



# Bethany Beach

## Landowners Association

November 2013

### President's Message

Writing so close to Thanksgiving Day, it seems clear that we have a lot to be thankful for, having homes in a beautiful place like Bethany Beach, whether we're here full-time or part-time. As noted in this newsletter, we have seen significant progress on major projects in 2013 that will enhance the quality of life in Bethany Beach, such as the new water tower, Streetscape and beach replenishment. Efforts also continue to address various areas of concern, such as flood control, the design aspects of the proposed new hotel, and the park to be created on the Church-Neff property.

Particularly striking is the amount of financial investment in Bethany Beach from local, state and federal funds, not to mention the high degree of inter-government cooperation that investment reflects. We know that doesn't happen without the conscientious efforts of many individuals for the good of our community. BBLA greatly appreciates the efforts of all involved.

True to BBLA's purposes, the BBLA Board will continue to monitor issues and developments; keep our members informed and solicit their views; present those views and represent member interests, sometimes in an advocacy role, before the Town government and other government entities; and support various community service endeavors. To further promote member involvement and influence, the Board will continue to encourage and advocate for public participation in the Council decision-making process.

Once again I want to express my appreciation to all our volunteers for their efforts on behalf of our members and the Town. We welcome all who want to volunteer. You can contact me by e-mail at the link provided at [www.bbla.us](http://www.bbla.us) or by mail to BBLA, P.O. Box 401, Bethany Beach, DE 19930.

On the subject of volunteers, I want to draw your attention especially to the article describing the need for volunteers to help with the Farmers' Market. The Market began as a BBLA and Bennett Orchard initiative in 2007, with an initial start-up contribution from BBLA, subsequent partnership with the Women's Civic Club of Bethany Beach and helpful support from the Town Council and staff. With volunteers in all areas of need working together we will have a stronger organization and influence for good in the community.

Have a safe and happy holiday season.

John Himmelberg, President

## **ISSUE UPDATE**

### **Water Tower**

Significant progress has been made on construction of the new water tower. The retention pond has been leveled. Pilings have been installed and work on the foundation is close to completion. Major work on the tower is expected to be completed by Memorial Day 2014 with painting and other work to be done later.

In response to citizen complaints about noise from aerator equipment, the Town contracted for noise abatement measures (at a cost of over \$80,000), which seem to have resolved or reduced the problem. Residents were also concerned about the appearance of the facility. To address this issue, a higher fence around the property is planned and yard work will be done by the Town's landscaping employees rather than Water Department personnel.

The cost of the new tower, originally estimated at \$2.8 million, is now expected to come in \$380,000 under that estimate. The water tower cost is funded with a low interest (2.1%) loan from the Delaware Drinking Water State Revolving Fund. The loan will be repaid over time from the Town Water Bond Sinking Fund. As property owners know from their annual tax bills, the assessment for the sinking fund currently is \$1.07/front foot of property. At the present time, that rate is projected to remain the same in the next fiscal year.

### **Streetscape**

Work on the Streetscape Project was scheduled to resume on November 25, after postponement during the tourist season, and further delays to accommodate business owners and for weather and safety reasons. If all goes well, work on this final phase is still expected to be completed before Memorial Day 2014. The Town has also planned some sidewalk and related improvement work to better integrate the businesses on North Pennsylvania Avenue with the rest of the downtown commercial area.

Information made available by the Town indicates that the estimated cost of the Streetscape Project is \$2.4 million, funded by the Delaware Department of Transportation (DelDOT). As to the related utility relocation project, the cost was approximately \$1.4 million funded by the Town. These costs represent significant state and local investments in improvements in the downtown area.

For those who are interested, the Town has provided an information video on the Streetscape Project on its website at:

<http://www.townofbethanybeach.com/archives/77/StreetscapeProject.m4v>.

## **Beach Replenishment**

Widening of the dune barrier and replenishment of the beach from the dune to the surf line had just been completed before the mid-October nor'easter. That storm, which hung off the coast for about a week and pounded the shoreline with high winds and waves, resulted in the movement offshore of a large portion of the replenishment sand. However, the replenishment served to weaken the waves and the dune was spared and remains intact. As typically happens, a portion of the offshore sand is expected to wash back up on the beach

Because the recent replenishment was funded through Super Storm Sandy relief funding, the contractor and the U.S. Army Corps of Engineers will not be back this year to replace the lost sand. However, we understand from reports that sand fencing will be installed and grasses will be planted to stabilize the dune. Hopefully, issues with dune crossovers can be addressed at that time. For now, we have to rely on normal ocean currents to expand the beach.

Information available indicates that over \$19 million in federal funds was spent this year for replenishment of Delaware town beaches from Fenwick Island to Lewes, as well as the north shore of the Indian River Inlet. The estimated allocation for Bethany Beach was \$3 million. The projects are justified by the Corps of Engineers as hurricane storm risk management to protect infrastructure and property.

## **Church/Neff Property Park**

As property owners are aware, the approximately six-acre site at the northwest corner of Routes 1 and 26, commonly referred to as the Church/Neff property, will be developed as a park. Considerable work has already been done to improve the site with the removal of dead, unhealthy or otherwise undesirable trees and brush, planting new grass and trees, and resolution of flooding-related issues. The question remains as to what features and amenities, if any, should be included in the park development plan.

The Town Council is in the process of finalizing an opinion survey to determine the views of property owners on the question. The draft survey, which was prepared in collaboration with the University of Delaware, was reviewed and discussed at the October 18 Council meeting. The draft included a tentative list of possible features and amenities for respondents to consider. Members of the public and BBLA offered comments and suggestions on the draft.

BBLA essentially suggested that the survey should explore what respondents actually want in a park and would visit or use on a regular basis. The tentative list in the draft survey should not limit the expression of individual ideas and should make clear that more than one item on the list could be included in the park. The ultimate goal would be to ensure to the maximum extent possible that the park is enjoyed by the public on a regular and frequent basis, and not just visited once to satisfy curiosity.

As discussed at the Council meeting, the survey may be conducted electronically on the Town website, with a postcard sent to property owners soliciting online responses. Arrangements would be provided to accommodate those who do not use computers or prefer to respond by mail. As of the Council workshop on November 19, the draft survey is still a work in progress. The Council is not expected to vote on a final survey until its meeting in January 2014.

## **Proposed New Hotel**

The proposal by developer Jack Burbage to build a new hotel on the site of the current Bethany Arms Motel and Apartments continues to be studied by the Town Non-Residential Design Review Committee and the Council. A number of questions and issues remain to be decided. Those questions and issues were discussed and considered at a public hearing, Committee and Council meetings and a workshop in October and November.

Two of the issues highlighted were whether a proposed in-room “kitchenette” with a two-burner countertop insert for cooking would be permitted and the number of off-street parking spaces that would be required. As to the kitchenette issue, Mr. Burbage wants the new hotel to be included in the reservation system for Marriott’s Residence Inn line of extended-stay hotels. Our understanding is that Marriott has quality standards for the Residence Inn which the new hotel would have to meet. Those standards apparently include kitchenette-type requirements for a compact refrigerator, coffee maker, microwave, the cook-top burners for in-room food preparation and a mini-bar sink.

As to the parking issue, Mr. Burbage plans to provide 115 off-street parking spaces for a mix of 112 standard and oversize room/suites, with a maximum occupancy of 460 guests.

On November 15, the Council approved amendments to provisions in Section 425 of the Town Code pertaining to the newly created Commercial Lodging (CL-1) District to resolve those issues.

The Council amended the definition of “kitchen” in Section 425-2C, which would, in effect, permit the limited amenities described in hotel guest rooms. In addition, the Council defined “standard” and “oversized” guest rooms. The key distinction is whether the sleeping accommodations provided (in any combination of beds and convertible furniture) would accommodate either a maximum of four occupants (standard room) or more than four (oversize room). Applying those definitions in an amendment to Section 425-87(A) concerning off-street parking arrangements, the Council voted to require a minimum of one parking space for standard guest rooms and a minimum of two spaces for oversize rooms. The Council added a provision that a commercial lodging complex with a combination of standard and oversize rooms sleeping less than 460 total permitted guests would be required to provide a minimum of one space per room. The Council also added inspection, enforcement and penalty provisions.

A closely related issue is what to do about employee parking, especially during the peak tourist season when the hotel may be full and all spaces are taken. Mr. Burbage is considering various solutions, including providing off-site parking with shuttle service to the hotel. It has also been noted that he may purchase street parking permits for employees just as other businesses in the downtown area are allowed to do. This issue was not addressed by the Council on November 15.

Further on the subject of the hotel, it appears that a suggestion for creation of a special citizen committee to serve as part of the hotel design review process has been determined to be unnecessary in view of the existing Design Review Committee process. That process provides multiple opportunities for interested citizens to attend regularly scheduled meetings and to make comments and suggestions about any and all design aspects under consideration. Using the design process for the Blue Surf project as an example, it was noted by a Committee spokesperson that citizen input was extremely valuable and many ideas and suggestions were incorporated in the approved design plan for that project. Note that Committee approval is required before a building permit is issued.

That is not to say that citizens cannot form a group and present a consensus to the Design Review Committee for consideration. For our part, the BBLA Board hopes to be able to monitor Committee proceedings and to present the views of our members to the Committee and the Council on matters under consideration. Please let us know of any particular issues regarding the design or construction of the hotel which you think should be addressed.

Left unanswered in all the recent discussion is the question of whether the sale of the Bethany Arms to Mr. Burbage has been finalized. Apparently not, although we understand that Mr. Burbage has made a commitment to purchase the property and proceed with construction of the new hotel, depending on plan approval and a building permit from the Town. He had reportedly planned to begin demolition of the existing complex in February, but has not yet filed a request for a demolition permit for that work. He attempted to buy the property at 98 Hollywood Street, but we understand that the negotiations were not successful.

### **Flood Problems**

The Town in partnership with the Corps of Engineers jointly funded an engineering study of the continuing problems, with each reportedly providing about \$60,000 for the study. Our understanding is that the study may be completed this Winter. In a related favorable development, it was reported that the COE has added our Town flooding problems to its Superstorm Sandy file. So if the engineering study identifies viable solutions, funding may be available for the work involved.

### **Route 26 Construction Project**

Plan ahead! DeIDOT recently announced that the long-anticipated work on the Route 26 widening project is expected to begin this Fall. The project is expected to take at least 2-1/2 years and, hopefully, will be completed by the Fall of 2016.

Work on the approximately 4-mile stretch of road from St. George's Church in Clarksville to Glen Drive in Bethany Beach will include an 11-foot wide travel lane in each direction, a 12-foot wide shared center turn lane, and 5-foot shoulders marked as bike lanes. Construction may occur at multiple locations along the road at the same time. To alleviate some congestion during the tourist seasons, no lane or shoulder closings will be permitted from May 15 to September 30, from 6 a.m. Friday to 7 p.m. Monday. During other months (October 1 to May 15), lane closures will not be allowed from 6 a.m. to 9 a.m. DeIDOT also announced that there will be two total closures of the road, for two to three months in 2015, for bridge replacements near Lord Baltimore School and the Millville Town Hall, with detours to be announced.

Obviously, this project is going to present long-term challenges (especially to patience and cheerfulness) to everyone travelling on Route 26 during the construction time frame. But the end result sounds like a big improvement for travelers. Individuals can register for e-mail updates or download a smart phone application at [www.SR26.deldot.gov](http://www.SR26.deldot.gov). They can also contact the DeIDOT public relations office at 1-800-652-5600 or (302) 760-2080, or by e-mail: [dotpr@state.de.us](mailto:dotpr@state.de.us).

## **Ambulance Fee Increase**

Property owners will see an increase in the annual Volunteer Fire Company ambulance fee from \$44.00 to \$53.00. The Council approved the increase on November 15 to help fund the purchase of an additional ambulance to serve the area. Property owners in the surrounding communities served by the Bethany Beach Fire District will be similarly assessed.

## **Possible Widening of the Boardwalk**

The Council is again considering the possibility of widening all or part of the boardwalk from 12 to 20 feet to reduce the difficulty the public encounters while walking, because of crowds and numerous areas of congestion. The problems are recognized as especially severe during the tourist season from May through September, as well as at some other times during the year.

The matter was discussed at the Council's Workshop/Special Meeting on November 19. Options discussed included widening the boardwalk along its entire length; limited widening to the area from Hollywood Street to Campbell Street; widening the entire length in separate phased projects; and postponing any decision on the matter until after completion of other capital investment projects. Related issues and concerns considered were costs, funding sources, priorities and timing.

There appeared to be a majority consensus in favor of widening the boardwalk as an improvement to alleviate the problems identified in this preliminary discussion. So we can expect that the matter will be the subject of further discussion by the Council in other public meetings in the future with opportunities for public participation and input.

## **Changes In the National Flood Insurance Program/New FEMA Floodplain Maps**

The Town's Building Inspector provided a briefing at the Council's workshop on November 19 regarding significant legislative changes in the National Flood Insurance Program and new floodplain maps developed by the Federal Emergency Management Agency.

Final adoption of the maps is expected in August 2014. They will affect flood-risk designations for various areas to reflect actual risks of both flooding and wave action damage. The changes will also affect insurance determinations and construction standards and permits. Pertinent information on the subject will be posted on the Town website in the near future. Check: [www.townofbethanybeach.com](http://www.townofbethanybeach.com).

In addition, interested property owners could also check the following references provided by the Building Inspector:

- For details on national flood insurance program changes as a result of the Flood Insurance Reform Act of 2012 (<http://www.fema.gov/flood-insurance-reform-act-2012>);
- For Delaware Department of Natural Resources and Environmental Control navigator/mapping tool to locate property in relation to floodplain (<http://maps.dnrec.delaware.gov/navmap/>);
- For Sussex County flood information portal to see preliminary flood information rate map for Sussex (<http://maps.riskmap3.com/DE/Sussex>).
- For questions about the above or other links individuals may contact Greg Williams at DNREC Division of Watershed Stewardship at [Gregory.Williams@state.de.us](mailto:Gregory.Williams@state.de.us), or by phone at (302) 739-9921.

## **AT&T Cell Tower Controversy**

The fight over an AT&T proposal to install a 100-foot cellular tower on the southern edge of Bethany, behind the BP gas station, began in 2009 and still goes on. BBLA and others, notably the Sea Pines Village Homeowners Association, have consistently opposed the proposal, believing such an ugly “monopole” has no place in a predominantly residential area. The Sussex County Board of Adjustment (BoA) granted AT&T’s initial application but that decision was reversed in court because the lack of proper notice of the application had prevented opponents from being able to fully document their arguments. But before that decision was rendered AT&T was allowed to install a shorter temporary tower that is still in place today. AT&T’s second application was denied by the BoA in 2011 but the Delaware Supreme Court reversed that decision earlier this year because the BoA opinion said the tall tower would “adversely affect” neighboring property values and the correct legal standard is whether the tower would “substantially adversely affect” property values. On November 18, 2013 the BoA held a hearing on AT&T’s third application. The hearing will continue on a date not yet set in order to give AT&T an opportunity to put on its rebuttal case. BBLA’s comments opposing this third application are available on the BBLA website, <http://www.bbla.us>.

## **Volunteers Needed for Farmers’ Market**

The Farmers’ Market began as a BBLA and Bennett Orchard initiative in 2007 with an initial start-up contribution from BBLA, helpful support from the Bethany Beach Town Council and PNC Bank, and a cooperative arrangement with the Women’s Civic Club of Bethany Beach.

The Market (formally designated the Bethany Beach Farmers’ Market, Inc.) is a non-profit organization of volunteer citizens. The basic goals are to: make local produce and other products more readily available to local residents and visitors during the summer season; promote local agriculture; and enhance the summer experience and enjoyment of residents and visitors.

As BBLA members recognize, the Market has become a popular attraction and huge success on Sundays during the summer. That success has not been achieved without the conscientious efforts of many volunteers since 2007. Dan Costello, one of the original founders who has filled key leadership and other roles in Market operations since its start, has announced that he is stepping down as “Market Manager.” Dan noted that there is a need to fill his role, as well as a need for volunteers to help with other areas of responsibility.

Briefly stated, there is a need for volunteers for the following tasks and responsibilities:

- An assistant or co-market manager to serve with a farm/grower representative to help with coordination, liaison and other matters
- Volunteers for the Board of Directors to serve with directors from the farm community
- A Treasurer
- Sunday volunteers to help set up and take down the Market tent, signs, tables, chairs, etc.
- Sunday volunteers to help shoppers, sell some products (T-shirts and tote bags) and conduct mini-surveys
- Liaison with Town departments and staff (for example, Police, Public Works and Communications)
- Advertising and promotion activities
- Coordination with Market website manager
- Coordination and some joint efforts with Sea Colony Market

For more information about the market or if you want to volunteer to help continue this worthy community venture you can contact Dan at: [dancostello2@verizon.net](mailto:dancostello2@verizon.net). Please consider volunteering.

Finally, on behalf of BBLA, we want to express our appreciation to Dan, a long-time BBLA Board member, for his imagination and efforts in helping to get the Farmers' Market started and for all his dedicated service and leadership over the years in making the Market a success. Moreover, we appreciate Dan's offer to share his knowledge, experience and advice in ensuring a smooth transition in Market operations.

### **NEWSLETTER CONTRIBUTORS**

Dan Costello, Jerry Hardiman, John Himmelberg, Mike Horne, Laura Marriott, Patrick McGuire and Tracy Mulligan.