



# The Town of Fenwick Island

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**PUBLIC HEARING**  
**CHAPTER 160-5.C. (AREA REGULATIONS – COMMERCIAL)**  
**OCTOBER 27, 2017, 3:15 PM**

**MINUTES**

**In Attendance**

Town Council Members:

Mayor Langan, Vice Mayor Mais, Treasurer Bunting, Secretary Merritt, Council Member Carmean, Council Member Lee, Council Member Williams

Staff in Attendance:

Town Manager Tieman, Building Official Schuchman, Finance Administrator Brittingham, Administrative Assistant Martin

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Building Official Schuchman began the meeting by reading the proposed changes to Chapter 160-5.C.

Bill Weistling added that there are currently no side setbacks on corner lots. The commercial setback is currently 15', while residential is 5'.

Council Member Lee questioned how far the setback is from the back of the building to the property line. Bill Weistling responded that there is a 5' vegetation buffer on properties with an additional 5' to the rear of the building. Council Member Williams added that when we changed the residential Code with the same setback requirements, we never changed the commercial properties. Building Official Schuchman also added that we never have prohibited side or rear, and we are now adding a dedicated buffer along with requiring a 6'-7' fence around the mechanical equipment for all new construction.

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**Public Participation**

Jackie Napolitano, 2 E. James Street – She lives next to the Sands and is concerned about the mechanical equipment that will now be allowed closer to her property. Bill Weistling responded that mechanical equipment included equipment like heat pumps, chillers, condensers, ice machines, etc. Ms. Napolitano then questioned how close equipment can be to the property line. Bill Weistling responded 9' (5' buffer and a 4' setback). Mayor Langan commented previously equipment was allowed up to the property line. Council Member Lee asked if Bill was sure that it was 9'. Bill Weistling corrected the information provided and said the actual amount was 6' to the property line. Ms. Napolitano commented that she didn't know how this change is better for residential property owners that are close to commercial properties.

Pam Pridgeon, 1 E. James Street – She suggested that some kind of fencing or buffer should be required for mechanical equipment sitting on the road since it is an eyesore to look at the equipment. Building Official Schuchman responded that it is already included in the Code change that all new construction would require a 5' vegetation buffer and a 6'-7' fence.

Ms. Napolitano then asked why the change to the Code was being done. Vice Mayor Mais responded that it was to enforce the setbacks for mechanical equipment since previously you were allowed to put equipment right up to the property line. Since we made the same change to the residential code, we are now making the change to commercial properties. Building Official Schuchman added that the previous did not allow equipment in the side setback area.

Council Member Lee questioned why the existing states 10' from the property line but, up to this point, owners were allowed up to the property line. Building Official Schuchman responded that 2 months ago the Code was changed for all mechanical equipment and equipment was then allowed 4' into the setback. Bill Weistling stated the original Code did not restrict the equipment in the setback but it could be placed anywhere up to the property line.

Ms. Napolitano said, for the record, that she objects to the ordinance change.

Lynne Andrews, 1205 Schulz Road – She is concerned about the noise from the mechanical equipment. She also questioned if generators are considered "mechanical equipment". Bill Weistling responded that generators are considered mechanical equipment. Ms. Andrews commented that she is concerned about the gas from the generators and they should not be allowed to be closer to a residence.

Ms. Pridgeon feels that the ordinance should be switched back to 10' since on commercial properties The Town is not considering the size of the heat pumps compared to residential properties.

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#### Adjournment

Motion – Vice Mayor Mais asked for a motion to adjourn.

Second – Secretary Merritt.

The hearing adjourned at 3:34 PM.