundaries. All proposed grading will need to honor the buffer, or the buffer width averaging will need to be applied anywhere grading intercepts the zone B boundary.

Stormwater Management

1. Sediment and stormwater approval will be the jurisdiction of the Sussex Conservation District. However, the Town will also need to review the stormwater design. We have concerns regarding the proximity of the proposed stormwater facility to the house on the adjoining property to the north. Specific attention will need to be paid to the distance from the house to both the retained and the detained water surface elevations as well as the emergency overflow location and elevation.
2. Please note that §140-100-D(16) requires that all wet ponds be aerated.

Streets and Sidewalks

1. Correct the note on the plan to state that the proposed right-of-way and the newly constructed cul-de-sac will be dedicated to public use.

Outside Agency Approvals

1. Any outside agency approvals that have expired since the time of the last application will need to be reissued.

Ms. DiNoto inquired about any permits that expired.

Mr. Liddle asked about variances for lot width.

Mr. Maly asked about the Army Corp of Engineers,

Mr. Brad Parks, Plitko LLC, was present and discussed the wetlands and buffer zones. He also commented on sewer and water connections and stormwater management.

PUBLIC COMMENTS

Mr. Peter DeMarie, Daisey Avenue, asked a question about stormwater management.

Mr. Tom Fowler, Ocean View Marina, asked if a right-a-way would be created.

Mr. Graeme Lake, DeMarie Drive, questioned whether the ditch will be overloaded, it's very overgrown already. Mr. Lober clarified that the whole area is AE-7. He commented that the road pitch is wrong.

Mr. Peter Gordy, DeMarie Drive, stated he likes to sit on his front porch and watch the geese. He will move.

PUBLIC COMMENT CLOSED

Mr. Liddle reminded everyone that this is a concept plan and no vote will be taken.

5. ADJOURNMENT

A motion was made by Mr. Sigvardson, seconded by Mr. Maly, to adjourn the meeting at 5:32pm. The motion was carried unanimously 5/0.

Respectfully submitted,
Donna M. Schwartz MMC