

**TOWN OF ELSMERE
BOARD OF ADJUSTMENT
MEETING MINUTES
November 22, 2016
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

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

APPROVAL OF MINUTES:

Minutes from the September 27, 2016 Board of Adjustment Meeting

ACTION: Board Member Boyd made a motion to approve the Minutes from the August 23, 2016 Board of Adjustment meeting. The motion was seconded by Board Member Smith.

VOTE: 4 in favor and 1 absent Motion carried

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

OLD BUSINESS:

None

NEW BUSINESS:

Review Petition 16-18 Tax Parcel # 1900-500-104

Douglas Hirschman, attorney for the applicant, Delaware Offices LLC, made a presentation and stated that the subject property is located in the CC zoning district and that the use is allowed under Town of Elsmere Code Section 225-19C and described the neighborhood where the property is located. Mr. Hirschman further stated that they do not anticipate an impact on the property values or traffic congestion and that the building has been used for the same purpose in the past. David Shepherd, principal for Delaware Offices LLC, stated that the company plans to purchase the property and lease it to Brett's Automotive. Mr. Shepherd proposed using the existing curb cut on Kirkwood

Hwy as an entrance and showed a proposed site plan and discussed installing a fence to screen the property from the adjacent residential area.

Board Member Russo asked questions about hazardous material storage. The proposed tenant, Brett Rossi, spoke about the system he currently uses at his present location in which he uses a 300 gallon storage container for storage of used oil that is picked up periodically. Mr. Rossi stated that he hopes to move from his current location at 2003 Kirkwood Hwy.

Code Officer Melissa Faedtke stated that concerns had been raised at the Planning Commission meeting about uses that must remain inside an enclosed building.

Town Manager John Giles stated that the Town's position is that it plans to be reasonable but if it finds that maintenance is conducted outside the building, he will be cited. Mr. Giles clarified that diagnosing a problem is not maintenance work.

Code Officer Faedtke stated that another concern is parking of dismantled vehicles outside, which is not allowed. Mr. Rossi agreed to this requirement.

Mr. Giles stated that the code requires underground storage of hazardous materials. Mr. Shepherd replied that this part of the code does not apply in this case as it applies to motor vehicle service stations, not vehicle service establishments.

Planning Commissioner Robert Anderson, 107 Northern Avenue, made a statement and noted that there are already many vehicle service shops in the area, which he believes is not representative of main street America as the comprehensive plan states. Commissioner Anderson suggested shrubbery or some other screening. He asked the Board of Adjustment to enforce the 20 foot buffer if they approve the application.

Town resident Fred Carlson, 104 Western Avenue, stated that the use as an auto repair business has not occurred in a long time at this location. He agreed with Commissioner Anderson about planting trees or shrubs.

Mayor Steve Burg, 108 Northern Avenue, asked if they would be willing to block the entrance on Northern Avenue. The applicant agreed.

Planning Commissioner Andrew Favreau, 1301 Sycamore Avenue, stated that he introduced the motion on the Planning Commission because he did not feel that it was that much of a change.

Mr. Shepherd stated they would want to put a privacy fence rather than a chain link fence and hopes to improve the property. He agreed to do a light plan if lighting is a problem for the neighborhood.

Board Member Boyd asked about required parking. Mr. Shepherd responded that they are prepared to install nine parking spaces.

Mr. Giles asked the Board of Adjustment to consider issuing a variance to reduce the number of required parking spaces to nine, which would result in fewer cars on the property.

ACTION: Board Member Russo made a motion to grant Petition 16-18 in accordance with Chapter 225-28 and to grant a variance to Chapter 228-28D.(2) and a variance from 13 to 9 parking spaces with landscaping, fencing, buffers, and lighting to be addressed with the neighbors. The motion was seconded by Board Member Boyd.

VOTE: 4 in favor and 1 absent Motion carried

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

These minutes summarize the agenda items and other issues discussed at the November 22, 2016 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