

LEWES PLANNING COMMISSION
Regular Meeting Minutes
August 21, 2013

The regular meeting of the **Lewes Planning Commission** was held on **Wednesday, August 21, 2013 at 7:00 P.M. in Lewes City Hall** in accordance with proper notification with the following present: Kay Carnahan, Barbara Vaughan, Nina Cannata, Joe Hoechner, James Linnen, Rob Morgan, Jack Leshner, Attorney Michael Hoffman, Ex-Officio City Councilwoman Bonnie Osler, Building Official Henry Baynum, City Manager Paul Eckrich, Darrin Gordon of the Board of Public Works and Recording Secretary Jackie Doherty. Chair Mike Mahaffie and Victor Letonoff were excused.

In the absence of Chair Mike Mahaffie, Vice Chair Kay Carnahan conducted the meeting.

1. Presentation and consideration of the Planning Commission regular meeting minutes of July 17, 2013 and special meeting minutes of July 31, 2013.

ACTION: *Ms. Cannata made a motion to approve the regular meeting minutes of July 17, 2013 and the special meeting minutes of July 31, 2013 as corrected; Mr. Hoechner seconded the motion, which passed unanimously.*

Ms. Carnahan stated she would need to recuse herself from discussion and voting for Agenda Items #2 and #3 due to business reasons and excused herself from the room. Commission Secretary Joe Hoechner conducted the meeting.

2. Presentation and consideration of a request by Barbara Ruddy, Joan Ohi and Leslie DelGrosso, owners of property located at 11 Maine Avenue (SCTM 335-4.14-50.00, R-3) for a minor subdivision into two (2) lots.

Mr. Baynum reported the request is for two options with Option #1 to remove the existing house facing Maine Avenue and divide the lot into two 50-foot lots facing Maine Avenue; Option #2 to have the existing structure moved to the rear of the property to face Cedar Street with the two lots facing Cedar Street; both options would meet the requirements of the R-3 District; water, sewer and electric are available for proposed lots; a minimum of two off-street parking spaces are required.

Lee Ann Wilkinson was present representing the applicants stating the request is for approval of the two options with drawings provided for review. If it is not possible for approval of both, Option #2 is preferred because there is a contract subject to approval. With Option #1 the house would be removed, with Option #2 the house would be moved to face Cedar Street. Lot with the house would be 69' x 100' and 75' x 100' for Lot 2 that would be facing Maine and Cedar.

Mr. Hoffman stated only one option should be approved to be recommended to Mayor and City Council and advised the Commission to approve one; although, technically both options can be recommended to Mayor and City Council for them to choose which would be approved. *Mr. Baynum* confirmed the notices were sent to neighboring property owners by certified mail. *Ms. Wilkinson* confirmed the surveys were certified.

Carrie Lawlor, 10 Nebraska Avenue, is concerned about the property height limits, water runoff, stormwater management and the light to her house being blocked since the property is located on a hill.

Mr. Baynum stated the height is measured from the center line from the street with the required side, front and rear setbacks. *Mr. Hoechner* stated all requirements for water runoff and stormwater management will be met during the review process.

ACTION: *Mr. Morgan made a motion to recommend to Mayor and City Council for approval Option #2, which is two lots facing Cedar Street; Ms. Vaughan seconded the motion, which passed unanimously.*

3. Presentation and consideration of a request by Theda and Michael Corrado, owners of property located at 314 Pilottown Road (SCTM 335-8.07-279, R-4H) for a minor subdivision into two (2) lots.

Mr. Baynum reported the property is located in the residential, medium density R-4H Historic District; property is approximately 18,400 square feet with one structure and two accessory structures; the lot will be divided into two with the existing structure to remain on one lot, the smaller accessory building to be removed and the larger to be removed or conditions met for it to remain until the lot is approved; both lots meet the requirements for R-4H district; all utilities are available; any structure proposed for the lots will need to go before the Historic Preservation Commission approval process; sidewalks must be continued into existing sidewalk along the property and be concrete or brick; a minimum of two off-street parking spaces are required for each lot.

Lee Ann Wilkinson was present representing the applicants stating the new lot will be 52.6 feet wide with 20.5 feet setbacks from the existing house on Lot #1; requesting that the garage remain for two years.

Mr. Hoechner read a letter addressed to the Planning Commission dated August 8, 2013 from *Cliff Elgarten and Marnie Walfoort, 320 Pilottown Road*, into the record. Ms. Walfoort was present stating she is concerned that there is no tree ordinance in Lewes, but has had some of her questions and concerns answered.

Mr. Morgan questioned the site plan for Lot #1 since it states the back line is less than 50 feet. *Mr. Baynum* explained that the lot width requirement applies only to the street side.

Mr. Baynum confirmed the notices were sent to neighboring property owners by certified mail.

Frank Powell, 324 Pilottown Road, questioned who was sent notification since he had not received it and stated he is concerned about parking. *Mr. Baynum* stated any lot 5,000 square feet or more requires two off-street parking spaces and the cars must be able to ingress and egress without moving other cars.

Bill Ullman, 312 Pilottown Road, questioned the rezoning of this property and proof of legislation. *Mr. Baynum* stated, in his research, there is mention of the new zoning regulations contained in meeting minutes from 1995. The new map and code were adopted in October, 2011 and remained the same as the undated map in his office, which was for 5,000 square-foot lots. *Mr. Hoffman* stated it was officially noted that the City adopted the new code and map in October, 2011 by formal action. The Code requires public notice, which was provided, by publishing in a newspaper of general circulation, posting in City Hall and provide 15-days notice of a public hearing. The map and zoning ordinance are all contained on the City's website.

Cathy Harvatt, Duchess Court, is concerned that Lewes is going in the same direction as Rehoboth in reference to so many subdivisions.

Mr. Hoffman stated the City will be undergoing a Comprehensive Plan update with meetings to be held for everyone to voice their opinions.

Kim Ayvasian, 312 Pilottown Road, stated her home is 14 inches from the side lot line and is concerned about a fence being placed there by the new owners, which would prevent her from having access to that side of her property. Are there any restrictions that would prevent an 8-foot fence from being built?

Rick Moore, Duchess Court, questioned if this is an issue for the Historic Preservation Commission to address the installation of a fence in the Historic District.

John Mateyko, 304 Pilottown Road, stated he is concerned about removal of the trees and a tree ordinance is needed. *Ms. Vaughan* stated John Feliciani is in charge of trees as a member of the Parks and Recreation Commission and recommended that everyone concerned attend the meetings to voice their opinions.

Mr. Hoffman stated there are two conditions recommended: Immediate removal of the shed and to allow the garage to remain as an accessory structure for a certain amount of time before a main structure is built.

ACTION: Ms. Cannata made a motion to recommend to Mayor and City Council approval of the request with the following conditions: 1) The garage on Lot #2 can remain for two (2) years until another main building is built on the lot or it will be removed; 2) the shed will be removed; Ms. Vaughan seconded the motion, which passed unanimously.

Ms. Carnahan returned to conduct the meeting.

4. Presentation and consideration of a request by David Kuklish, PE, of Element, on behalf of Highland Estates, LLC, owner of approximately 18.5 acres of land located between W. Fourth Street and Seagull Drive (SCTM 335-8.07-30.00, R-2) for a major subdivision into 34 single family lots.

Mr. Baynum reported this is the first presentation for this request for a 34 lot major subdivision in the R-2 district. All requirements have been met for the 34 single-family home, 1,000 square foot lot minimum; entrances at 4th Street and Seagull Drive, the streets would not connect, but would end at a cul-de-sac; rolled curbs which are consistent with the neighborhood; letter from Darrin Gordon of the Board of Public Works stating all utilities would be provided.

Joe Stormer, 430 Seagull Drive, stated the tax ditch borders his property and was not notified about the meeting by certified mail.

Mr. Hoffman explained the process that will be followed, according to Code, for notification of property owners in reference to public hearing meetings for major subdivision applications. Tonight's presentation is an initial presentation and no action will be taken on the application.

Ms. Carnahan stated the next meeting can be scheduled at the library since there is room for more people.

Landscape architect Eric Wahl and civil engineer David Kuklish of Element Design Group presented the project.

Mr. Wahl began with a presentation of the site design showing the interior of the property: includes 1.71 acres of wetlands that will be preserved; under the City's R-2 zone, lots would be 10,000 square feet with the possibility of 80 units, but only 34 are being proposed; each unit would have standard setbacks; 33% of the site would be open space; a proposed woodland trail would connect both sides; stormwater ponds would collect drainage going into the tax ditch; roads would connect on Seagull Drive where there is an existing 10" water main and sewer, including the existing water main at Burton Avenue and Fourth Street and is preferred by the Board of Public Works and Fire Marshal; sanitary sewer on the west will connect to existing 8" sewer at end of Seagull Drive and will go under the tax ditch to connect to the existing sanitary sewer on the east side; BPW has confirmed the City has the capacity to provide all utilities including electric; runoff will be collected in the inlets on the roads to the ponds and be discharged into the tax ditch through an 8" pipe into the catch basin that flows into Canary Creek; meetings are required with Conservation District to discuss blockages, inspection of the drainage ditch, DNREC quality and quantity requirements; pervious vs impervious surface to reduce runoff; one-side of the street parking except in the cul-de-sac; 20 lots in the eastern half and 14 lots in the western half; by not connecting the streets, it would mean fewer trees would be removed with less impervious surface needed.

Discussion by the Commission included: Concerns about the streetscape change to the wooded area near Fourth Street; possible blockage downstream from the tax ditch; who would be responsible to pay for the tax ditch; problems with drainage into the 8" pipe into the ditch; design has not been finalized; no disturbance to the adjacent cemetery; concerns for tree preservation and a tree survey; covenants for the design to guide construction; the 33% open space will be the wetlands, stormwater ponds and an open space buffer; according to the Code, the members of the ownership of the LLC need to be identified; design stormwater ponds according to DNREC requirements to address stormwater pond spills; open space report lists this property as special and worthy of preservation; check about the location of Queen Anne Railroad bed; street lights and entrance signs.

Frankie Bradshaw, 111 Bradley Lane, is concerned about preserving the iconic trees in the development.

Ann Nolan, 13 Blue Heron Drive, stated when she bought her house, she was told nothing would be built on that land; is concerned about traffic and if the roads could be connected by eliminating some of the lots; who can she contact if the construction trucks are driven onto her property.

Joe Stormer, 430 Seagull Drive, chairman of the tax ditch, is concerned about the drainage of the ditch. There has been a significant drainage problem since 1999 and the City has not assisted with the maintenance, the standing water in the hole in front of the ditch is a breeding ground for mosquitoes; there is always a problem with blockage when it rains; there is also a concern if the Rollins property is developed; the runoff problem needs to be addressed.

Kathy Cartell, Ocean View Court, is concerned about the wildlife being displaced and the danger of rabies to house pets. *Ms. Vaughan* stated there was an impact study in reference to wildlife issues done for Anglers Nest that could be used as an environmental impact example guide.

Bert Long, 305 Ocean View Boulevard, is concerned about trees being killed if the developer fills in order to facilitate drainage.

Tecola McClain, 14 Burton Avenue, her representative was present to state she is concerned about the addition of five new neighbors, all the new construction going over her property and the required setbacks for the new properties.

Kathleen Leahy, 435 Park Avenue, requested that Burton subdivision be shown on the plan map to show how it will be affected.

Mr. Roe, Bradley Lane, asked if the setbacks could be increased to reduce lot coverage.

Cindy Foster, 419 Seagull Drive, is concerned about removal of the trees since the developers of Pilottown Reserve removed all the trees after promising they would not. The developers need to be held responsible.

Rick Moore is concerned that the plan does not visually show the size of the house and amount of trees correctly.

Jim Sleasman, 13 Ocean View Court, President of the Pilottown Village Homeowners Association, provided a letter listing the concerns and questions from the homeowners of Pilottown Village.

Bob Cerelli, 9 Blue Heron Drive, is concerned about the tree loss and Fourth Street flooding.

Bob Dillman, 26 Shipcarpenter Street, is concerned about the loss of trees, soil profiles, flooding, drainage, 100-year flood plan.

Lee Ann Wilkinson, 130 Jefferson Avenue, suggested the citizens band together to buy the property and donate it to the City.

Kim Ayvasian, 312 Pilottown Road, stated a walking path is needed at Highland Acres with connecting communities within the City including Burton Subdivision, Friendship Baptist Church and the school. The site plan needs to be redesigned to interface with the surrounding area.

Elaine Simmerman, 418 W. Fourth Street is concerned about road width, the Fourth Street intersection and the impact on all the roads in Lewes, parking and emergency vehicle access.

Stuart Brahs, 7 Bronson Court, is concerned about the traffic on Fourth Street, safety of the egress and ingress and the use of stop signs for traffic control.

Janice Pinto, Rodney Avenue, is concerned about the water wildlife in the City being displaced.

Thorn Winter, Atlanta, Georgia, questioned the width of the right of way of the tax ditch being changed. *Mr. Kuklish* stated DNREC and Environmental Control received court approval this year to reduce the width of the tax ditch easement from 80 feet to 25 feet.

Mr. Hoffman stated there will be a public hearing scheduled and everyone will have the opportunity to voice their opinions. Also, comments can be sent to the Planning Commission Chair by mail or email to Mr. Baynum.

- 5. **Discussion of By-Laws**
- 6. **Reports and Updates: M&CC, BPW, CARC, LBPAC, HPC, PRC, Issues of General Interest.**

Because of the lateness of the meeting, *Ms. Carnahan* stated Agenda Items #5 and 6 would be postponed until the September meeting.

The meeting adjourned at 9:30 P.M.

Respectfully submitted,

Jackie Doherty, Recording Secretary
Lewes Planning Commission