

**Town of Bethany Beach
Planning Commission Minutes
April 25, 2014**

The Bethany Beach Planning Commission held a meeting on April 25, 2014 at 10:00 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; Mike Boswell; Faith Denault; John Gaughan; Fulton Loppatto; and Jerry Morris.

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

OPENING OF MEETING

Mr. Killmer called the meeting to order at 10:00 a.m. Mr. Killmer requested a change of order for the agenda to have the new business discussed first then proceeding to old business.

Approval of Agenda

Mr. Boswell made a motion to approve the revised agenda. The motion was seconded by Mr. Morris and unanimously approved.

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

Mr. Gaughan made a motion to approve the minutes dated March 22, 2014. The motion was seconded by Ms. Denault and unanimously approved.

Announcements/Comments/Updates

Non-Residential Design Review Update (Denault/Killmer)

Mr. Killmer reported the following:

There was no Non-Residential Design Review Committee meeting this month, but there will be a couple in May.

Comments/Updates Regarding the April Town Council Meeting

Mr. Killmer reported the following:

The Town Council Meeting will be held later today at 2:00 p.m.

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

There were no comments or questions at this time.

PUBLIC COMMENT/QUESTIONS FOR THE PLANNING COMMISSION

There were no comments or questions at this time.

NEW BUSINESS

Ms. Frederick stated that Mr. and Mrs. William May, owners of Lots 29 and 30 Collins Street have requested that the lots be partitioned. The properties are zoned R-2 Residential. Lot 30 is improved with a single family dwelling and two sheds. The lot is 50' x 131.39' and a total of 6,506 square feet in size. The existing structures are approximately 39% of the lot. The front setback exceeds 20 feet. The side setbacks are 7.5 feet and 7.1 feet respectively. The rear setback exceeds 15 feet. Lot 29 is an unimproved lot that is 50' x 128.9' with a total area of 6,369 square feet. The parcel was bought as a whole, but the lots were originally separate parcels. Pursuant to Appendix 3, Table of Dimensional Requirements, the minimum lot area for single dwelling lots in an R-2 District is 7,000 square feet.

Mr. Loppatto commented that the lots in that neighborhood are not quit 7,000 square feet. Ms. Frederick stated that the code had been changed and Mr. Killmer added that it used to be 5,000 square feet. Mr. Boswell asked if all the other lots in that area of Collins Street are similar to Lots 29 and 30. Ms. Frederick stated that most of the other lots are similar in size.

Ms. Denault asked if Ms. Frederick received any comments from neighbors and if there were any objections and Ms. Frederick stated there were some questions related to clarification of the request but no objections.

Mr. Gaughan stated that he lives on Collins Street and he noticed that it looks like it is a vacant lot because it looks the same as most other lots.

Mr. Boswell questioned if there are any large lots left and Ms. Frederick stated that there are only one or two left. Mr. Gaughan questioned if the house is straddling on the property line and Mr. Killmer explained that it is not.

Mr. Killmer asked Ms. Frederick if all the information for the application was given by the May's and Ms. Frederick stated that they have provided all required information. Mr. Killmer also asked if Ms. Frederick received four copies of the plat and Ms. Frederick stated that she received four (4) original plats with both lots shown on them.

Mr. Killmer stated that both plats will have to be sign by the Planning Commissioners.

Ms. Denault asked the Commissioners if there were any more comments or questions. Mr. Morris wanted to clarify if there will be a copy of each individual lot. Ms. Frederick explained that there will be another survey done to show each lot separately if sold or developed.

Mr. Gaughan commented that if this is approved, a survey will have to be done for both the lots and have two separate deeds. Mr. Morris also commented that separate deeds would have to be created now and Mr. Killmer explained that the County handles that.

Ms. Denault asked if there were any more comments.

Mr. Gaughan motioned to approve the partitioning. Mr. Loppatto seconded and it was unanimously approved.

OLD BUSINESS

Mr. Killmer stated that Mr. Gaughan made a request for a section for public comment and Mr. Killmer stated that it will be added onto the Concept document, not the Ordinance. He commented that normally there would be changes made in red, but this is hopefully the final draft. He explained that they will go page by page in order to make sure there are no additional changes. There were no comments for changes on pages 1-3. The statement on page 4 in regards to the tradeoff chart should be located with the chart found on page 5. There was discussion that each lot coverage charts should be spaced to one per page.

Mr. Morris stated that the pictures give a good idea of what is being discussed. Mr. Killmer commented that they should be in color. He stated that he will make the changes and would like to ask to vote on approving the draft. In the May Planning Commission meeting, they will go over the Residential Bulk Density Ordinance Draft, and then a final version will be made and sent to Town Council for final approval and Public Hearing. After all that is done, a workshop will be set up.

Mr. Killmer thanked the Commissioners for all their attention and help in creating the Ordinance that addresses all the issues.

Mr. Gaughan motioned to approve the draft, Ms. Denault seconded. Mr. Boswell thanked Mr. Killmer and Ms. Frederick for all their help and hard work. The motion was unanimously approved.

Ms. Frederick wanted to clarify that when the notices for the workshop are sent out, if the Ordinance and the Concept document will be included. Mr. Killmer stated that that was correct. Mr. Gaughan commented that he is optimistic that there will be a positive outcome from this. Mr. Boswell asked if anyone has contacted Ms. Frederick about this and Ms. Frederick replied that no one has yet because no one is paying attention to this now.

Mr. Killmer commented that there were questions regarding parking. He explained that if an owner is adding a bedroom it will affect them because it will be under these new guidelines. Mr. Morris added the more bedrooms, the more people.

Mr. Killmer asked Ms. Frederick if there was anything else that the members needed to be aware of. Ms. Frederick stated that there is another partitioning scheduled for next month.

Ms. Frederick explained that Bethany Arms is almost completely demolished. A piling and foundation permit will be filed by the end of next week. She stated that she is about 75% done reviewing basic building codes to make sure there are no issues along the way. Approval has

been given for the site from the Fire Marshall as well as DNREC and Sussex Conservation approval.

Mr. Gaughan asked if there is any information regarding the wells and Ms. Frederick explained that the wells are in the middle of the street and the Town needs to work on the approval for relocating them.

Mr. Boswell asked if the construction schedule will be extended for them and both Mr. Killmer and Ms. Frederick stated that they are not getting any special treatment. Pile driving will be done prior to June 15 and if the permit is issued by next Friday and they start of Monday, they should be done with the pile driving in time. Both buildings will be built at the same time.

Mr. Killmer stated that Mr. Burbage has encountered a bump in the road in an attempt to reach the maximum number of people in the hotel, the Marriott has certain standards for the amount of beds and sofa beds for each room, but that exceeds the Town's regulations. Ms. Frederick commented that it would also affect the number of occupants and the amount of safety exits would have to be altered.

Mr. Boswell asked when the hotel will be in business. Mr. Killmer replied that it should be open Spring 2015.

SUMMARY OF ACTION ITEMS

- A. Mr. Killmer will revise pages 4-7 of the Ordinance draft and use colored pictures for the house examples found on pages 8-10.

ADJOURN

Mr. Gaughan made a motion to adjourn the meeting. Mr. Loppatto seconded the motion and it was unanimously approved. The meeting was adjourned at 10:35 a.m.

Respectfully Submitted:

Nathalie Fernandes, Receptionist