

**Town of Bethany Beach
Planning Commission Meeting
August 22, 2015**

The Bethany Beach Planning Commission held a meeting on Saturday, August 22, 2015 at 9:00 a.m. in the Town Meeting Room.

Present: Lew Killmer, Chairman, who presided: Mike Boswell, Diane Fogash; John Gaughan, Fulton Loppatto; Jerry Morris and Susan Frederick (Building Inspector).

Also present: Lisa Kail, (Administrative Assistant /Town Clerk); Molly Daisey (Assistant Town Clerk) and interested members of the public.

Mr. Killmer called the meeting to order at 9:00 a.m.

Approval of the Agenda

Ms. Fogash made a motion to approve the agenda. Seconded by Mr. Lopatto, the motion was unanimously approved.

Discussion/Approval of the Planning Commission Minutes of June 20, 2015

Approval of the minutes was approved with minor changes proposed by both Mr. Morris & Mr. Lopatto.

Announcements/Comments /Updates

NRDC- Two signs approvals- *Yesterday's Fun*, which is moving from Millville to Bethany Beach. A second sign was approved for 99 Sea Level (Restaurant inside the new Hotel)

At the August Town Council Meeting, a contract with Ocean View Builders was approved to construct a new roof and add new siding for the recently acquired storage facility at the Blackwater Road Property.

Approval of a contract with Oasis Design Group to develop a Master Plan for Bethany Beach's "Central Park".

A contract was also approved for I. G. Burton to purchase a 2015 Chevrolet Tahoe with Police Package for the amount of \$27,711, which will replace a police vehicle that has 122,000 miles on it.

Mr. Killmer announced that Mr. Morris will be joining the Town Council and thanked him for his many contributions to the Planning Commission. Mr. Morris will need to be replaced on this committee as well as the Non-Residential Design Review Committee since only one member of the Town Council is permitted to be on both committees. Mr. Morris commented that it has been a pleasure working on both of these committees and he enjoyed working with the community, builders and architects.

New Business:

- A. Discuss CORC's Proposed Exterior Residential Lighting Ordinance That Attempts To Reduce Problems Associated with Residential Outdoor Lighting By Regulating Both The Intensity And Location Of Outdoor Lighting.

Mr. Killmer commented that there have been a number of complaints regarding residential lighting especially west of Rt. 1. CORC has created draft legislation that deals with this issue and they have asked the Planning Commission to review their proposal. Mr. Killmer asked the members of the Planning Commission to please do your own personal research on this issue and be ready to discuss CORC's proposal at the October PC meeting.

Mr. Peterson (in the audience) commented that he has seen commercial lights on poles in residential yards. It has become enough of an issue to develop an ordinance. Mr. Loppatto asked why there are not commercial restrictions as part of CORC's proposed legislation? Mr. Killmer responded that there is already an ordinance in place that deals with lighting for commercial properties. Mr. Loppatto remarked that this is an area that hasn't been looked at before and he is glad to see that action is being taken and would like some time to review this issue and come up with the best way to address the residential lighting problem.

Old Business:

- A. Review Proposed Updates To The Residential Bulk Density Ordinance Suggested By Members Of The Building Trades Community.

Mr. Killmer began by thanking everyone for their efforts and the countless number of public hearings that have been held regarding Residential Bulk Density. The PC has been working on this for several years. On a number of occasions the PC has requested comments and suggestions from the members of the building trade industry, which the PC has finally received.

The primary focus of the proposed legislation is to reduce residential bulk density by offering trade offs. Future homes can still be a three-story structure but with a trade-off of reduced lot coverage. Mr. Gaughan has issues with the current zoning requirements and he supports the use of trade-offs. This flexibility via trade-offs is better approach. He also would like to acknowledge that people pay a lot of money for their lots and he understands that they would have a right to use as much of the lot as possible to build on. Future homes in Bethany Beach will gain something with the increased flexibility. Ms. Frederickson added that this is a new approach for everyone.

Regarding setbacks, Mr. Gaughan added that although he is not an architect, the suggestion of adding 2 feet is not a problem.

The side, front and rear setbacks are currently part of the Town's Zoning Code. Mr. Morris, Ms. Frederickson and Mr. Killmer all agreed that these are currently all minimum set back requirements. The only change is giving flexibility to the option of using the front yard or the side yard. Mr. Gaughan made the comment that the language is confusing and being a member of this committee he needs to be able to explain things to anyone who comes up to him and asks him a question.

Audience member, Catherine deVilliers came up to the podium and read a letter to the committee. She and her husband will soon be in the process of constructing a new home in Bethany Beach. She and her husband David are concerned about the timing and implementation of the proposed new legislation that could have an impact on the design of their new home.

Mr. Killmer commented that there have been 6-7 public hearings regarding this proposed legislation and all of the public hearings have been properly advertised. This has been a work in progress for about 2 years. Town Council will still need to approve this. He cannot guarantee anything as far as when/if changes to the Town's Zoning Code will occur. The Town Council may not even approve it. He can guarantee that any and all meetings that have taken place have been at monthly Planning Commission Meetings or at Workshops. There has been no "behind the scenes meetings".

Mr. David deVilliers asked he they would be able to obtain a building permit before this possible change goes into effect, but hold off on starting the construction of the home. Siting that he feels constructing a home in the summer months in Bethany Beach disrupts the 'Quiet Resort' that people enjoy here. Mrs. Frederickson adding that once a building permit is issued you must make a substantial start within 6 months.

Mr. Killmer added that this Ordinance might not even be in effect until Spring 2016, at the earliest. There will have to be a number of public hearings that take place before then. Once this Ordinance leaves the Planning Commission and goes to the Town Council, it is not considered pending.

Mr. Gaughan added that this committee doesn't deal with issuing individual building permits. There has not been anything that wasn't advertised, everything has been advertised. He has an issue with the argument that no one knew about the meetings. Ms. Frederickson invited all builders, planners, architects who are authorized to work in Bethany Beach (roughly 40-45 people) were individually invited to a workshop regarding the possible update to the Town's Zoning Code, and no one showed up. There have been public notices posted. It's been ongoing for year and half, nothing has gone to council yet. second reading of an Ordinance happened yesterday at the Town Council Meeting and it was approved.

Tracy Mulligan commented that he use to chair the Communication Committee was involved with the development of the website and finds it to be very user friendly. He also has built several homes in Bethany and the process to change an Ordinance can take months. Language does matter in something like this and he too is confused by the 2 foot language.

John Hendrickson commented that there are problems that develop at the front step of houses; there is usually no clear definition of where the front door is. East of Route 1 the first floor of most homes are usually elevated. A 10-foot x 10-foot wide box to allows for a variety of configurations for front steps as well as providing and visually improved streetscape. He questioned if any type of stairwell can be used in the 10-foot x 10-foot area? The reply was yes. Mrs. Frederickson replied 42-inch wide step is now is the Town's code. This will be a more creative option. It will enhance the visual appearances of future houses.

An audience member commented that there is a house on Oakwood Street that has steps all the way across the front of the house, however they are only a few feet high. Everyone loves them. He has many clients come in with a picture of this house, requesting those same steps for their home.

Mr. Morris commented that when/if this ordinance goes into effect it will not impact the houses already built. If/when Town Councils approves this, it will not be the effective the same date that the Town Councils approves the proposed legislation. For example, if it were to pass in May, it may not go into effect until September.

Mrs. Frederickson will need to know by September 17 about the date of the October meeting. An agenda item for the October meeting is a proposal to partition a property on S. Atlantic into 2 lots. However, she will need to publicly advertise this possible partioning 30 days in advance of the meeting.

Date of October meeting is not been set, possibly October 24. Also, need to consider Mr. Morris's replacement and everyone's schedule. If all Committee members could please check their availability for October weekdays and get back to Mrs. Frederickson and Mr. Killmer as soon as possible.

Adjourn:

Mr. Gaughan made a motion to adjourn the meeting. Ms. Fogash seconded the motion and it was unanimously approved. The meeting was adjourned at 10:41 a.m.