

**Town of Bethany Beach
Planning Commission Minutes
March 19, 2011**

The Bethany Beach Planning Commission held a meeting on Saturday, March 19, 2011 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, who presided; John Gaughan; Fulton Loppatto; Chuck Peterson; and Mike Boswell.

Excused members: Faith Denault

Also present: Susan Frederick, Building Inspector; Margaret Young, Council member; Lindsey Shallcross, Administrative Secretary; and interested members of the public.

The meeting was called to order at 9:00 a.m.

OPENING OF MEETING

Approval of Agenda

Mr. Boswell made a motion to approve the agenda. Mr. Peterson seconded the motion and it was unanimously approved.

Discussion/Approval of the Planning Commission Minutes of January 22, 2011

After one minor change, Mr. Boswell made a motion to approve the minutes dated February 19, 2011. Seconded by Mr. Peterson, the motion was unanimously approved.

Announcements/Comments/Updates

Non-Residential Design Review Update (Killmer/Denault)

Mr. Killmer reported that the Committee met on March 11th, where two applications were reviewed. A new sign for Bethany Time LLC T/A Thrashers located at 108 Garfield Parkway, Bethany Beach, DE was approved conditional upon removing the background consisting of pictures of French fries. A new sign for Meris Properties located at 26 N. Pennsylvania was also approved.

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

Mr. Killmer reported the following:

- The Town Council reviewed the 2010 Comp. Plan and offered a few minor changes. The Town Council will thoroughly review this long document and they may have additional changes in the near future. He emphasized that this is not an update, but a new ten-year plan.

- Council approved an ordinance to amend Chapter 301 “Outdoor Smoking” to extend the seasonal smoking ban on the boardwalk to a year-round smoking ban on the boardwalk and boardwalk access ramps.
- Council approved a motion to create a business parking district (streets between First Street and Hollywood Street) with enforcement hours from 10:00 a.m. – 11:00 p.m. and to keep the parking enforcement hours from 10:00 a.m. – 8:00 p.m. north and south of the business district. Mr. Killmer noted that the various parking times through out the Town were too complicated.
- Council voted to eliminate the proposal of limiting the number of freeholders per parcel who qualify to vote from the resolution and approved the amended resolution.
- The Town Budget was approved.
- Council approved the resolution requesting the Governor to affirm the reappointment of Charles McMullen to the position of Alderman.
- Council approved awarding a concession submitted by Bethany Beach Yoga Center to offer yoga classes on the boardwalk during the summer.
- Council voted to approve awarding a concession submitted by Jim Mace to offer Tai Chi classes on the boardwalk in the summer.
- The contract submitted by Kebony for the purchase of Kebony boards for the boardwalk was approved.
- Council approved a contract submitted by Oceanswell, Inc. for the installation of new Kebony boards for the boardwalk from Garfield Parkway to Second Street.

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

- Ms. Frederick explained that she attended a meeting with John Murray of Kercher Engineering (Town Engineer), Mike Kobin and Troy Dickerson from GMB (applicant’s engineers) and Jim Elliot, engineer for Sussex Conservation District to discuss the letters and comments regarding the Addy/Cooper proposal for a major subdivision. The method for calculating the storm water run off was discussed and revised. GMB will revise their report and drawings to respond to all comments and will resubmit.

The Committee decided that they will walk the Addy/Cooper property with Public Works Director, Brett Warner, sometime during the second week of April before the public hearing on April 16th. Mr. Killmer advised that the storm water management issues and the vegetation on the property will be studied.

Mr. Boswell noted that he would like to review a copy of the written Flood Plain Calculations.

Ms. Frederick explained that there are various ways to calculate the flood flow, and it has been recalculated a different way to satisfy Sussex Conservation District’s concerns.

- Mr. Killmer stated that a public hearing for the sketch plan review for the property located at 857 Garfield Parkway is scheduled for the May Planning Commission meeting.

PUBLIC COMMENT/QUESTIONS FOR THE PLANNING COMMISSION

There were no comments or questions at this time.

NEW BUSINESS

Review of the Impact of Extra Large Houses (McMansions) In Bethany Beach

The 2010/2011 Bethany Beach Comprehensive Plan initiated the Planning Commission to review the impact of extra large houses in Bethany Beach.

The following is the recommendation that the Commission added to the 2010/2011 Comp. Plan:

Recommendation 6: Evaluate And Recommend Effective Approaches That Focus On The Compatibility of Extra Large Houses With The Existing Housing Stock in Bethany Beach. (Page 87 in the 2010/2011 Comp. Plan)

Mr. Killmer explained that prior Planning Commissioners have attempted to resolve this issue in the past, but it is a difficult issue to resolve. However, he feels that it is worth reviewing again since many longtime residents and visitors are concerned that extra large houses detract from the small town, family oriented, and cottage style image.

Mr. Killmer reviewed with the Commissioners the “2011 Planning Commission Review of the Impact of Extra Large House (McMansions) in Bethany Beach” document that he drafted.

The document highlights the following points:

- It is important to balance concerns about impact on neighborhoods with individual property rights.
- Create regulations when applied that will not inhibit modest renovations and additions by homeowners to their properties.
- Ensure that if new regulations are implemented, older existing housing stock do not become nonconforming.
- Hopefully to develop a solution that all stake holders can support with a minimal amount of confrontation while respecting both individual property rights as well as retaining the small town family oriented character of Bethany Beach.

Mr. Peterson advised that the Commission needs to be sure of how many of the Town’s residents would prefer to see any changes in regulations regarding the size of houses before taking any steps forward.

Bethany Beach property owner and former Council member, Jane Fowler, commented that she was contacted by many residents that were distressed about a recent variance regarding an extra large house being approved.

Ms. Fowler offered suggestions to the Planning Commission in regards to revising the Zoning section concerning setbacks of the Code. She stated that footnote (b) of the Table of Dimensional Requirements allows some property owners a front yard setback of ten feet instead of twenty feet. She thinks that these properties should be required to increase their rear yard setback requirement by ten feet to offset the additional allowed at the front.

Mr. Killmer emphasized that the purpose of this discussion is to decide whether to move past the issue or create alternatives. He asked if any of the Commissioners would like to state their opinion.

Mr. Loppatto stated that although he didn't expect this concern to be brought up this soon, he agrees this is an important, yet difficult issue that needs to be on the table for discussion. He added that Mr. Killmer did a great job framing the various pros and cons in his document.

Mr. Killmer advised that if it is decided that this is an issue which needs to be addressed, then the Commission should develop various solutions to bring forth to Council.

Mr. Boswell suggested that the public should be given the opportunity to provide more input in an open session setting before the Commission develops possible solutions.

Ms. Frederick suggested that it could be examined by looking at what new homes have been built in the past several years to see the impact of the surroundings in able to determine what the general consensus is.

Mr. Killmer stated that he will take photographs around the Town and give a presentation on it.

The Commission ensued a discussion on ways to advertise such a meeting so it has a high attendance of the public.

Property Owner, Mr. Dan Costello, noted that there was an excellent survey on public opinion to determine what individuals preferred the Town to be like, during the Comprehensive Plan Update in 2004-2005 and there has not been a survey like that one since then. He explained that a survey would serve people, be useful to the Council and benefit the Homeowners Association. He added that a poll could generate public discussion.

Mr. Killmer said that he will suggest this idea to the Council.

Mr. Gaughan explained that a survey was completed during the previous Comp. Plan update, however, there are dimensional setbacks that the Town has, such as the building height requirement. He added that the Comp. Plan update addresses the matter with very large houses, and the Town has been continuously reviewing this issue.

Mr. Peterson expressed that he thinks this issue should be tabled before moving forward, so it can be determined what problems are truly difficult for citizens.

Mr. Killmer acknowledged that that this matter has been dealt with in the past and the Town is not in the position to rule out a particular style of homes. He emphasized that the question is whether extra large houses comply with the legislative intent of the Town's Zoning Code.

Mr. Gaughan noted that he would like to review a coverage area of houses in Bethany Beach.

Property owner, Norman Kraich, explained that the economic dynamic must be modified in able to resolve house size issues. He stated that the Code has to be thoroughly reviewed in the future so that no variance is approved that exceeds the allowed maximum percentage of building lot coverage. He also noted whether the Town has ever considered surveying the issue of flooding that could occur if more people are utilizing the maximum coverage permitted by constructing extra large houses.

The Commission ensued a further discussion on the terms being applied to describe extra large houses in the Comp. Plan.

SUMMARY OF ACTION ITEMS

- A. Mr. Gaughan will ask artist, Laura Hickman, to send Ms. Shallcross her information in able to incorporate her credits onto the cover page of Comp. Plan.
- B. The Commission is going to walk the Addy/Cooper property to prepare for the Addy/Cooper hearing that is scheduled for April 16th.

ADJOURN

Mr. Gaughan made a motion to adjourn the meeting. Seconded by Mr. Peterson, the motion was unanimously approved.

The meeting was adjourned at 10:36 a.m.

Respectfully Submitted:

Lindsey Shallcross, Admin. Secretary

