

**TOWN OF ELSMERE
PLANNING COMMISSION
MEETING MINUTES
August 01, 2017
6:30 P.M.**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

MOMENT OF SILENT PRAYER FOR THOSE WISHING TO DO SO:

ROLL CALL:

CHAIRMAN	CHARLES LINDELL	PRESENT
COMMISSIONER	ROBERT ANDERSON	PRESENT
COMMISSIONER	LEON BACKER	PRESENT
COMMISSIONER	ANDREW FAVREAU	ABSENT
COMMISSIONER	SALLY JENSEN	PRESENT
COMMISSIONER	CHARLES MCKEWEN	PRESENT

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Approval of the Minutes from the May 02, 2017 Planning Commission meeting

ACTION: Commissioner Backer made a motion to approve the minutes from the May 02, 2017 Planning Commission meeting. The motion was seconded by Commissioner McKewen.

VOTE: 5 in favor and 1 absent Motion carried

Lindell – Yes, Anderson – Yes, Backer – Yes, Favreau – Absent, Jensen – Yes, McKewen – Yes

NEW BUSINESS:

Review Petition 17-09, Tax Parcel Number 1900-400-088

Mitesh Desai spoke on behalf of the applicant and stated that the applicant is requesting approval to install a changeable fuel price sign with LED red light at the gas station at 1500 Kirkwood Hwy. Mr. Desai explained that the changeable price sign is the industry standard and red LED light meets Sunoco corporate guidelines.

In response to questions from Chairman Lindell, Mr. Desai stated that the overall size of the proposed sign will remain the same as the existing sign and that the existing framework of the sign will not change, only the components within the sign will change. Mr. Desai further stated that the lit part of the sign will not be flashing and that only the numbers for the fuel price will be lighted. The applicant stated that the sign should change no more than once per day when he is instructed by Sunoco corporate to do so.

The commissioners asked questions about the petition. A short discussion followed and Mr. Desai further explained that the existing sign post and cabinet will remain the same.

Walter Stabosz, 4 Beech Avenue, made a comment about concerns with the brightness of the sign. A short discussion followed concerning this issue. Commissioner McKewen noted that the light is unlikely to cause an issue with all of the surrounding trees. Commissioner Lindell also stated that should an issue arise due to the brightness that it would be addressed by the Code Department at that time.

Joann I. Personti, 5th District Councilwoman, made a statement noting other recent upgrades at the property and stated that she had received no correspondence either for or against the petition.

Code Enforcement Officer Melissa Faedtke stated that the Code Department has no concerns about the application.

ACTION: Commissioner McKewen made a motion to recommend approval of Petition 17-09 to the Board of Adjustment. The motion was seconded by Commissioner Jensen.

VOTE: 5 in favor and 1 absent Motion carried

Lindell – Yes, Anderson – Yes, Backer – Yes, Favreau – Absent, Jensen – Yes,
McKewen – Yes

Review Petition 17-10, Tax Parcel Number 1900-100-258

Orlando Vasquez Jr spoke on behalf of the applicant to request approval to construct a 16' x 24' shed in the rear of the property at 13 Gamble Avenue to replace an existing smaller shed.

Town Manager John Giles stated that there are no variances requested in this petition and that the petition is being reviewed for harmonious development due to the size of the shed.

Commissioner Jensen asked the applicant whether the structure is a shed or a garage and what will be its use. Mr. Vasquez replied that it is a storage shed that will be used for storage of tools and equipment. Chairman Lindell asked whether the applicant has any plans to extend the driveway to the new shed. Mr. Vasquez stated that there are no plans to extend the driveway but at some point they might want to add a concrete patio area for recreational use, such as for a grill. In response to a question from Commissioner Backer, the applicant stated that there will be no storage of flammable materials.

Mr. Vasquez described the proposed shed, provided a hand drawn drawing and explained that the height of the structure will be 18 feet including the dormer. The drawing was marked as Exhibit 17-10P. Mr. Vasquez also stated that there are currently two sheds on the property; the new shed would replace both of these existing smaller sheds.

Commissioner Backer asked Code Enforcement Officer Faedtke about the required setbacks and advised the applicant that the required distance from the property line is five feet.

Administrative Assistant Cynde Pfirrmann read a letter from resident John Smith, 24 Rigdon Rd, in support of the petition, a letter from resident Richard Herold, 28 Rigdon Rd, against the petition, and an email regarding a phone call that was received in the Code Department from a resident that was against the petition. The residents expressed concerns about noise, unpermitted work, and future building on the property.

A discussion followed about these concerns. Code Enforcement Officer Faedtke stated that the applicant had obtained a permit and the proper approval prior to beginning work on the shed. She explained that they issued a stop work order once the Code Office had received complaints about the shed and, due to its height, determined that it needed a plan review before proceeding with any further work.

Chairman Lindell inquired whether there have been complaints about noise. Code Enforcement Officer Faedtke stated that last summer there was a complaint, that she had visited the property and the issue ceased. Chief of Police Laura Giles stated that the police department has also received noise complaints.

Code Enforcement Officer Faedtke stated that the Code Department has no further concerns.

ACTION: Commissioner Anderson made a motion to approve Petition 17-10 due to the fact that it will not have a negative impact on the community. The motion was seconded by Commissioner Jensen.

VOTE: 5 in favor and 1 absent

Motion carried

Lindell – Yes, Anderson – Yes, Backer – Yes, Favreau – Absent, Jensen – Yes,
McKewen – Yes

OLD BUSINESS:

None

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

Chairman Lindell stated that beginning in September, the Planning Commission will begin reviewing the Comprehensive Plan to prepare for the upcoming update that is due by April, 2020. Chairman Lindell questioned whether the town would have the assistance of the University of Delaware as it did for the last major update. Town Manager Giles stated that the last update cost \$25,000, which must be reviewed and approved by Mayor and Council.

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: Commissioner Backer made a motion to adjourn the meeting. The motion was seconded by Commissioner McKewen.

VOTE: 5 in favor and 1 absent

Motion carried

Lindell – Yes, Anderson – Yes, Backer – Yes, Favreau – Absent, Jensen – Yes,
McKewen – Yes

At this time, the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the August 01, 2017 Planning Commission 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.

CHARLES LINDELL, CHAIRMAN

LEON BACKER, SECRETARY