

Town of Henlopen Acres

104 Tidewaters
Henlopen Acres, DE 19971

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MINUTES: Meeting of the Planning Commission of the Town of Henlopen Acres was held on **Friday, July 10, 2015 at 9:00am** at Town Hall on 104 Tidewaters in Henlopen Acres, Delaware

PRESENT:

John Scheurer	Planning Commission Chairman
Bob Reed	Planning Commission
Gordon Kaiser	Planning Commission
Mary Jane Lyons	Planning Commission
Dick Thompson	Planning Commission
David Lyons	Mayor (member ex-officio)
Thomas Roth	Town Manager (member ex-officio)
Lisa Michaels	Town Clerk
Glen Mandalas Esq.	Town Solicitor
Paddy Richards	5 Rolling Road
John Staffier	58 Pine Reach
Joni Reich	25 Tidewaters
Frank Jamison	90 Tidewaters
Henry DeWitt	55 Fields End
Ann Cameron Stephenson	5 Broad Hollow
Sallie McGrath	36 Tidewaters
Nathalie McGregor	3 Pine Reach
Sheila Bravo	Rehoboth Art League
Essie Sunderland	71 Fields End

[The Minutes Are Not Verbatim]

1. Call to Order – Pledge of Allegiance

Chairman John Scheurer called the meeting to order at 9:03 a.m.

2. Approval of Minutes

a. Meeting December 1, 2014.

A **motion** to approve the minutes was made by Commissioner Bob Reed and seconded by Commissioner Mary Jane Lyons. **Motion** passed.

3. Old Business

a. Comprehensive Plan

Chairman Scheurer reviewed the process The Comprehensive Plan has been through over the past several months. After the written comments received from the State in March, the Comprehensive Plan was revised. Mr. Scheurer reviewed the revisions. A **motion** to approve the revised Comprehensive Plan was made by Commissioner Dick Thompson and seconded by Commissioner Gordon Kaiser. **Motion** passed. The Comprehensive Plan is now being sent to the Board of Commissioners for approval.

b. Garages

The current Code includes garages in the 6000 sq. ft. maximum under roof. It also dictates a 20% maximum building footprint, 20% accessory structure maximum and a 60% open space requirement. The current proposal is to allow an additional 250 sq. ft. for garages. The current proposal doesn't state how it will affect the total building coverage of 20%. An extensive discussion ensued. Mr. Scheurer commented that any proposed changes would not exempt the building from needing to be approved by the ERC. Mr. Thompson feels that garages should be encouraged and will improve the overall look of the property. Mr. Reed felt the additional 250 sq. ft. should be exempt from 20% building footprint limit. Mr. Kaiser reminded the Commission that all these changes proposed will still be subject to the existing setback restrictions.

Frank Jamison-90 Tidewaters

Mr. Jamison agrees that the building footprint presents a bigger issue for many homeowners. He would like to see the garage not be included in the 20%.

John Staffier-58 Pine Reach

Mr. Staffier felt most people would agree that the desire for garages is more for storage of bikes and beach accessories than for cars. Which brings up the question of other storage options and how that would be affected by the current setback rules.

Mayor Lyons questioned whether 250 sq ft is enough for a reasonable garage.

Mr. Reed wants a distinction made for existing homes and new construction.

Ann Cameron-Stephenson-5 Broad Hollow

Ms Cameron-Stephenson feels rules are in place for a reason and agrees with the current 20% footprint, 20% accessory structure, 60% open space Code as is. She feels residents should follow the current rules and no changes should be made.

Mr. Scheurer wants the Planning Commission to draft a new proposal and discuss it again at the next meeting.

c. §130-4.B.(2) Accessory use, Cooking facilities

The Board of Commissioners requested the Planning Commission better define the term "unenclosed" as it pertains to outside cooking facilities. Mr. Scheurer stated the current language was written with the intent to prohibit another living facility on a property (ie. apartments over garages) but feels that outdoor kitchens should be allowed in some form. The goal of any change made to the Code would be to allow an outdoor kitchen that cannot be used in any way as living quarters, even if its enclosed. The Planning Commission discussed the desire to change the current Code and agreed to draft a new proposal to be discussed at the next meeting. Mr. Scheurer did ask Mr. Roth if an outdoor kitchen would still need to meet the setback requirements and Mr. Roth said it would.

4. New Business

a. Removal of Trees

Current amendments proposed are to §130-37 change language to include “including removal of trees” and building permits will now include specifying any tree removal. Change to §130-38 to insert “including removal of trees.” Mayor Lyons would like to have a clear definition of what a tree is and also clarify if there are different requirements for trees on the Town easements and trees on the property owner’s land. Mr. Scheurer wonders if the Town should have a certain number of trees required per lot.

John Staffier-58 Pine Reach

Mr. Staffier felt that any changes made need to apply to all trees regardless of where they are located on the property and also agreed with Mayor Lyons about specifying the difference between a tree and a bush. Currently the Town must approve any tree removal on Town property and feels the ERC needs clarification on what they are supposed to review regarding any tree removal.

Nathalie McGregor-3 Pine Reach

Ms. McGregor agrees there should be more rules in place to ensure tree replacement, especially after new construction. She suggests using the Rehoboth Beach Tree Ordinance as a guide.

Mr. Mandalas comments that Rehoboth Beach has a very progressive Tree Ordinance that spells out the tree density requirements. Mr. Scheurer wants to review Rehoboth Beach’s Tree Ordinance and discuss this topic at the next Planning Commission meeting.

b. Fencing

Current language doesn’t allow fences for pools to extend beyond the sides of the house or further front than the back side of the house. New language will be drafted to allow fencing to go off the back of the house horizontally as long as it is shielded by landscaping or bushes. Fencing would still need approval of the zoning officer or ERC.

5. Adjournment

A **motion** to adjourn was made at 9:59am by Mr. Reed and seconded by Mr. Kaiser.

Approved 05/09/2016