

Draft Minutes May 11, 2019 Workshop

Workshop was called to order by Rick Judge, Vice Chair P&Z, at 2 PM on May 11, 2019 and lead the Town Council, P&Z Commissioners and public in The Pledge of Allegiance. The Vice Chair did roll call.

Present were council member, Davis Moskowitz, Mayor TJ Redefer, council member Dale Cooke, council member Gary Persinger, P&Z member, Rick Judge, P&Z member Jim Bielicki, P&Z member Jimmy O'Conner

Judge moved that the agenda be adopted as published. Council Moskowitz suggested moving item one to two. Judge explained that item one and two could be combined and the agenda was adopted.

Judge asked Town Planner, Chris Fazio, to make the opening presentation.

Mr. Fazio explained the current zoning for the NR District and how it compared with other beach communities. Fazio explained that Dewey Beach was more lenient than our neighbors and allowed for larger homes in the single-family districts. The FAR of 1.0 was higher than other communities which respectfully had FAR ranging from .5 to .65 to .8. The setbacks among the comparable communities were similar. Posters with all the details were on display as well as the zoning map and photographs of current home examples.

Commissioner Judge then presented the goal of the workshop being to discuss the current zoning as it relates to the comprehensive plan and the encouragement of the public to participate and comment on potential changes to the existing zoning code. Judge listed the following topics as a guide to discussion: FAR, Square footage, setbacks, corner lots, half story, fences, bicycle parking and car parking. Judge elaborated on the relevance of each topic.

Judge then explained how the workshop would progress. First the officials would discuss among themselves the zoning issues and upon completion open the meeting for public comment. Because the workshop is being live streamed all public comments would be made from the microphone after the individual introduced themselves and identified their property,

Mayor Redefer discussed setbacks and pointed out the older cottages which were first built in the 60's were still the most popular homes in the NR. As a REALTOR, Redefer stated he sells more of this style than anything else and that these homes are typically wider than existing setbacks allow. Redefer recommended protecting these homes and their image of what makes the north end of Dewey so popular. Redefer also commented on the half story and no roof top decks.

Commissioner Judge pointed out the difference between the ocean block and the second and third block. Ocean block properties have few trees and potential ocean views or sea breezes. The next two blocks are heavily wooded and did not have the same incentive to build high yet the code does not differentiate between them.

Commissioner Persinger then explained the comp plan and its direction for this district. This guideline to maintaining the character of the NR caused concerns that the corner lots may have a canyon effect should the setbacks be decreased and large homes constructed. He pointed out that corner lots were giving up appx 500 sq ft of building area in their allowable footprint due to setbacks but that options

existed for more green space in rear yards or front yards and could be considered instead of the 15 ft side yard requirement.

Commissioner Bielicki commented that corner lot setbacks could be relaxed if structures were limited to two stories.

Commissioner Judge suggested that tiered setbacks may alleviate the canyon effect and allow a corner lot owner the full footprint on the first level and that the second lever tier back 3 or 4 ft and the third level have an additional 3 or 4 ft tier.

Commissioner Cooke discussed the trees within the 15 ft setback and his concern for their removal and loss of the buffer. Cooke warned of unintended consequences by changing corner lot setbacks.

Commissioner Judge opened the discussion to the public.

Martha Tillman made comments on corner lots. She read a letter that she had mailed to Mayor Redefer stating she was against changing corner lot setbacks for safety concerns. Marty has witnessed excessive drinking and noise from homes which distracted traffic on King Charles. Having less setbacks encouraged more disorderly behavior. She did not want to bring the rowdiness of the RR district into the NR district. Marty also voiced concerns that there was much to gain financially for certain parties. She does not want a tunnel effect on King Charles.

Jill Capella spoke next and stated she owned a corner lot. Jill said there was no evidence of any character change by reducing the setbacks. She pointed out that Dewey is more restrictive on corner lots than Rehoboth and much more restrictive than Sussex County which has 5 ft corner lot setbacks.

Marcia Schieck spoke next and stated she owned three corner lots. She demonstrated that there is close to 30 ft between a corner lot and the King Charles roadway and that an additional 15 ft of setback was not necessary. There could not be a cavernous effect because of the distance from the traffic. She also showed photos of the trees that exist in the right of way which are at least 30 ft tall. Marcia stated that the additional 8 ft of setback required for corner lots restricted more than 1000 sq ft of building area and that this restriction would only cause corner lot owners to build higher homes. Marcia stated that the high property values in the NR made party houses too expensive and that group houses were very few in the NR.

David Jasinsky spoke about his personal interest and neighborhood interest. He has concerns that reducing FAR could be a risk to the town. He was more concerned about lot coverage and suggested a trade off of less height for more lot coverage. David was grateful that a firm definition of half story had been completed He also pointed out that corner lots were our streetscape and questioned DEL DOT's future interest in King Charles. He encouraged thinking long term streetscape.

Paul Perna spoke on the half story. He stated the FAR was fair as was the square footage requirement. Beach houses have extended family and needed to be able to accommodate them. Paul felt that if a homeowner could meet the FAR and setbacks the half story requirement was unnecessary.

Steve Judge spoke and stated he had been on the Comp committee and also was involved with Rehoboth by the Sea. Steve warned that waving a wand and lowering the FAR was not the answer. He suggested that FAR calculation be explored and be the same for all districts.

Mayor Redefner commented that too often FAR adjustments were made off season and wanted more transparency and public input for decisions of this kind.

Len Reed spoke and is the owner of two corner lots. He stated it was very difficult to find a building plan that works for corner lots due to the setbacks. He questioned that narrow homes would look right. He suggested modifying the setbacks so a 30 ft wide home could be built. Len pointed out that very few homes had built to the maximum FAR. He stated that property values in Dewey Beach were 25% less than in Rehoboth.

Commissioner Judge commented that 35 ft high homes that were 27 ft wide would appear top heavy and look more like a standalone townhouse.

Ed ??? asks what the process would be going forward with a potential zoning change.

Mayor Redefner explained that it would all be done with public hearings and that the public would be notified and have their say before any vote would be taken. TJ also suggested the concept of aggregate side yard setbacks.

Marty Tillman spoke again and said that larger side yard setbacks could accommodate RV parking and this was not a good idea.

Dave Lyon ??? spoke and pointed out that all corner lot owners knew what they were buying. Dave wants to encourage saving the trees and that 2 ½ stories were the same as 3 stories.

Commissioner Cooke commented on lack of enforcement for saving the trees. He also pointed out that if one could build to 5000 sq ft they will, corner lots too.

Commissioner Persinger commented on the process and the option to consider public input is very helpful for multiple reasons and there still was opportunity for input.

Chris ??? identified himself as a small cottage owner and encouraged the town to consider the holistic and retain this.

Rick ??? spoke about the additional rain water runoff from higher homes and that the lake water was rising and new flooding was occurring on Carolina Street.

Commissioner Judge questioned how higher homes created more runoff.

Commissioner Bielicki, a land surveyor, commented that all new construction in New Castle County was required to have a means to drain rain water to the nearest conveyance.

????? 124 Chesapeake Street spoke and said she was a very long time resident. She encouraged compromise at the right level and wants the town to take the conservative approach. She warned that ready cash buyers will come and they will build what they want. Enforcement is a problem.

There was no further request from the public to speak.

Vice Chair Judge asked town planner, Chris Fazio, to sum up what he thought had been presented.

Chris stated that overall the public opinion was to be conservative, leave it alone or do not make it worse, keep the public informed and that we were on the right track. He stated it was a great turnout from the public.

Commissioner Cooke encouraged the public to pay attention and be involved.

Commissioners Persinger and Moskowitz encouraged the public to contact them by email and Facebook.

Commissioner Judge encouraged the public to write letters which could be made part of the public record. Judge thanked the public for their time and comments and thanked the Council for their very long day.

Judge asked for a motion to adjourn. Motion made, seconded and approved.