

Minutes (Draft) of the  
Dewey Beach Planning and Zoning Commission  
Meeting and Public Hearing  
at the Lifesaving Station  
#1 Dagsworthy Avenue  
Dewey Beach, DE. 19971  
Thursday, August 8, 2019, 6:00 P.M.

At 6:04 pm, chairman of the Planning Commission, Commissioner Mike Harmer, convened the Planning Commission meeting and public hearing by calling for the Pledge to the Flag. The chairman then took roll call. Commissioners Jim Bielicki, Rick Judge, David Jasinski, Mark Nordquist, and Marty Seitz, as well as Chairman Mike Harmer, were present.

Commissioner Jazinski moved to adopt the agenda as published. The motion was seconded by Commissioner Judge and approved by the commissioners. Chairman Harmer asked that the commissioners consider the draft minutes of the March 11, 2019 meeting and public hearing of the Planning Commission for review and approval. The commissioners approved the minutes as written.

Chairman Harmer opened the public hearing and asked for comments from the commissioners after which the commissioners would hear from the public. The issue before the public and the commissioners was to review a proposed amendment of an existing conditional use permit held by Regan Derrickson of Nalu LLC and Ponos LLC for property located at 1308 Coastal Highway, Dewey Beach to demolish the existing Ponos LLC building and to replace it with an outside patio connected to the existing Nalu building. The commissioners commented on the good experience the Town has enjoyed in the operations of the two restaurants. Combination of the restaurants would be expected to continue this experience.

After comments from the commissioners, Mr. Regan Derrickson of Nalu LLC and Ponos LLC described the application using a site plan to explain the intended modifications. Mr. Derrickson described expansion of kitchen facilities in the Nalu restaurant and the additional off street parking that is provided in this application. The representative of the engineering firm contracted by the Town described his review of the existing and proposed conditions, including the property lines relative to the public right-of-way. The representative suggested that it may be useful to combine the two lots to avoid issues with side setback requirements in the Town's code.

After hearing all comments offered by the public, Chairman Harmer closed the public hearing and asked for comments from the commissioners. Commissioners commented that the restaurants were managed very effectively and that continuation of practices for noise control should continue. Practices would include termination of services on the deck at 11:00 pm and closing doors and windows to restrict interior noise. The commissions commented that the presentation from the site and proposal review

prepared by the engineering firm contracted by the Town was very useful in understanding the proposal.

Commissioner Seitz proposed the motion that the Planning Commission recommend to the Town commissioners approval of the application to amend the conditional use permit to allow for the expansion of Nalu as depicted in the description and site plan submitted for this application. The planning commissioners recommend that the Town commissioners consider approving the application with the following conditions: that the two adjacent parcels be combined into one parcel; that smoking be prohibited in the outside service area; and that terms and conditions set forth in the original conditional use permit be continued in the modified Nalu establishment.

Commissioner Bielicki seconded the motion and the planning commissioners approved the motion by unanimous vote.

Chairman Harmer asked for comments from the commissioners regarding past and future business of the Planning Commission. Chairman Harmer described some potential issues that the commission may be asked to review and that no specific issues are before the commission. With that condition, Chairman Harmer will not propose specific dates for future meetings.

Commissioner Nordquist moved that the commissioners close the meeting. The motion was seconded and the commissioners approved the motion.

Respectfully submitted,  
Marty Seitz  
Planning Commissioner  
Secretary of the Planning Commission.