

Minutes of the
Dewey Beach Planning and Zoning Commission Meeting and Public Hearing
at the Lifesaving Station
#1 Dagsworthy Avenue
Dewey Beach, DE. 19971
Saturday, January 19, 2019

At 12 noon, Chairman Mike Harmer convened the meeting by leading the commissioners and public in the pledge to the flag and roll call. Commissioners Mike Harmer, Jim Bielicki, Rick Judge, Don Gritti, Jimmy O'Connor, and Marty Seitz were present. Commissioner Mark Nordquist entered the meeting after roll call but prior to discussions and subsequent votes by the commissioners.

Chairman Harmer asked that the commissioners hear comments from Commissioner Judge at the beginning of the meeting. No other changes in the agenda were requested. Commissioner Bielicki moved that the agenda be adopted to include comments from Commissioner Judge at the beginning of the meeting; Commissioner Gritti seconded the motion and the commissioners passed the motion by unanimous vote.

After discussing the draft minutes of the October 19, 2018, meeting and public hearing of the Planning Commission, the commissioners approved the minutes with two changes.

Commissioner Judge described his childhood and adult experiences in Dewey Beach relative to his work on the Planning Commission. Commissioner Judge moved to Dewey Beach three days after he was born and 30 years before the town was incorporated. Commissioner Judge has relatives in the area, including Mayor Redefer, who is a cousin. Commissioner Judge is a stakeholder in Rehoboth-by-the-Sea, but is not a principal in the company.

Commissioner Judge's contributions to the Town include his participation in re-writing the sign ordinance for the Town and, as a private citizen, his opposition to the Ruddertown Project that would exceed the building height specified in the zoning code. As chairman of the Infrastructure Committee, Mr. Judge oversaw the design and construction of the pumping station at Bayard Avenue and Swedes Street. The pumping station has kept the streets clear of standing water and subsequent potholes since its operation. Mr. Judge has worked as a developer for 35 years in the Delaware coastal communities. With his experience and contributions, Commissioner Judge feels quite able to contribute to the work of the Planning Commission and to recuse himself on any issues where there may be a perception of conflict of interest. Commissioner Judge made these comments in response to recent allegations that he had a conflict of interest in recent work on changing certain side-yard setbacks in Town. Commissioner Judge had researched and voted on a recommendation to reduce the side-yard setback in corner properties in the Towns Neighborhood Residential (NR) District. Input to this topic will continue with public hearings and a workshop scheduled for May 11, 2019.

Following Commissioner Judge's comments, Chairman Harmer opened the public hearing portion of the meeting. He asked that, first, the commissioners discuss among themselves a Draft Ordinance to add an expansion of outdoor seating in an existing Eatery business known as Mama Maria's, in the RB-2 Zoning District located at 1608 Coastal Highway, Dewey Beach, DE. 19971, formally known as tax map 334-20.18 parcel 189.00

The public was invited to speak in favor of or in opposition to the requested expansion. Mr. Franco LaRegione, of Mama Maria's gave a description of the application. He applied to expand the restaurant by installing twelve chairs and six 2-person tables on the elevated platform along Route 1 and in front of the restaurant. Mr. LaRegione's application states that the restaurant is in the Resort Business, 3 (RB-3) zoning district of the Town. Mr. LaRegione believes that the platform is on private property but did not provide a site map with his application. The platform is enclosed by regulation railings, so, no additional constructions should be needed for the expansion of outdoor seating. Mr. LaRegione responded to questions by the commissioners to clarify his application.

After no more members of the public wished to make comments, Chairman Harmer closed the public hearing and asked that the commissioners to discuss the application

From the discussion, a point of view was presented that the Town should assure that the expansion is on private property and is not within the public right of way. This would be shown on a site plan that is required for the application by the Town. Also, while the application indicates that the restaurant is in the RB-3 district, the draft ordinance specifies that the property is in the RB-2 district. The commissioners discussed possible conditions that the Town may consider if the application were to be accepted. Possible conditions included a closing time for outdoor seating of 11:00 pm, and a ban against speakers and live music being performed on the platform.

After discussion by the commissioners, Commissioner O'Connor moved that the Planning Commission recommend the ordinance regarding the Mama Maria's restaurant to the Town commissioners with the following considerations: that the Town Commissioners assure that the expansion is not in the public right-of-way, and that the seating is on private property. Commissioner Bielicki seconded the motion. The planning commissioners passed the motion unanimously.

Chairman Harmer commenced discussion of a draft Ordinance to amend Chapter 185, Zoning of the Municipal Code of the Town of Dewey Beach, Delaware, 2005, as amended relating to minimum setback requirements for corner lots in the NR District. Chairman Harmer suggested that this topic would be covered in depth at the planned workshop on the subject. To facilitate the workshop, Chairman Harmer suggested that the Planning Commission develop diagrams exhibiting specific properties that would be affected. The planning consultant for the Town, Remington and Vernick Engineers, with planner, Chris Fazio, P.E, may be able to provide the exhibits.

The discussion at hand and at the workshop includes consideration of changes to corner lot set-backs holistically with other changes to set back and floor area. With public input, the Town's objective is to preserve the character of the north end of town; manage concerns about over-sized houses, increased density, safety issues including sightlines. The commissioners discussed a tentative date of April 27 or possible dates in May to hold a workshop. These dates will be conveyed to the Town commissioners by the chairman.

The commissioners discussed an approach to the addressing possible discrepancies in the language contained in Town Code Chapter 185-35 Off-Street Parking Requirements, and Table 2 Residential Parking Requirements. The commissioners concluded that this topic needs to be formulated to present the discrepancies for future consideration by the commissioners.

Chairman Harmer invited the commissioners to make comments relevant to the work of the Planning Commission. Based on comments, the chairman will forward the plea of commissioners for the Town to include a site plan with applications to expand facilities.

Following commissioner comments, the chairman asked for a motion to adjourn the meeting. Commissioner Gritti so moved, seconded by Commissioner O'Connor. The motion was approved by the commissioners by voice vote.

Respectfully submitted,

Marty Seitz
Secretary, Planning Commission