

Minutes of the
TOWN OF DEWEY BEACH
PLANNING and ZONING COMMISSION
PUBLIC HEARING
Friday, 6:00 pm, August 28, 2015
At the
Dewey Beach Life Saving Station
1 Dagsworthy Ave., Dewey Beach, DE 19971

The Chairman of the Planning Commission, Michael Paraskewich, opened the meeting with the pledge to the flag at 6:00 pm. The Chairman took roll call. Commissioners Dale Cooke, Don Gritti, Chuck McKinney, Mike Paraskewich, Gary Persinger and Marty Seitz, were present at the initial part of the meeting. Commissioner Mike Harmer joined the meeting at 6:10 pm. Also, present and representing the Town was attorney Noel E. Primos of Schmittinger & Rodriguez. Members of the public were present.

The Chairman then reconvened the public hearing that was recessed at the June 5, 2015, meeting of the Planning Commission. The Chairman asked for comments from the public regarding the conditional use application submitted by Mr. Gary Cannon for the expansion of the existing restaurant business, Gary's Dewey Beach Grill, at 2000 Coastal Highway, Dewey Beach. The application is for the addition of a small batch brewery manufacturing operation in the storage area that buffers the restaurant from the residences along the north side of New Orleans Street. Gary's Dewey Beach Grill is referred to subsequently in these minutes as Gary's DBG.

Mr. Steve Spence voiced his approval of the modifications on behalf of himself and on behalf of the Highway 1 Group which he represented at the meeting.

Mr. Paul Kmetz, a representative of a large family that owned a house at 17 New Orleans Street, opposed the modifications based on the preponderance of drinking establishments around their residence. Ms. Mary Kmetz also expressed her opposition to the modifications. Five letters from property owners at 17 New Orleans Street were submitted and included as part of the public record for the proposed modifications. The letters were distributed to the commissioners prior to the meeting. Opposing the expansion is a letter of August 20, 2015, from Laura Vaughn Dumouchelle, Trustee, 17 New Orleans Street, DG DE. Also opposing the expansion is a letter of August 21, 2015, from Ms. Nickie Vaughn Wilson, a member of the family that owns the house at 17 New Orleans Street. Opposing the expansion is a letter of August 22 from Karen Cornfeld, a member of the family that owns the house at 17 New Orleans Street.

The letters in opposition cited the increased number of drinking establishments and seating within a 2-block area around Gary's DBG. Mitigating conditions suggested in the letters that could be allowed, if the microbrewery addition goes forward, should include attractive fencing to block the sight of dumpsters, high-quality landscaping (between the

fence and the residence at 17 New Orleans Street), and parking improvements (so that customers of Gary's Dewey Beach Grill will not overrun the property at 17 New Orleans Street.

Also, Mr. Gary Cannon submitted his letter to the Planning Commission that was addressed to neighbors of Gary's DBG, and was in response to the opposition expressed in previous letters. In the letter, Mr. Cannon expressed that there is no expansion of seating area or patron area by the addition of the 20-gallon BrewEasy brewing hardware. Mr. Cannon expects that brewing of 20 gallons of beer requires no added ventilation and that all used grains will be composted outside of Dewey Beach. Mr. Cannon expects no noise, odor or extra trash from the brew operation.

No other additional member of the public offered comments either in favor of or against the draft ordinance. The Chairman then closed the public hearing on the modification of Gary's DBG so that the commissioners could consider possible actions and recommendations to the Town commissioners regarding the application submitted by Mr. Gary Cannon. The commissioners discussed the application and made the following observations. The town should be concerned about the handling of brew ingredients and the disposal of wastes from the operation. The commissioners were comfortable that increased delivery of brew ingredients would replace the delivery of some of the bottled and kegged beers. The commissioners recognized that beer from the small batch brewery manufacturing operation would replace sales of beer within the existing 100 brands that are now offered by the restaurant. The commissioners discussed that businesses change to accommodate the changing interests of the customers. Part of continuing the strong and stable businesses in Dewey Beach is allowing businesses to modify their offerings over time. The commissioners questioned the use of the term "expansion of facilities" rather than "a modification of conditions applicable to a restaurant or eatery."

Following the general discussion, Commissioner Seitz moved that the Planning Commission recommend that the town commissioners approve the conditional use application submitted by Mr. Gary Cannon for the expansion of the existing restaurant business, Gary's Dewey Beach Grill, at 2000 Coastal Highway, Dewey Beach. The application is for the addition of a small, 20-gallon-batch brewery manufacturing operation. Conditions for the approval are that: conditions previously imposed on Gary's DBG remain intact; the brewed beer is to be sold and consumed only on the Gary's DBG premises; the manufacturing process does not expand the seating area or patron area of Gary's DBG; customers and members of the public are not allowed access to the storage area with the brewing operations; any additional noise, odor or extra trash will be mitigated to return the facility to pre-brewing conditions. The Planning Commission understands that management of Gary's DBG will work with adjacent businesses and tenants to implement attractive fencing to block the sight of dumpsters, add high-quality landscaping (between the fence and the residence at 17 New Orleans Street), and make improvements to parking (so that customers of Gary's Dewey Beach

Grill will not overrun the property at 17 New Orleans Street). Commissioner Harmer seconded the motion and the motion was discussed by the commissioners.

After discussion, the commissioners voted and approved the motion.

Following the published agenda, the Chairman opened the discussion of an amendment to the zoning code to permit the enclosure of certain licensed portions of restaurant and eatery establishments, such as decks, patios and other open extensions, as a noise control measure.

Attorney Steve Spence prepared the request for an amendment to the zoning code on behalf of Highway One Enterprises. The Chairman recognized that any action taken by the Planning Commission on this possible change to the zoning code required a public hearing that would be announced with notices in local newspapers 15 days prior to the meeting of the planning commissioners. The commissioners agreed to consider this request at a future meeting after hosting a public hearing on the subject.

The Chairman then asked that the commissioners consider approving the minutes of the June 5th, 2015, meeting of the Planning Commission.

The commissioners approved the minutes with the following change. Commissioner Seitz asked that the minutes state clearly that the public hearing of May 8th had been recessed and was resumed at the June 5th meeting that addressed business expansions as specified in the published announcement of the public hearing. Specific wording to clarify the minutes is that "The Chairman asked that the public hearing be recessed, and reconvened at the subsequent meeting of the Planning Commission to consider the application by Mr. Gary Cannon to allow some brewing of beer at Gary's DBG." By unanimous vote, the commissioners approved the minutes of the June 5th meeting with the clarification requested by commissioner Seitz.

The Chairman asked for a possible date for the next meeting of the Planning Commission. Commissioners suggested Saturday, September 19, at 6:00 pm, given that a quorum of commissioners likely could participate in a meeting on this date. (The meeting was subsequently rescheduled to Saturday, October 3, 2015. The new schedule allowed time for the publication of an announcement of a public hearing on a draft amendment to the Zoning Code to permit the enclosure of certain licensed portions of restaurant/eatery establishments.)

At 8:55 pm, Commissioner Mike Harmer moved that the commissioners adjourn the meeting. Commissioner Gritti seconded the motion. The motion was approved by the commissioners.

Respectfully submitted,

Martin G. Seitz
Secretary, Planning Commission