

DRAFT LEWES PLANNING COMMISSION
Regular Meeting Minutes
February 19, 2020

The regular meeting of the Lewes Planning Commission was held on Wednesday, February 19, 2020 at 6:00 P.M. in Lewes City Hall in accordance with proper notification with the following present: Chairman Drew McKay, Kay Carnahan, Thomas Panetta, Joe Hoechner, John Nehrbas, Mark Harris, Sumner Crosby, City Solicitor Glenn Mandalas, Ex-Officio City Councilman Dennis Reardon, City Manager Ann Marie Townshend, Planning and Development Officer Tom West, Planning and Development Officer Janelle Cornwell, Building Official Robin Davis, Tom Owen of the Lewes Board of Public Works, Charlie O'Donnell of GMB, and Recording Secretary Jackie Doherty. Nina Cannata and Melanie Moser were excused.

Vice Chair Kay Carnahan stated she would recuse herself from discussion and voting and left the meeting.

Six members were present for the quorum.

Chairman McKay stated the applicant has provided the information requested by the Commission at the January 15th meeting. Mr. O'Donnell and Mr. West have submitted the right-of-way evaluation. Mayor and City Council (MCC) have extended the public written comment period for Fishers Cove major until February 28th and this will be an agenda item for their March meeting. The Commission will not be commenting on Fishers Cove major.

Mr. Harris stated regarding the report from Mr. O'Donnell and Mr. West which states there can be no right-of-way option, does the easement being proposed need to be considered with the major.

Chairman McKay questioned if a waiver is recommended for the minor, could it be included as a waiver recommendation to MCC.

Mr. Panetta read 170-6 of the Code stating this is not a subdivision separate from the major, includes a lot line adjustment, impacts the ability to develop the other portion, and this is why it was decided the minor would go in parallel with the major. The purpose of the easement has not been determined. If the minor is approved, the only access will be through Rodney which is a concern for the health, safety and welfare of the community.

Chairman McKay stated both subdivisions are by the same developer and if the minor is approved, it may have an impact on the major that is not to the advantage of the applicant.

Mr. West stated the survey shows the right-of-way will not allow the lot width to meet minimum standards of 75'. There is also the issue of the property becoming a corner lot with two front yards if a public road is introduced requiring changes to the setbacks according to Code. This would create a nonconforming lot.

Mr. Mandalas stated the Commission cannot approve any plan that would create a nonconforming lot. The applicant does have the option of going to the Board of Adjustment for a variance regarding front-yard setbacks needed with the addition of the public road.

Chairman McKay stated the Commission has the option to make a recommendation to MCC who may then review the major and minor together at their meeting in March. It seems the Commission has received all the information concerning the minor application without coming to a conclusion, and we cannot solve the problem for the developer.

ACTION: *Mr. Panetta made a motion to recommend to Mayor and City Council denial of the minor subdivision application. The motion was not seconded.*

ACTION: *Mr. Harris made a motion to recommend to Mayor and City Council approval of the minor subdivision application as submitted; Mr. Hoechner seconded the motion.*

Mr. Harris stated making this recommendation to MCC to approve will give MCC the opportunity to review the major with all conditions and issues from the Commission and also include the minor property application for review.

Mr. Crosby stated he is concerned about the possibility that the historic house and trees would be removed from the property but is also opposed to having access through Rodney Avenue.

Mr. Harris voted yes to the motion stating MCC will now have both pieces of the proposals to review in tandem. If the minor is approved and the major is not able to move forward, the developer may decide to combine the two parcels with consideration of the City's response to having the only access to the major being through Rodney Avenue.

Mr. Panetta voted no to the motion stating he understands the minor is part of two pieces and that MCC needs to merge the two decisions together. Mr. Panetta also stated his decision to deny is based upon foreclosure of the option to use the minor as a secondary access.

Mr. Crosby voted yes to the motion stating he agrees with the comments by Mr. Harris. Mr. Crosby also spoke about the importance of having the property remain as it is but is concerned about only having one way in and one way out.

Mr. Hoechner voted yes to the motion stating the importance of MCC reviewing the major and minor applications together, although they may decide to send the applications back to the Commission for further review with their recommendations.

Mr. Nehrbas voted yes to the motion stating he is concerned that approval of the minor by the Commission would create a nonconforming lot and agrees that MCC needs to have both applications for consideration at the same time.

Chairman McKay voted yes to the motion stating the developer is taking a risk in asking for approval of the bifurcation of the property. There may be other solutions to the major that do not include the Pilottown Road property and would not require the only access be Rodney Avenue. All agree that Rodney should not be the only source of egress and access to the site. The applicant needs to consider alternatives to address concerns expressed regarding the major and those discussed tonight. It is important for MCC to review both applications at the same time for all to move forward.

With five (5) yes votes and one (1) no vote, the motion passed.

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