

**Town of Bethany Beach  
Planning Commission Meeting  
August 20, 2016**

The Bethany Beach Planning Commission held a meeting on Saturday, August 20, 2016 at 9:00 a.m. in the Town Meeting Room.

Present: Lew Killmer, Chairman, who presided: Diane Fogash, John Gaughan, Larry Fishel, Fulton Loppatto and Susan Frederick (Building Inspector)

Excused Members: Mike Boswell

Also present: Molly Daisey, Assistant Town Clerk and interested members of the public.

Mr. Killmer called the meeting to order at 9:01 a.m.

Approval of the Agenda

Dr. Fishel made a motion to approve the agenda. Seconded by Mr. Gaughan, the motion was unanimously approved.

Discussion/Approval of the Planning Commission Minutes of May 28, 2016

Ms. Fogash made a motion to approve the minutes as amended. The motion was seconded by Dr. Fishel and unanimously approved.

Announcements/Comments/Updates

The Town Council met yesterday and approved an extension for Steen's beach concession services for the Summer's of 2017, 2018, 2019. A Mission statement was approved for Board of Assessment along with a new member, Ms. Joan Thomas. A new police vehicle purchase with police package was approved. The Bethany Beach Police Department was recognized and certified by CALEA.

Public Comment/Questions for the Planning Commission

Mr. Tracy Mulligan acknowledged the Drexler Home located on Atlantic Ave. was recently remodeled inside which he has seen and they did a beautiful job.

Ms. Jane Richards, 315 Hollywood Street commented she attended Périer Day and wanted to thank Mr. Loppatto for his idea of having a WW2 veteran come to event and be acknowledged.

New Business:

**A PowerPoint presentation will be given regarding the proposed rezoning of Blocks 109 and Block 113 from R-2 Residential Zoning to R-1 Residential Zoning. Block 109 is the 300 hundred blocks of Garfield Parkway and the North Side of Hollywood Street. Block 113 is the south side of 300 hundred block of Hollywood Street and the north side of the 300 block of Parkwood Street. Affected property owners and interested members of the community are highly encouraged to attend.**

Mr. Killmer gave a PowerPoint presentation. Copies are available upon request in the Town Manager's Office.

Mr. Philip Feliciano, 18 Kent Avenue was recognized. He stated that when dealing with the law, state statues and codes, comments should be placed at the bottom of the page. He feels that this is important because once a comment is made, it is part of the interpretation. Mr. Feliciano disagrees with Mr. Walton's information regarding the deed dated March 2, 1987 that the Town owns the property.

Mr. Bob Cohen, 20 Kent Avenue was recognized. He asked the commission what they mean by nonconforming use. What is the difference between that and being 'grandfathered in'? Mr. Killmer replied that all current properties are grandfathered in, regardless if they are currently nonconforming properties. All properties that lack the required minimum street frontage and/or minimum lot size would be grandfathered if Blocks 109 and 113 were not rezoned from R-2 to R-1 residential. All of the lots in these two blocks would be conforming if they were rezoned to R-1 Residential. Mr. Cohen asked if there were nonconforming lots on Wellington & Oakwood as well and why those lots were not being rezoned. Mr. Killmer responded that there are nonconforming lots throughout the entire Town. Mr. Cohen asked why they are focusing on this area, not other nonconforming lots in Town. Mr. Killmer replied that if they did do that it would be considered 'spot zoning', you can't rezone a single property. The Planning Commission focused on these two blocks because the vast majority of the lots are nonconforming lots. The review for the Town Comprehensive plan is coming up and this is something that will be something that the Planning Commission will be reviewing.

Mr. Baker Richards, 315 Hollywood Street was recognized. First, he would like the Planning Commission to consider allowing residents to present detailed material, as is PowerPoint Presentations. He feels that block 109 and 113 are unique in that they were originally contained in the Town's map in 1904, most lots were 5,000 for sale purposes. Some lots were sold and they divided at a later date, and some are still larger lots. He feels that the information that was sent out to residents was flawed. Also, that the Town's Zoning map differs from the County's Zoning Map. Dr. Fishel asked what his specific concern is. Mr. Cohen's major concern in changing from R-2 to R-1 will allow an increase in density.

Phyllis Cohen, 20 Kent Avenue was recognized. He agrees with Mr. Richards, density is the issue. She asked what the benefit is to the Town regarding the rezoning. Mr. Killmer replied that the benefit is not to the Town, it is to the property owners. For example, if a property owner wished to make improvements and the lot is nonconforming, there is a limit as to how you may improve the property.

Jane Richards, 315 Hollywood Street was recognized. She spent time preparing a PowerPoint presentation and wished she could have presented it to the Commission. She distributed a hand out to the Commission Members and gave a verbal presentation about the history of the Town, and how those blocks were originally laid out. She also pointed out there are differences between the Sussex County Zoning Map and the Town's Zoning Map. She feels a committee, made up of several members of the Commission and the community be formed to discuss this issue. She does not see this change as a 'housekeeping' issue.

Tracy Mulligan, 98A Central Blvd was recognized. He questions if there is a deadline to do this, if not, then there is no rush. He supports the idea of forming a committee to collect and review facts.

Philip Feliciano, 18 Kent Ave was recognized. He addressed the Planning Commission and stated that he feels that the Town did not properly acquire the Dinker Cottage.

Mr. Killmer asked for comments from the Planning Commission, Ms. Fogash replied that she would welcome the idea of a working committee. Mr. Loppatto, however, does not support this, he still views this as a housekeeping change. Mr. Gaughan, also sees this as a housekeeping matter, not requiring a working committee. He did not expect this type of response. Ms. Fogash asked if there was a disadvantage to property owners if nothing is done immediately regarding this. Ms. Frederick responded that she has nothing pending that would be affected. Mr. Killmer added that the Town is coming up on their 5 year Comprehensive Plan, and that this is something that they will be focusing on.

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 10:42 a.m.

Respectfully submitted:

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Molly Daisey  
Assistant Town Clerk