

Minutes of the  
Dewey Beach Planning Commission Meeting and Public Hearing  
At the Lifesaving Station  
#1 Dagsworthy Avenue  
Dewey Beach, DE. 19971  
Friday October 19, 2018

The chairman of the Planning Commission, Mike Harmer, convened the meeting at 6:00 pm. Chairman Harmer called for a pledge to the flag and roll call. Planning commissioners present at the meeting and public hearing were Mike Harmer, Jim Bielicki, Rick Judge, Jimmy O'Connor, and Marty Seitz. Mr. Fred Townsend, attorney for Dewey Beach, was also present. Town commissioners TJ Redefer, David Moskowitz and Gary Persinger were present to listen to the planning commissioners and the public. Members of the public were present including Marcia Scheck and David Jazinski.

Commissioner Seitz moved that the commissioners adopt the agenda for this meeting, as posted. Commissioner Judge seconded the motion. The motion passed by unanimous vote of the commissioners present.

Commissioner Bielicki moved that the planning commissioners adopt the minutes for the June 29 and August 3, 2018, meetings and public hearings of the Planning Commission. Commissioner Seitz seconded the motion. Discussion of the minutes included recognition that some of the commissioners present at the previous two meetings are not currently present; so, the approval of the minutes might be held at a later meeting when all commissioners might be present. The argument was made that the commissioners vote at this meeting on the minutes as presented or modified by input from the commissioners. Arguing to have the vote at the current meeting is the fact that comments can be made in future meetings about the content of approved minutes. Any changes that are requested can be voted on at a future meeting of the planning commissioners. The motion to approve the minutes of the June and August, 2018, meetings passed with approval from all commissioners present.

As specified on the agenda, Chairman Harmer asked commissioners to discuss the draft ordinance about the neighborhood residential (NR) zone side yard setbacks on corner lots, reducing the setbacks from the current 15 feet. After discussion, Chairman Harmer would open the public hearing for comments from the public.

The planning commissioners discussed the draft ordinance on changes to the side yard setbacks in the NR Zone. Commissioner Judge presented his review of the subject, including safety considerations affected by changes in visibility at the corners with the reduced setbacks. Commissioner Judge claimed that visibility and therefore safety was not an issue because the zoning code already allows a seven-foot fence to be built on

the perimeter of the lot, plus there is no restriction to vegetation. Most of the NR district has vegetation that obscures the houses, so that a smaller setback would not affect visibility. The commissioners noted that possible changes to setbacks and density are in store for the NR district according to the Town's current comprehensive development plan. Changes to corner lot setbacks could be looked at with other changes to setbacks, building height and floor area ratios etc.

Chairman Harmer then opened the public hearing on the draft ordinances on changes to the side-yard setbacks. Chairman Harmer specified that he is keeping the Planning Commission meeting open for continued dialog and possible motions concerning recommendations to the Town Council.

Chairman Harmer asked for any comments from the public in opposition to the ordinance. No members of the public responded. Chairman Harmer asked for comments in favor of the ordinance. Ms. Marcia Scheck commented in favor of the ordinance. Among Ms. Scheck's comments was the observation that the current set back does not allow her to rebuild the current single story houses on two of her lots. A smaller setback would allow a single story building with floor space comparable to that allowed in multi-story construction.

After receiving no additional comments from the public, Chairman Harmer closed the public hearing.

The commissioners were then asked to discuss and possibly vote to make recommendations concerning the draft ordinances that were discussed by the commissioners and the public.

Commissioner Seitz stated that if preservation of the single story construction was an objective, then the restriction (to one-story construction) might be included in any ordinance to reduce the side yard setback. Other comments included that the state should be informed to cut back foliage on the public right-of-way to improve visibility and pedestrian safety. Discussion included that we might recommend an examination of the entire Dewey Beach code regarding set-back issues, and that we might recommend combining changes in set-backs with height restrictions.

Commissioner Judge moved that the commissioners recommend the draft ordinance to the Town commissioners with the following changes: the words "not" and "extreme" be removed from the synopsis of the ordinance; the word "remove" in the synopsis be changed to "reduce." The motion was seconded by Commissioner O'Connor. The commissioners discussed and voted on the motion. The motion was approved by unanimous vote of the planning commissioners.

Chairman Harmer specified that the next meeting of the Planning Commission will be Saturday, November 17 at 10.00 am if the Town commissioners task the planning commission to examine any issue.

Commissioner Bielicki made a motion to adjourn the meeting. The motion was seconded by Commissioner Seitz and approved by vote of the commissioners.

Respectfully submitted by

Marty Seitz  
Planning Commissioner  
Secretary of the Dewey Beach Planning Commission