TOWN OF ELSMERE BOARD OF ADJUSTMENT MEETING MINUTES April 25, 2017 6:30 P.M.

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

CHAIRMAN	JAMES PERSONTI	PRESENT
BOARD MEMBER	JOHN ACTON	PRESENT
BOARD MEMBER	PATRICIA BOYD	ABSENT
BOARD MEMBER	RON RUSSO	PRESENT
BOARD MEMBER	JOHN SMITH	PRESENT

PUBLIC COMENT:

None

APPROVAL OF MINUTES:

Minutes from the February 28, 2017 Board of Adjustment Meeting

ACTION: Board Member Russo made a motion to approve the Minutes from the February 28, 2017 Board of Adjustment meeting. The motion was seconded by Board Member Smith.

VOTE: 4 in favor and 1 absent Motion carried

Personti – Yes, Acton – Yes, Boyd – Absent, Russo – Yes, Smith - Yes

OLD BUSINESS:

None

NEW BUSINESS:

Review Petition 17-03 Tax Parcel # 1900-200-091

ACTION: Board Member Smith made a motion to approve the variance requested for an eight foot tall fence in Petition 17-03.

Board Member Acton stated that the applicant is not present to explain his hardship. Board Member Russo stated that the documents submitted with the petition show a hardship due to a security issue.

Code Enforcement Office Melissa Faedtke stated that the town does not have any issues with the request in the petition application.

Town Manager confirmed with Code Office Administrative Assistant Cynde Pfirrmann that the applicant was notified about the Board of Adjustment meeting.

A discussion followed about whether the petition should be approved when the applicant does not appear at the meeting to answer the Board's questions.

Board Member Russo seconded the motion.

VOTE: 3 in favor, 1 oppose and 1 absent Motion carried

Personti – Yes, Acton – No, Boyd – Absent, Russo – Yes, Smith – Yes

Each of the board members indicated the reason for their vote:

Board Member Acton stated that the applicant has not demonstrated a hardship.

Board Member Smith stated that the neighbors have an eight foot fence.

Board Member Russo stated that although the applicant's absence does not speak well, the documents submitted show an issue with security.

Board Member Personti stated that the documents show an issue with security.

Review Petition 17-04 Tax Parcel # 1900-500-105

The applicant, Dean Grivas, stated that he is requesting approval to use the second floor as a rental apartment and the first floor as a sub shop.

Board members discussed the petition request and asked the applicant questions. Mr Grivas stated that no alcohol would be served and that the business will have take-out service only.

Board members discussed parking requirements with the applicant. Mr. Grivas submitted agreements with Midway Muffler for use of 4 parking spaces (Exhibit 17-04U) and Bacalao Super Fresh Market for use of 8 parking spaces (Exhibit 17-04V).

Mayor Steven Burg spoke in support of the application and made a statement that the request can help to contribute to a Main Street program.

ACTION: Board Member Smith made a motion to approve Petition 17-04 and to grant a variance for 5 parking spaces and separate primary uses of the structure with the

conditions that 12 parking spaces are maintained offsite, that approval from the Delaware Office of the State Fire Marshal is secured, that there are no serving tables either inside or outside, that food service is take-out only, and that all required permits are obtained. The motion was seconded by Board Member Acton.

VOTE: 4 in favor and 1 absent Motion carried

Personti – Yes, Acton – Yes, Boyd – Absent, Russo – Yes, Smith – Yes

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Board Member Russo to adjourn. The motion was seconded by Board Member Smith.

VOTE: 4 in favor and 1 absent Motion carried

Personti – Yes, Acton – Yes, Boyd – Absent, Russo – Yes, Smith – Yes

These minutes summarize the agenda items and other issues discussed at the April 25, 2017 Board of Adjustment meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

JAMES PERSONTI, CHAIRMAN PATTY BOYD, SECRETARY