

**Town of Bethany Beach
Planning Commission Minutes
March 22, 2014**

The Bethany Beach Planning Commission held a meeting on March 22, 2014 at 9:00 a.m. in the Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, DE 19930.

The following members were present: Lew Killmer, Chairman, who presided; John Gaughan; Fulton Loppatto; and Jerry Morris.

The following members were absent: Mike Boswell and Faith Denault

Also present: Susan Frederick, Building Inspector; Council member, Margaret Young; Nathalie Fernandes, Receptionist; and interested members of the public.

OPENING OF MEETING

Mr. Killmer called the meeting to order at 9:04 a.m.

Approval of Agenda

Mr. Gaughan made a motion to approve the agenda. The motion was seconded by Mr. Loppatto and unanimously approved.

Discussion/Approval of the Planning Commission Minutes of February 22, 2014

Mr. Gaughan made a motion to approve the minutes of February 22, 2014. Mr. Morris seconded the motion. Mr. Gaughan noted that on page 3, second paragraph, his permanent residence should say Bethesda, Maryland, not Bethel. Mr. Killmer asked that Ms. Fernandes correct the minutes. Mr. Gaughan made a motion to approve the minutes dated February 22, 2014, as amended. The motion was seconded by Mr. Loppatto and unanimously approved.

Announcements/Comments/Updates

Non-Residential Design Review Update (Denault/Killmer)

Mr. Killmer reported the following:

There was a Non-Residential Design Review Committee (NRDRC) meeting held on March 14, 2014. Ms. Kathy Dryden, owner of “Shore Foods”, “Sandy Toz” and “Sandy Pawz,” submitted an application for new signs for her new retail store, “Ocean Treasures,” which is located at the former Bethany Bakery, also owned by Ms. Dryden. The submitted plans were for a sign to be placed on the existing awning, as well as signs for the storefront window and door. All of the signs conformed to both the Bethany Beach Design Guidelines as well as the Town’s Sign Ordinance and all of the signs were unanimously approved by the NRDRC.

Comments/Updates Regarding the March Town Council Meeting

Mr. Killmer reported that there were three (3) candidates who applied to fill the vacancy that was created on Town Council by the resignation of Councilman Tony McClenny due to illness. The three candidates were Mr. R. Bruce Frye, Ms. Rosemary Hardiman, and Ms. Carol Brigleb. Each candidate gave a brief presentation. The Council deliberated and chose Ms. Rosemary Hardiman to fill the vacant Town Council seat. Mr. Jack Gordon was appointed to the position of Mayor of the Town, Mr. Killmer was appointed to the position of Vice Mayor, and Mr. Dorfman remains in the position of Secretary and Treasurer. Mr. Gaughan stated that Mr. McClenny had made an appearance at the Town Council meeting and Mr. Killmer added that everyone should continue to pray for him.

Mr. Killmer continued to report that the Town Council approved the Budget for Fiscal year 2015 as well as the Schedule of Fees. Town Council also awarded concessions for the summer exercise classes.

Lastly, the Town Council rescheduled the Friday, April 18 meeting. Town Hall will be closed that day due to the Good Friday holiday. The meeting was rescheduled for Friday, April 25 at 2 PM.

Comments, Q&A and Discussion for Planning Commissioner Members (All)

Mr. Gaughan asked if there was any comment about the property tax increase during the preparation of the hearings. Mr. Killmer replied that on the Budget and Finance Committee there was one person who was opposed. When reviewing the budget, it looks like there is a big surplus but in reality there isn't.

Mr. Morris, who is also a member of the Budget and Finance Committee, stated that he had asked Committee members why the increase in property taxes and not reassessing properties in Town. The Committee described the process and cost of reassessment. By having small increments, it is easier to keep up with the increased costs of running the Town. The money kept on reserve is used for replacing and buying additional equipment, as well as other capital intensive needs. Mr. Morris stated that he was one of two people on the Committee who were originally against the tax increase, but after learning more about it, he changed his mind.

Mr. Killmer stated that the process of reassessing property is revenue neutral, for example, one third goes up, one third goes down, and one third doesn't change. Sussex County has not reassessed properties since the early 1970's and by not doing so, the assessment for new houses will go down, while those who have been here longer will see their assessment go up significantly. Mr. Morris commented that it cost approximately two hundred thousand dollars (\$200,000) to do a Town wide reassessment.

Mr. Loppatto commented that although most of those who live in Bethany Beach year round are well off, there is a small group of people who live off food stamps. He asked if there is any thought in helping those who struggle to pay their taxes. Mr. Killmer replied that it would be difficult to only allow a few people a reduced rate without doing it for all. The average age in

Bethany Beach is sixty-three and a half (63 ½) and it was a surprise to hear that there are those who live in Bethany Beach living on food stamps, but it may not be in the corporate limits of the Town. Mr. Gaughan stated that Sussex County deals with situations like Mr. Loppatto commented about. Mr. Killmer also noted that the flood insurance is expensive and that can defer people in the future from moving into Town.

PUBLIC COMMENT/QUESTIONS FOR THE PLANNING COMMISSION

There were no comments or questions at this time.

OLD BUSINESS

Review of Draft E of the Concepts For The Basis To Create An Ordinance To Regulate Residential Bulk Density In The R-1, R-1A and R-1B Zoning Districts.

Mr. Killmer explained that he took all the suggestions and recommendations from all the Commissioners. The document will go out to the contractors and designers so they understand the basis on how the proposed draft ordinance was created.

Ms. Frederick asked if there will be photos and charts incorporated with the document. Mr. Killmer replied that the photos and chart would be part of the ordinance itself. Ms. Frederick then asked if the document will be sent to the contractors and Mr. Killmer explained that it would, along with the ordinance.

Mr. Gaughan suggested that on the last page of the document there should be a heading for additional public input. He explained that at the workshop there might be one or more persons that may suggest something that had not been considered. The document is not a finished document and there may be some additional input during the workshop.

Mr. Killmer stated that he will add another category and leave a blank section for that purpose. Mr. Loppatto stated that the document does state that it is a draft but it would not hurt to have that section in the document.

Mr. Killmer agreed and stated that he will email out the last page of the document rather than bringing the whole thing back for discussion at the next meeting.

NEW BUSINESS

Review And Possibly Vote On An Ordinance To Add A New Chapter §425-26 “The Regulation Of Residential Bulk Density In The R-1, R-1A And R-1B Zoning Districts To The Town’s Zoning Code.

Mr. Killmer explained that he chose to add the new Ordinance in chapter 425-26 because it was a blank section in the Town Code. Once the proposed ordinance is finalized and sent to the Town Council, the Town Attorney will be put it in the form of an ordinance. The ordinance was created directly from the concept document.

Mr. Killmer noted that Mr. Morris had contacted him with comments to add into the ordinance. Mr. Morris wanted to clarify page 4, roof sun decks, of the proposed ordinance. Mr. Morris stated that it was confusing and suggested there be a change in the wording. Mr. Gaughan agreed that there was some confusion on the definition. Mr. Killmer explained that a roof sun deck could be over the main roof. Ms. Frederick stated that there is a definition for “main roof” and the calculation of the permitted size of a roof sun deck would be based upon the overall size of the main roof only. It would not take into account any lower roofs. Mr. Killmer suggested removing the phrase ‘an addition.’ Mr. Morris suggested that the definition read: ‘Decks located twenty-five (25) feet above grade or base flood are limited to a size not to exceed ten percent (10%) of the total roof area.’ Mr. Killmer clarified that, ‘but be an addition to’ will be removed. Ms. Frederick concurred and stated that ‘main roof’ be added since there is a definition for that. Mr. Killmer stated that he would make those changes.

Mr. Gaughan stated that there are some editorial changes he would like to discuss. He suggested that on page 4, §425-26-3 Tradeoffs, the second sentence should be changed to: ‘Tradeoffs offer a positive approach to the design of future homes...’ The second suggestion Mr. Gaughan made was for page 1, §425-26-1 Legislative Findings, Statement of Purpose. He suggested that there should be a statement that incorporates the concepts of tradeoffs. Mr. Killmer agreed with the suggestion made. Lastly, Mr. Gaughan had a question in regards to Appendix 3 found on page 5. He was confused as to whether it was a new provision or an addendum to that current Appendix. Mr. Killmer and Ms. Frederick explained that the note under the chart found on page 5, is the actual definition of Appendix 3 Footnote (b). It was included so that those who are reading the Ordinance would not have to look up the definition through the Town Code.

Ms. Frederick stated that page 8 of the ordinance would be the illustration of thirty-two percent (32%) lot coverage. Mr. Killmer commented that by adding some photos taken from a PowerPoint done by Ms. Frederick, it will give a visual example for future homeowners. He asked Ms. Frederick if there are any changes to the existing chart and Ms. Frederick replied that no changes have been made.

Mr. Gaughan asked for a notional time line for a workshop. Mr. Killmer replied that there is a partitioning hearing in April and Ms. Frederick added that there is another partitioning scheduled for May as well. Mr. Killmer stated that the Commissioners should aim to finalize the documents and the ordinance for May and to then invite everyone to the workshop.

Mr. Gaughan asked who ‘everyone’ is and Mr. Killmer explained that Ms. Frederick knows the local architects, designers, developers and contractors; those who build and design in the area will be sent a copy and be invited to the workshop. Mr. Gaughan stated that the first time they had a workshop there was a good turnout, but it was evident that not everyone showed up. By having an ordinance, it is hopeful that there will be a higher attendance and there will be a less amount of people saying ‘I did not know about this.’

Mr. Loppatto wanted to clarify that because there were changes made to the Ordinance, the Concepts document would also get the same changes. Mr. Killmer clarified that the Ordinance is based on the Concepts document, so any changes made will reflect on the other.

Review And Possibly Vote On An Update to Chapter §410-18 Partitioning Part A Application Regarding Filing Timeline Requirements.

Currently, land subdivisions applications have different timeline requirements than land combining applications. Mr. Killmer suggested that the applications have the same timeline requirements to make them all consistent. By changing the partitioning application from 55 days to 45 days and changing the mail and property notifications from 45 days to 40 days, it will not only help those who are applying but it will help the Building Inspector as well. Mr. Killmer commented that it is a simple change and it is under the jurisdiction of the Planning Commission.

Mr. Gaughan motioned to approve the changes for Chapter §410-18. Mr. Morris seconded the motion and it was unanimously approved. Mr. Gaughan commented that although it may seem that this is a small administrative change, it will go a long way and help others focus more on their business; it will be a universal amount of days.

Mr. Killmer asked Ms. Frederick of any new issues that may be coming up. Ms. Frederick replied that there is one partitioning for two (2) lots on Collins Street and another partitioning for an existing house that is straddling two lots and the owners are proposing to remove the house and partition it.

Mr. Killmer also asked Ms. Frederick for hotel updates. Ms. Frederick explained that everything is moving along. She has acquired the appropriate information from the current owner and they understand and approve of the demolition of the structures while the sale of the property is still pending demolition. The water has been cut off but there is no update on if there is a date set to cut off sewer or electric disconnects. They will need two (2) separate permits for demolition, one for the north side and one for the south side of the street. Mr. Killmer then asked if Ms. Frederick believes they will be able to have the pilings done in time; the cut-off date is June 15. Ms. Frederick stated that they couldn't start because the Fire Marshal has not approved the site plan or the building plan. She commented that her review of the property has started, but the comments from the Fire Marshal are needed. Assurances are needed before issuing building permits.

Councilwoman Ms. Young asked if the parking for the house for sale on Hollywood Street would revert back to the Town once it is sold. Mr. Killmer replied that the parking is going away now. Ms. Frederick explained that with the redesign of Hollywood Street, there will be no parking available for that specific house.

SUMMARY OF ACTION ITEMS

- A. Mr. Killmer will add a section for public input in the Concepts document and make some minor revisions to the Ordinance and document.
- B. Ms. Fernandes will revise the minutes from February 22, 2014.

ADJOURN

Mr. Gaughan made a motion to adjourn the meeting. Mr. Boswell seconded the motion and it was unanimously approved. The meeting was adjourned at 9:49 a.m.

Respectfully Submitted:

Nathalie Fernandes, Receptionist