

**Town of Bethany Beach
Planning Commission Minutes
January 17, 2015**

The Bethany Beach Planning Commission held a meeting on January 17, 2015 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; Mike Boswell; Diane Fogash; Fulton Loppatto; and Jerry Morris. John Gaughan was excused.

Also present: Susan Frederick, Building Inspector; Bruce Frye, Council member; Nathalie Fernandes, Administrative Assistant; and interested members of the public.

OPENING OF MEETING

Mr. Killmer called the meeting to order at 9:00 a.m. The Pledge of Allegiance was recited.

Approval of Agenda

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

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

Mr. Morris made a motion to approve the minutes dated November 22, 2014. The motion was seconded by Ms. Fogash and unanimously approved.

Announcements/Comments/Updates

Non-Residential Design Review Update (Killmer/Morris)

Mr. Killmer reported the following:

There was a Non-Residential Design Review Committee meeting held on January 9, 2015. An application from the Bethany Beach Volunteer Fire Company, Inc for a new wall sign and modifications to an existing electronic LED message sign, which was grandfathered into the Town Code, was discussed and approved.

Comments/Updates Regarding the January Town Council Meeting (Killmer)

Mr. Killmer reported the following:

The Town Council approved the changes made in the Non-Residential Design Guidelines. There was also a discussion on extending the hotel construction hours from 7 a.m. to 8 p.m. Monday through Friday and 8 a.m. to 5 p.m. on Saturdays. Some restrictions were made to the request, and the following conditions were approved: 1.) Extended hours of construction on the interior of building would not begin until the building is completely enclosed. 2.) Crews are not permitted to arrive earlier 6:45 a.m. and cars must depart no later than 8:15 p.m. 3.) Deliveries

and use of heavy machinery are confined to regular construction hours, and these activities are not to be carried out during extended hours. 4.) Construction is not permitted on Sundays or holidays and the extended hours will end on Friday, May 1st, 2015.

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

PUBLIC COMMENT/QUESTIONS FOR THE PLANNING COMMISSION

There were no comments or questions at this time.

NEW BUSINESS

A. Proposal to Update Chapter §425-2 (Definition and Word Usage) to Add the Definition Of Freeboard and to Update the Definition of Height, Building or Structure to Include Freeboard as an Additional Requirement.

Mr. Killmer explained that the Town Council had a Public Hearing in regards to amend the Town Code of Ordinances to repeal Chapter 453 and adopt a new Chapter 453

The following definition of **Freeboard**, to be added to Chapter §425-2 Definition and Word Usage, was taken from FEMA:

Freeboard is a factor of safety usually expressed in feet above a flood elevation for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

The following update will also be made to the definition of **Height, Building or Structure**:

The vertical measurement to the highest point of the building or structure measured from the grade of the lot or plot on which the building or structure is located; provided, however, that anything in this chapter to the contrary notwithstanding, that whenever a structure is located in a flood zone regulated by Chapter 453, Flood Damage Prevention, and the roof of such building or structure has a pitch throughout of not less than 5/12, then the property owner may elect to have the height measured from the elevation of the base flood elevation plus freeboard as defined herein and as defined and established in Chapter §453 to the highest point of such building or structure.

Mr. Loppatto asked where this was located. Ms. Frederick stated that it is throughout the document. Mr. Killmer explained that the FEMA insurance rate for freeboard from 18 inches and 24 inches has the same returns, so the Town chose 18 inches. Mr. Loppatto asked if it will be included in the Table of Dimensions and Ms. Frederick explained that it will be a footnote. Mr. Killmer added that the Building Inspector, Ms. Frederick, will be the gate keeper.

By adding the definition and updates to one section, rather than in multiple locations throughout the chapter, would make any possible future changes to the Chapter easier.

Mr. Loppatto made a motion to approve the addition of the definition of freeboard and to update the definition of height, building or structure to include freeboard as an additional requirement. The motion was seconded by Ms. Fogash and unanimously approved.

B. Update the Table of Dimensional Requirements (TDR) to Add Freeboard as an Additional Requirement in Footnote (p).

Update footnote (p) in the Table of Dimensional Requirements to the following:

(p) Any structure located in a flood zone regulated by Chapter §453, Flood Damage Prevention, of the Town Code the roof of which, has a roof pitch throughout of not less than 5/12, may, at the option of the owner thereof, have its height measured from the elevation of the base flood elevation **plus freeboard as defined and established in Chapter §453** to the highest point of such building or structure rather than from grade.

Ms. Fogash made a motion to approve the addition of freeboard as an additional requirement in footnote (p) in the Table of Dimensional Requirements. The motion was seconded by Mr. Morris and unanimously approved.

Mr. Killmer explained that the Planning Commission has to approve these changes prior to the Town Council reviewing and possibly approving.

OLD BUSINESS

There was no old business.

Mr. Killmer stated there will be no Planning Commission meeting in February. There was some discussion on the Cooper/Addy properties as well as signs for a number of businesses to be reviewed by the NRDR committee.

SUMMARY OF ACTION ITEMS

- A. Accept changes made to Chapter §425-2 (Definition and Word Usage) and changes made to the Table of Dimensional Requirements (TDR) Footnote (p).

ADJOURN

Mr. Morris made a motion to adjourn the meeting. Mr. Loppatto seconded the motion and it was unanimously approved. The meeting was adjourned at 9:20 a.m.

Respectfully Submitted:

Nathalie Fernandes
Administrative Assistant