

## PLANNING & ZONING MEETING

JULY 17, 2025

**ATTENDEES:** David Chillas, Chair  
Morris Deputy, Town Manager  
Donald Dibert  
Don Hall  
Chuck McCausland  
Jenn Parrish  
Joe Pontak  
Gretchen Rachko  
Charles Roberts  
Keith Thompson

### AGENDA:

**1. 224 E. Crail Court – Conditional Use Permit request for a home office wholesale auto dealership to store documents only, no cars on site, in an R-1B zoned area. CU-10-25. Tax Parcel 23-050.00-058.**

Mahmoud Morsy requested approval to operate a wholesale auto dealership at 224 E. Crail Court. Cars are purchased online and sold wholesale.

Gretchen Rachko asked if any cars would be parked at the house.

Mr. Morsy said no cars will be on the property. When vehicles are purchased they just move from auction to auction.

Jenn Parrish asked if there are any employees.

Mr. Morsy said he is the only employee.

***Moved by Joe Pontak and seconded by Jenn Parrish to recommend Mayor and Council approve 224 E. Crail Court, Conditional Use Permit request for a home office wholesale auto dealership to store documents only, no cars on site, in an R-1B zoned area. CU-10-25. Motion Carried Unanimously.***

**2. 410 Diamond State Blvd., Suite E – Conditional Use Permit request for an e-commerce, warehousing, import/export operations and freight forwarding business to be located in an M-I zoned area. CU-11-25. Tax Parcel No. 23-008.00-115.**

Laziz Nasimov requested approval for an e-commerce warehousing, import/export business at 410 Diamond State Blvd. The company has an express shipping business in New York with branches in Florida and Philadelphia.

- General products are purchased primarily for the people of Uzbekistan in Central Asia.
- The people of Uzbekistan buy from different online marketplaces such as Amazon for vitamins, household items, electronics, etc.; the products are shipped to the warehouse and exported.
- They plan to start exporting in October.
- The space will have an office and bathroom.

Jenn Parrish asked what is being shipped.

Mr. Nasimov explained clothes and household items online from Walmart, Best Buy, Amazon, etc.

Ms. Parrish questioned if they see the actual products, repackage them and ensure hazardous items aren't being shipped.

Mr. Nasimov replied yes. The people of Uzbekistan set up an account and have the products sent to the warehouse where items are repackaged and shipped to the purchaser in Uzbekistan.

Don Hall asked how the products will be delivered to the warehouse and how they are shipped out.

Mr. Nasimov said when customers purchase online, the products are delivered by UPS and FedEx-type delivery trucks. He said Turon has a contract with a shipper in New York that will pick up the products from their warehouse and take it to JFK airport for delivery.

Don Dibert asked how many trucks per week will be making deliveries.

Mr. Nasimov replied at least one box truck, not a semi-truck.

Joe Pontak commented this is about the fourth e-commerce business that has been approved for a warehouse to distribute products, and they all say the same thing, "it's for our people". He said he feels not enough questions are asked about the products to be shipped, how people contact them for shipping, their website, etc. He noted gun shops have tried to open but were turned down.

Mr. Nasimov said they have a local website (Turon Express Shipping) in Uzbekistan only for their country. The people set up an account and have their orders sent to the warehouse. The company can be asked at anytime what exactly is being sent in and what is being delivered from the warehouse.

Chuck McCausland clarified the gun shops were proposed in residential areas - this is in an M-I zoned area that can be used for commercial use.

Ms. Parrish asked the Town Manager what the process is for an e-commerce business.

Mr. Deputy responded they get a business license and as part of the fit-out permit, the Fire Marshal will inspect the facility. He pointed out one of the Councilmen questions and requires IATA certification for these types of businesses. The businesses are usually for specific countries because they can't get the products in their country and they have their own specific shipping requirements.

Mr. Nasimov further explained, when the boxes are taken to JFK, freight brokers inspect the boxes for customs clearance, the manifest for the contents of the box and the name of the person to whom it's being shipped. He said Uzbekistan has very strict custom regulations and requires certificate of origin or other certification for certain products. He said he is familiar with IATA and indicated the New York office will ask if lithium batteries or flammable products are being shipped. If any products require certification, it is obtained before shipping.

***Moved by Keith Thompson and seconded by Jenn Parrish to recommend Mayor and Council approve 410 Diamond State Blvd., Suite E, Conditional Use Permit request for an e-commerce, warehousing, import/export operations and freight forwarding business to be located in an M-I zoned area. CU-11-25. Motion Carried Unanimously.***

**3. 501 Merrimac Avenue – Minor Subdivision Plan for Merrimac Gateway, a commercial center located along Merrimac Avenue and Kohl Avenue. The owner/developer proposes to subdivide the original parcel into two lots, one for the planned hotel and the second for two restaurants, along with a few minor site layout adjustments for water services, trash and parking. Tax Parcel No. 23-075.00-093.**

Mike Kaszyski with Atwell LLC, presented the Minor Subdivision Plan for Merrimac Gateway.

- The plan was recorded in 2023 for two restaurant pads and a hotel.
- The restaurant pad sites have been constructed along the frontage on Middletown-Warwick Road.
- Phase 2 of the project proposes the hotel with an entrance off Kohl Avenue.
- The subdivision line will place the restaurants on a lot and the hotel on a separate lot.
- A site plan showing the constructed restaurants with existing parking and driveways was displayed.
- Minor adjustments include swapping the location of a couple of parking spaces along Merrimac Avenue with the trash enclosure in the back.
- A pet area was also designated on the site.
- Review comments from Verdantas have been addressed.
- The subdivision creates the need for a variance for the setback and buffer yard.

Don Hall questioned how the hotel will benefit the residents of Middletown.

Mr. Kaszyski replied relatives or guests visiting the area will have a place to stay. The plan was previously recorded in 2023 for a hotel; this plan is only to subdivide the lot and make the minor adjustments.

Joe Pontak asked how this plan is different from the original recorded plan and what the variance is for.

Mr. Kaszyski said everything shown here was on the original plan except for the swapping of the trash enclosure from the back, with a couple of parking spaces on Merrimac. The parcel is only being subdivided and the pet area is being dedicated. The subdivision line will run along the curb line for the parking spaces that would be on the restaurant parcel side. A 10' wide grass strip separates the two areas of parking; a 10-foot setback will be on one side and the setback will be on the curb line for the other.

Joe Pontak asked the Town Manager what the pros and cons are for the subdivision.

Morris Deputy responded, in the past, subdivisions have been for financing purposes, transfer of ownership, etc. It can be done for a variety of reasons – a lot of commercial developments request subdivision of parcels.

Keith Thompson asked if the hotel chain was known.

Mr. Kramedas responded it's a Hilton Extended Stay.

Kristen Krenzer pointed out the restaurant pad sites are currently built as Outback and Chili's.

Gretchen Rachko asked how many hotel rooms are proposed and if parking is sufficient. Mr. Kramedas indicated 89. Mr. Kaszyski said parking is based on code requirement.

Mr. Kramedas explained the reason for the subdivision is for financing purposes – it's an easier process if the hotels and restaurants are on separate parcels.

***Moved by Joe Pontak and seconded by Charles Roberts to recommend Mayor and Council approve 501 Merrimac Avenue – Minor Subdivision Plan for Merrimac Gateway, a commercial center located along Merrimac Avenue and Kohl Avenue. The owner/developer proposes to subdivide the original parcel into two lots, one for the planned hotel and the second for two restaurants, along with a few minor site layout adjustments for water services, trash and parking. Tax Parcel No. 23-075.00-093. Motion Carried Unanimously.***

**4. 5044 Summit Bridge Road – Preliminary Major Land Development Plan for Middletown Mews, a proposed stacked townhouse community with 30 units arranged in three buildings with common access driveways. Each building will be three stories, with two units situated in each building section. Tax Parcel No. 23-075.00-093.**

John Tracey from Young, Conaway, Stargatt and Taylor on behalf of the applicant and developer, along with Mike Kaszyski with Atwell LLC and Andrew Kubovsak with Summit Bridge LLC, presented the Preliminary Major Land Development Plan.

- The parcel is 1.9 acres located on Summit Bridge Road, situated between two parcels not located in the Town. The Middletown Reserve community is located to the rear of the parcel.
- The property was originally part of the Middletown Reserve and Wawa parcel annexed into the Town several years ago, zoned R-3.
- The project proposes 30 stacked townhome units with associated parking, stormwater management, and open areas.
- The units will be divided between three buildings with 10 units in each building. Each unit within the building is 1-1/2 stories; one unit will occupy the ground floor and part of the second floor; the second unit will occupy part of the second floor and all of the third floor.
- The front of the units will face outward and the back of the unit will face internally where the parking is located.
- Each unit will have a garage parking space plus a drive-way parking space; twelve additional parking spaces are provided within the community.
- The entrance and exit are off Summit Bridge Road; no access is proposed to the Middletown Reserve community or the neighboring parcels.
- Stormwater management is located to the rear of the property.
- DelDOT has indicated no traffic studies are required because of the low number of units.
- Renderings were presented.
- An existing eight-foot PVC fence was installed around the property as part of the Middletown Reserve project.
- The project is a condominium-style, an ownership project, not a rental project.

Chuck McCausland commented a traffic study might not be required, but the amount of traffic that has to merge from two lanes to one lane about 60' to 70' feet from the driveway is not safe.

Mike Kaszyski said the traffic generated from the site, the need for turn lanes and the ability to place the turn lanes has been reviewed with DelDOT. A dedicated left turn lane will be provided so anyone turning left would be out of the way of through traffic; a right turn lane will also be dedicated.

Jenn Parrish said she feels the same concerns discussed when the last project came through will still be relevant. Commercial traffic is in and out during a certain time frame; residential units will have a bigger impact. With the last project, the Commission and residents expressed concern with all the accidents that occur in the area and asked for a traffic study.

John Tracy explained the residential traffic is actually a much lower traffic generator because there are only thirty units. The left turn and right turn into the property were generated from preliminary conversations with DelDOT; the plan will go through the full DelDOT process for final approval.

Kaszyski pointed out DelDOT will determine the length of the lanes based on the speeds on the road and the amount of traffic. There is space in the existing middle lane to provide for striping for the left turn coming in.

Dave Chillas asked how wide the internal streets are.

Kaszyski said 24 feet, but closer to 26 to 28 feet in the back and the main driveway coming in.

Tracy said they met with the Town and adjusted the turning radius to ensure the fire apparatus coming in, as well as trash trucks, could navigate around. The streets will be privately maintained.

Jenn Parrish asked if the turn lane will be in front of Ciamaricone's house.

Kaszyski responded the lane will be contained within the frontage of the property itself; the taper is on the existing shoulder, in the right-of-way, across the Armstrong's property.

Don Hall asked if residents will be able to turn left to exit the development.

Kaszyski said they would. DelDOT had no concerns with full movement access at the intersection during the initial discussion; it's a straight road with adequate sight distance. The plan still has to go through the full entrance plan review process with DelDOT and could make other suggestions. They will tell us what movements we can't have.

Jenn Parrish said she would have preferred the review with DelDOT had happened before this plan was proposed. She said she would like to see a traffic study.

Parrish indicated DNREC is currently going through the process of updating their regulations to include fencing of retention ponds, as a safety measure for children and adults with developmental disabilities. Even though it has not become a regulation yet, she asked if they would consider installing fencing around the proposed pond.

Kaszyski responded it would be considered; at this point they do not know if the pond will be a wet or dry facility.

Jim Ciamaricone, resident on the south side of the project, expressed the following concerns:

- Left turns from the driveway between 3 and 6 p.m. are impossible because of the congestion; vehicles have to make a right, go to the Spring Mill light and turn around to head north.
- Many accidents happen at the intersection and the merge lane; a lot of people ride on the shoulder to the light; it's a very dangerous area.
- People from Middletown Reserve trespass on his property.

Joanne Armstrong, resident on the north side of the project, expressed the following concerns:

- Part of the property is on the National Registry of Historic Places. The Delaware State Historic Preservation Office recommended an archeological survey prior to any ground disturbance as the parcel was found to have medium to high potential for archeological resources.
- When trying to exit onto Summit Bridge Road, the traffic signal stops the north and southbound traffic for a while, but not the vehicles exiting Wawa or the Middletown Reserve traffic, adding to the congestion. She said traffic sometimes backs up from the Spring Mill light to their lane.
- Summit Bridge School will be adding additional buildings to their campus, creating more traffic.
- Would like to see a current traffic study.
- The design of new properties, when facing a historic property, should include architectural features respective of the historic origin (scale, material, roof lines, windows and overall character).
- Street lighting should be planned to minimize light pollution, fixtures should be shielded and directed downward to prevent upward light spill.
- Recommends the buildings are no higher than two stories.
- Suggested a landscape buffer with trees 12-feet high to separate the Armstrong property and cut down on light glare and view of traffic.

John Tracey requested to table the project in order to obtain more information from DelDOT; the application has been submitted for the pre-application meeting.

Mr. Tracey mentioned the property currently has an eight-foot high privacy fence that would minimize vehicle lights; the parking lot is internal to the site and a lot of light will be blocked by the buildings; code requires downward-facing lighting to reduce light pollution and glare.

***Moved by Don Dibert and seconded by Keith Thompson to adjourn. Motion Carried Unanimously.***

We believe these minutes accurately reflect what transpired; however, we will appreciate comments involving a different understanding of what occurred. Unless we are notified in writing to the contrary within 10 days after receipt, we will assume all in attendance concur with the accuracy of this transcription.

Respectfully Submitted,

Morris Deputy, P.E.  
Town Manager

Ry: 6/24/25  
Cc: Mayor & Council  
P&Z Members  
Verdantas  
All Attendees