TOWN OF GEORGETOWN - PLANNING COMMISSION

Meeting Minutes
July 16, 2014

ATTENDANCE

Commissioners
Gary Tonge
Chester Johnson
Diane Greenberg
John Painter
Bob Ricker

Staff
Jocelyn Godwin, Planning
Tim Willard, Solicitor
Jamie Craddock, Planning

1. CALL MEETING TO ORDER

Commission Chair Tonge called the meeting to order in the Town Hall at 6:01 p.m.

2. APPROVAL OF MAY 21, 2014 MEETING MINUTES

Commissioner Johnson moved, seconded by Commissioner Greenberg, to approve the May 21, 2014 regular meeting minutes as presented. **APPROVED (Ayes – 4, Ricker – Abstain)**

3. PUBLIC HEARING: CONDITIONAL USE
CASE #2014-07 602 North Bedford Street

An application by Fred Tana, for Conditional Use approval to allow two residential rental units behind a single family residential structure. The property is located at 602 North Bedford Street, identified as Sussex County Tax District 135 Map 14.00 Parcel 174.00 zoned UR1 (Urban Residential).

Fred Tana presented the application. The property was purchased 4 or 5 months ago. The old house was fixed up to be rented. The back garage had an apartment and the downstairs as a living quarters as presented by the realtor. There are also 21 building lots for single family homes as were approved by Capano in 2009. With the infrastructure being about $50,000 to $150,000, it was decided to fix the old house up and get the apartment, start paying some bills down, accumulate some money in the next 3-5 years and then start on the infrastructure for the 21 homes.

The applicant received word from the Town that there was never an approved apartment.

Commissioner Painter asked the applicant if any other properties are owned in town and if they are rented. Applicant confirmed yes. Commissioner asked if permits were applied for any of those. Applicant stated owned 15 homes at one time; however, due to health reasons, some of the homes were sold. At that time it was found that three or four of those were not licensed to rent and had to be inspected.

Commissioner Painter asked why the applicant didn't think a permit was needed to do the work done to the house and for the changes to make three residential units. The applicant stated that when the houses were bought they just got the licenses to rent, there were no inspections.

The applicant stated they cleaned the house out, the apartment was already in the garage, and the downstairs of the garage had to be structurally repaired. The apartment had been rented for years, supposedly since 1994.

Commissioner Painter pointed out that there is an impact on the community as far as the facilities.

Commissioner Johnson confirmed the zoning of the property is UR1, the building lots are UR1. The majority of the surrounding properties are UR1. Commissioner Ricker expressed the difficulty in permitting this use as a conditional use.

Commissioner Ricker shared clarification that a previous application had been turned down for an apartment over a garage for a property owner's son, due to the Town's regulations.

Commissioner Greenberg stated that the residential should stay residential. The surrounding businesses are not intrusive.

Commission Chair Tonge opened the public hearing for comment, either in favor or in opposition of the application. No one was in attendance either for or against the application. Mrs. Godwin confirmed there were letters received and placed in the Commissioner's packets, both for and against. Commissioner Chair Tonge then closed the public hearing.

Commissioner Ricker moved, seconded by Commissioner Greenberg, to recommend denial to the Town Council of the application as the property is not in compliance with the Zoning Code §230-231 and §230-234. Poll vote:
Commissioner Painter – Deny, while the property looks very nice, the use is denied.
Commissioner Johnson – Deny, only a guest house or service quarters are permitted as accessory use.
Commissioner Ricker – Deny, under the grounds of §230-231 the request does not meet the intent of a Conditional Use.
Commissioner Greenberg – Deny, of Case 2014-07, based on the zoning.
Commission Chair Tonge – Deny, for the previously stated reasons.
APPROVED (UNANIMOUS)

The Solicitor confirmed with the applicant that the next step is the public hearing with Town Council, who will make the final decision.

Commissioner Ricker moved, seconded by Commissioner Johnson, to move the site plan review (agenda item #5) up to item #4 as the applicant is not in attendance.

4. CASE #2014-05 Site Plan Review

An application by, Byron Jefferson Engineering Services, on behalf of H.H. & J. Enterprises, LLC, for the conceptual site plan review of a 9856 square foot exercise studio to be located at 108 West North Street, identified as Sussex County Tax District 135 Map 14.19 Parcel 59.00 zoned UB2 (Neighborhood Business District).

Byron Jefferson, engineer for the applicant, presented the application. Concept plan is for a new fitness center where the prior building had been removed. The original plan has been revised with the building turned to face West North Street due to a violation of front yard parking.

A 20% reduction in the 66 parking spaces required has been requested and approved by the Town.

A sidewalk and options for a loading space have been added, as the owner does not want to pursue the Board of Adjustment.

Commissioner Chair Tonge expressed concern that the loading space be clearly marked. Commissioner Ricker confirmed that the loading space was not in the swale but at the top of the swale. Deliveries will primarily be made by UPS & Fed Ex.

Commissioner Ricker addressed the sidewalks. Parking along West North Street is allowed along the north side, not on the south side. Sidewalks will be needed along West North. Some of the customers will be by foot as indicated in the applicant's letter requesting a reduction of parking. Sidewalks are a requirement of the Town.

Alan Warfel, of Warfel Construction, confirmed the main entrance will face West North Street with additional doors on the other three sides of the building.

Commissioner Ricker informed the applicant to keep in mind that due to the zoning of UB2, the look of the building should reflect the surrounding residential structures. The applicant confirmed that there will be a lot of stonework and entrance arches. It will have steel roofing and siding, but it is a pre-engineered wood building. Color architectural elevations will be required for preliminary.

The loading space location was not a problem for the Commission as long as it is clearly marked and meets the requirement of the code. Applicant may proceed with preliminary.

5. CASE #2014-08 Historic Review

An application by Sussex Ventures, LLC, for approval of exterior renovations to be made at 21 East Market Street, identified as Sussex County Tax District 135 Map 14.20 Parcel 206.00 zoned HD (Historic District).

The applicant was not in attendance. The Commission discussed the application and determined the metal roof would be acceptable in a color similar to current and surrounding roofs. For the back of the building it was discussed that a color similar to the brick colors would blend in better than white.

Commissioner Ricker moved, seconded by Commissioner Johnson, to APPROVE the application for renovations within the Historic District and that the Planning staff work with the applicant on the color selections to color coordinate with the building and the back of the building. APPROVED (UNANIMOUS)

Ms. Hernandez, a resident of Georgetown, asked the Commission who she would talk too about the possibility of building a community park. The Commission referred Ms. Hernandez to the Mayor and Council who have a scheduled meeting next Wednesday, July 23, 2014.

6. Planning Department Report

Mrs. Godwin notified the Commission that a Pre-Update Review of the Comprehensive Plan has been requested. Once comments have been received, the Mayor and Town Council will determine the next steps.

7. ADJOURNMENT

Commissioner Ricker moved, seconded by Commissioner Johnson, to adjourn the meeting at 6:51 p.m. **APPROVED (UNANIMOUS)**

APPROVED: _____
Gary Tonge, Chairperson

ATTEST: _____
Jocelyn Godwin, Planning