

Minutes of the
Town of Dewey Beach Planning Commission Public Hearing and Meeting
Saturday, February 28, 2015 at 10 A.M
Dewey Beach Life Saving Station
1 Dagsworthy Ave., Dewey Beach, DE 19971

The Vice Chairman of the Planning Commission, Mike Paraskewich, opened the meeting with the Pledge to the Flag. All commissioners, Mike Paraskewich, Don Gritti, Mike Harmer, Chuck McKinney, Gary Persinger and Marty Seitz, were in attendance and accounted for at roll call.

The Planning Commission heard a presentation by the corporation, Vanderwendes at Dewey LLC, regarding the application to operate an ice cream shop business at 23 Bellevue Street, store #1, Dewey Beach, DE 19971 (former site of the Su Casa furniture store). Mr. Jesse Vanderwende made the presentation with assistance of other associates of the corporation.

The commissioners questioned the presenters concerning various arrangements for the store including the conversion of the space for food service, maintenance of the outside of the facility, and the storage of trash. The presenters described arrangements including the use of trash containers within outside space in back of the store that is currently used for trash storage and pickup. Mr. Vanderwende plans that all deliveries and pickup will be at the rear of the store off of Bellevue Street and that the bike lane on Highway One will not be used for deliveries. The Vice Chairman specified that if the modifications to the structure at 23 Bellevue Street exceeded 50 % of the construction costs of the structure, then the construction would have to meet new flood standards of the Federal Emergency Management Agency (FEMA). Mr. Vanderwende stated that he can assemble all costs of modifications and he believes that the costs do not comprise more that 50 percent of the construction costs of the building. The commissioners thanked the presenters for the presentation.

The commissioners then transitioned to the public hearing on the conditional use application submitted by Jesse Vanderwende for an ice cream shop. The Vice Chairman opened the public hearing by asking for any public comments opposing the application. The Vice Chairman then asked for any public comments in support of the application. The public offered questions and observations about the application for clarification, but did not express positions specifically for or against the application.

As part of the public hearing, the Vice Chairman read into the record a February 25, 2015, e-mail message from citizen David King to the Town and planning commissioners. The letter, which is available on the Town website in the materials for this meeting, requested, in part, that the planning commissioners incorporate into the ordinance approving this and any future conditional use application for an eatery language to prohibit the sale of any foods or beverages that contain alcohol or any other intoxicating or mind-altering substance(s).

After receiving no further comments from the public, the Vice Chairman closed the public hearing. The planning commissioners then began deliberating on the application with a focus on a recommendation to the Town management. Each planning commissioner expressed

support for the application and stated that the focus of further deliberations at this meeting could now be on the conditions for the operation of the store. The recommendation for the application and the conditions upon the operation of the store would be the basis for a draft ordinance to be considered by the Town commissioners. The Town manager will formulate the complete draft ordinance including provisions for severability, proper formatting and establishment of an effective date for operation of the store to begin.

Following the deliberations, Commissioner Marty Seitz made a motion to recommend to the Town commissioners approval of the application for an ice cream store made by the Vanderwendes at Dewey LLC. Conditions applied to the use of the store are: (1) all provisions of exhibit B submitted in the application excepting any provision that is not relevant to the Town's responsibility and business; (2) prohibition on the sale of any foods or beverages that contain alcohol or any other intoxicating or mind-altering substance(s) at the permitted store; (3) other conditions identified by the Town manager that are conventional for a food service business in the RB2 district and not provided in exhibit B, Rules and Regulations of the application. The motion was seconded by Commissioner Mike Harmer.

Discussion of the motion included possible inclusion of a definition of mind-altering substances. The general consensus of the commissioners was that mind-altering substances are those substances that are now illegal for use by the public without a prescription from a medical doctor. Mind-altering substances would include marijuana, ecstasy, PCP, cocaine, etc.; it would exclude common substances in food such as sugar, caffeine, etc. The commissioners did not wish to pursue the definition of mind-altering substances beyond this specific discussion. Also discussed was that exhibit B that was provided to the commissioners was extracted from the lease that Vanderwendes at Dewey LLC has on the property at 23 Bellevue Street.

Following the discussion, Vice Chairman Mike Paraskewich called for a vote on the motion. The motion was passed by unanimous vote of the commissioners.

The Vice Chairman then asked the commissioners to consider planning for future meetings. The commissioners were asked to support a potential workshop that may be called by the Town manager on March 13th or 14th. Also, the commissioners agreed that they could support a future meeting of the Planning Commission with quorum participation on Saturdays, either March 21 or April 11, 2015. The commissioners agreed to have Mike Paraskewich serve as the Chairman, Mike Harmer to serve as Vice Chairman, and Marty Seitz to serve as Secretary for future meetings.

At 11:30 am, Mike Harmer moved that the commissioners adjourn the meeting. The motion was seconded and the commissioners voted to adjourn the meeting.

Respectfully submitted by:
Marty Seitz
Secretary
Dewey Beach Planning Commission