



## **NEW BUSINESS:**

Review Petition 18-05, Tax Parcel Number 1900-200-042,  
Review Petition 18-06, Tax Parcel Number 1900-200-039, and  
Review Petition 18-07, Tax Parcel Number 1900-200-036

Chairman Lindell stated that Petitions 18-05, 18-06, and 18-07 would be heard concurrently due to the fact that they are similar.

Town Manager John Giles stated that none of the three applications will cause the properties to exceed the allowable lot coverage; instead, they are being heard due to requirements of the town's National Pollutant Discharge Elimination System ("NPDES") permit.

Chairman Lindell asked the applicants to consider a pervious material for their driveway projects. Chairman Lindell also stated that the grading must be consistent with the water flow. Mr. David Lutes, property owner of 8 Alfred Avenue, and the applicant for Petition 18-05, requested to amend his application to increase the additional lot coverage from 280 square feet to 319 square feet. Chairman Lindell noted that the revision would not cause the property to exceed the allowable lot coverage.

Mr. Calvin Saeed, property owner of 14 Alfred Avenue, and the applicant for Petition 18-06, stated he does not wish to revise the amount of additional coverage in his application and that he expected the final size of the driveway to be less than the amount requested.

Councilman Brian Hurst, property owner of 20 Alfred Avenue, and the applicant for Petition 18-07, stated that he also does not wish to revise the amount of coverage in his application and that the final size may be a little less than requested. Councilman Hurst also stated that he plans to use concrete because it is a more durable material.

Town Manager Giles made a presentation about the requirements of the Town's NPDES permit and explained some of the Town's responsibilities, such as tracking road salt usage, reporting on the amount of waste collected by the street sweeper, and the requirement to reduce impervious coverage town-wide by three percent. Town Manager Giles stated that the fee is \$68,000 per year if the Town is unable to meet this reduction. To meet this, the town can receive credit for items such as removal of the tennis courts, removal of unused asphalt, planting additional trees, and replacement of impervious surface with pervious material.

Town Manager Giles further stated that an ordinance is being considered by the Mayor and Council to standardize the procedure for petitions related to lot coverage. If an applicant has a net decrease, then they can apply to obtain a permit. If there is a net increase, then it first must be reviewed by the Planning Commission.

Commissioner Backer asked Mr. Saeed about the change in the requested size. The applicant stated that he may use a smaller area than being requested.

Mr. Lute and Mr. Saeed both stated that pervious coverage is cost prohibitive.

**ACTION:** Commissioner Norkavage made a motion to approve Petitions 18-05, 18-06, and 18-07 within the stated limits and adjusted amount in Petition 18-05 not to exceed allowable lot coverage and that they meet harmonious development of the Comprehensive Plan. The motion was seconded by Commissioner Jensen.

**VOTE:**           7 - 0                           All-in-favor                           Motion carried

Review Petition 18-08, Tax Parcel Number 1900-400-553

Code Enforcement Officer Melissa Faedtke gave an overview of the petition, including the following sections of the site analysis: The Request, The Statement of Fact, The Issues and The Grant of the Petition.

Town Manager Giles stated that several of the non-conformances have existed for a long time and that there is nothing new at the property other than the new use. Due to the fact that the property has been vacant for more than 90 days, the property has to comply with all of the new codes and the property owner will be unable to utilize the property without the variances.

Brittany Ramone, one of the joint property owners, made a statement about the history of the property and that their prospective tenant wishes to operate a hair salon.

Commissioner Norkavage stated that she has concerns about parking requirements, that she would like to know how many chairs will be in the salon, how much parking will be needed and that she is concerned about available parking. A discussion followed related to parking. Town Manager Giles stated that there is no assigned on-street parking, that anyone can park anywhere on the public street. Town Manager Giles stated that customers for a hair salon may be there longer than other types of businesses, such as a flower shop.

Councilman Ted Pfirrmann, 2nd District, stated that he has received five contacts against the petition and that the reasons cited included excessive litter, poorly maintained property, and parking and safety concerns.

**ACTION:** Commissioner Anderson made a motion to recommend approval of Petition 18-08 to the Board of Adjustment due to the fact that it meets the harmonious development intent of Section 225-9 of the Code of the Town of Elsmere. The motion was seconded by Commissioner McKewen.

**VOTE:** 3 in favor and 4 opposed

Motion denied

Lindell – No, Anderson – Yes, Backer – No, Jensen – Yes, McKewen – Yes,  
Norkavage – No, Wriston – No

The commissioners stated the following reasons for their votes against the motion:

- Commissioner Norkavage - Parking issues create a negative impact on the community and concerns about safety issues with traffic at the intersection.
- Commissioner Wriston - Concerns about parking and traffic.
- Commissioner Backer - Does not believe that it meets the harmonious development intent of Section 225-9, he does not know enough about details of the intended use of the property, concerns with parking and traffic, and the excessive amount of variances needed.
- Chairman Lindell - Concerns about parking and not enough information about the use from the prospective tenant.

Review Petition 17-02, Tax Parcel Number 1900-400-311

Code Enforcement Officer Melissa Faedtke presented The Statement of Fact of the petition and stated that the applicant is seeking a modification to the previous approval in order to obtain approval to serve alcohol at the business location.

Martin Siegel spoke on behalf of the applicant and made a presentation about the petition. Mr. Siegel stated that the café was approved in an application that was reviewed by the Planning Commission and Board of Adjustment last year. At the time, the petition did not include a request to serve alcohol. They have been in business for nine months and have received requests from patrons for beer and wine. The town does not have any regulations related to serving alcohol, therefore he is requesting approval to modify the original decision.

Chairman Lindell asked what type of alcohol will be served and what are the intended hours. Mr. Siegel stated that they are considering beer and wine at this point. A discussion of the hours of operation for the café followed. Mr. Siegel stated that they do not intend to expand the hours that were discussed during the initial approval from the Board of Adjustment.

In response to questions from the commissioners, Mr. Siegel further stated there are numerous requirements from the State that they must meet before they can begin serving alcohol as well as staff training that will be required.

Commissioner Jensen asked what would stop a customer from leaving the premises with their drink. Town Manager Giles stated that the Delaware Office of Alcoholic Beverage Control establishes the regulations related to this.

Code Enforcement Officer Faedtke stated that the Code Office had no concerns with the request.

**ACTION:** Commissioner Wriston made a motion to recommend approval of the modification requested to Petition 17-02 to the Board of Adjustment. The motion was seconded by Commissioner Norkavage.

**VOTE:**           7 - 0                           All-in-favor                           Motion carried

Town Manager Giles stated that Commissioner McKewen would be appointed to Town Council the following Thursday and that the Planning Commission will have a vacancy and will have to find a new member.

**OLD BUSINESS:**

None

**ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:**

None

**PUBLIC COMMENT:**

None

**ADJOURNMENT:**

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

**VOTE:**           7 - 0                           All-in-favor                           Motion carried

At this time, the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the April 03, 2018 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.

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**CHARLES LINDELL, CHAIRMAN**

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**LEON BACKER, SECRETARY**