

LEWES PLANNING COMMISSION
Regular Meeting Minutes
October 16, 2013

The regular meeting of the **Lewes Planning Commission** was held on **Wednesday, October 16, 2013 at 7:00 P.M. in Lewes City Hall** in accordance with proper notification with the following present: Chairman Mike Mahaffie, Kay Carnahan, Barbara Vaughan, Joe Hoechner, Jack Leshner, Nina Cannata, Victor Letonoff, Attorney Michael Hoffman, City Manager Paul Eckrich, Building Official Henry Baynum, Darrin Gordon of the Board of Public Works, Ex-Officio City Councilwoman Bonnie Osler and Recording Secretary Jackie Doherty. Rob Morgan and James Linnen were excused. City Councilman Fred Beaufait was also present.

1. Presentation and consideration of the Planning Commission September 18, 2013 regular meeting minutes.

ACTION: *Ms. Carnahan made a motion to approve the September 18, 2013 Planning Commission regular meeting minutes; Ms. Vaughan seconded the motion, which passed unanimously.*

2. Presentation and consideration of a request by W. Alan Vessels, Jr. Trustee of property located at 1708 Bay Avenue (SCTM 3-35-4.15-1.00 & 1.01, R-3) for a minor subdivision to combine and re-subdivide into two lots.

Mr. Vessels was present. *Mr. Baynum* stated there is a structure on one lot and one lot is empty with the request tonight to re-combine the two lots into one and create a new subdivision lot line. The newly created lot was 75-feet wide and would need a corner lot with two front and back setbacks. Re-subdividing would move the lot line over to create a smaller lot. If approved, all would need to meet standard construction building codes and zoning codes including two off-street parking spaces.

Mr. Hoechner questioned if the new owners would be told about the flood zone. *Mr. Baynum* stated the property is still within the family who has met with DNREC to discuss this issue and regulations.

Mr. Hoffman confirmed that because the lot is less than 65 feet, the 25-foot corner setback is not required. Also, the file contains return receipts of notices sent by mail to neighboring property owners and letter of acceptance from the Board of Public Works. The request tonight is for a combining of lots and then a subdivision.

ACTION: *Ms. Vaughan made a motion to recommend to Mayor and City Council approval of the request to combine the two lots and then re-subdivide the property into two lots; Ms. Carnahan seconded the motion, which passed unanimously.*

3. POSTPONED: Presentation and consideration of a request by David M. Kuklish, PE, Element Designs, on behalf of Highland Estate, LLC, owners of 18.5 acres of property located between W. Fourth Street and Seagull Drive (SCTM 3-35-8.07-30.00, R-2) for a major subdivision into 34 single family lots.

4. Presentation and consideration of amendments to a minor subdivision at 11 Maine Avenue (SCTM 3-35-4.14-50.00, R-3) *This subdivision with conditions was approved by M&CC at their 9/9/13 meeting.*

Ms. Carnahan stated she would recuse herself from discussion and voting due to business reasons and left the room.

Lee Ann Wilkinson was present representing the owners. *Mr. Baynum* stated the approval was based on Option #2 presented by Ms. Wilkinson to the Planning Commission in August to relocate the existing house to the rear of the property to face Cedar Street. The requested change is to now leave the existing house on the lot but to remove the back to meet 8-foot minimum setback requirements which will change the lot line 1.2 inches.

Mr. Hoffman confirmed that the only condition for approval was to remove or relocate the house so the rear addition would be off the proposed property line

ACTION: *Ms. Vaughan* made a motion to recommend to Mayor and City Council approval of the request for the existing house to remain in the current location with removal of the back section to meet setback requirements; *Mr. Hoechner* seconded the motion, which passed unanimously.

5. Presentation and consideration of revised By-Laws

Mr. Mahaffie stated the draft revisions, based on previous discussions, from *Mr. Hoffman*, including additional comments sent by emails, is provided for review.

Mr. Hoffman stated changes include:

Addition of a preamble stating the Planning Commission bylaws must be consistent with the City and State Codes;

- Article I-Subsection B will be removed;
- Article 7-Subsection E in reference to a member's leaving the room when recused;
- Article 8-Subsection B removed and added to the preamble;
- Changes from *Mr. Mahaffie*, sent in an email dated September 30, 2013, Article 5-Subsection A proposed change to state that public notice would be posted in accordance with the Delaware Freedom of Information Act with removal of "at least 7 days in advance of the meeting" and would be removed again in Subsection B. This is in reference to the Commission having special or emergency meetings when necessary.

Bob Dillman, 26 Shipcarpenter Street, questioned the requirement for 7 days notice to be advertised. *Mr. Hoffman* stated the 7-day notice would not be needed if it is established that the meeting was an emergency, but a 24-hour notice would be need to be provided.

ACTION: *Ms. Vaughan* made a motion to recommend to Mayor and City Council approval of the revised bylaws; *Ms. Cannata* seconded the motion, which passed unanimously.

6. Continued discussion regarding the revision of the Lewes Comprehensive Land-Use Plan to include, but not limited to, focus on annexation with BPW General Manager Darrin Gordon, discussion of revised recommendation list and discussion of contracting local developers.

Ms. Carnahan stated she requested *Mr. Gordon* speak to the Commission in reference to the comprehensive plan, future developments coming before the Commission and annexation.

Mr. Gordon explained the policy of the BPW for providing utility services outside the Lewes city limits including the pre-annexation agreement. The documents were provided for review and discussion.

Ms. Carnahan stated that *Connie Holland* had suggested the Commission contact developers in the area to discuss their future plans as other cities have done. This could be a workshop topic with a letter drafted to send to the developers. *Ms. Vaughan* stated this has been done in Georgetown, Bridgeville and Milford with success.

7. Reports and Updates: M&CC, BPW, CARC, LBPAC, HPC, PRC, Issues of General Interest.

M&CC: *Ms. Osler* reported Mayor Ford appointed four members of Council to the annexation committee with each given an area to review in reference to utilities, finances, zoning. A meeting of the subcommittees was held this morning with the annexation report to be given to Mayor and City Council for their November meeting.

BPW: *Mr. Gordon* stated there would be a grand opening for the new water treatment plant on Saturday, October 19, 2013 from 11:00 A.M. to 2:00 P.M.

CARC: *Ms. Carnahan* reported demolition of the old Post Office building on Savannah Road was approved.

LBPAC: *Mr. Mahaffie* stated since there is no longer a representative for this committee; it will be removed as an agenda item.

HPC: *Ms. Vaughan* reported the meeting for October 15th was canceled.

PRC: *Ms. Cannata* reported for the Greenways & Trails meeting discussion included proposed changes to the sidewalks and crosswalks on New Road and the entrance to Park Road.

Issues of General Interest

- *Mr. Mahaffie* provided an information handout in reference to the 2014 State Wetlands Conference.
- *Ms. Vaughan* stated she and Mr. Hoechner will attend a conference on Complete Communities on November 4, 2013.

ACTION: *Ms. Cannata made a motion to adjourn; Mr. Lesher seconded the motion, which passed unanimously.*

The meeting adjourned at 8:15 P.M.

Respectfully submitted,

Jackie Doherty,
Recording Secretary
Lewes Planning Commission