

**TOWN OF ELSMERE
BOARD OF ADJUSTMENT
MEETING MINUTES
April 24, 2018
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	PRESENT
BOARD MEMBER	RON RUSSO	ABSENT
BOARD MEMBER	JOHN SMITH	PRESENT

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Minutes from the February 27, 2018 Board of Adjustment Meeting

ACTION: Board Member Smith made a motion to approve the minutes from the February 27, 2018 Board of Adjustment meeting. The motion was seconded by Board Member Acton.

VOTE: 4 in favor and 1 absent Motion carried

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

OLD BUSINESS:

None

NEW BUSINESS:

Review Petition 18-08 Tax Parcel # 1900-400-553

Representative Michael Ramone, spoke on behalf of the applicant as the father to the three joint owners and gave a history of the property including his family's involvement with the property. Rep. Ramone stated that a variance to parking was granted when the previous tenant, Robert's Law, originally moved in several years ago. Once Mr. Roberts

became ill and had to leave, vagrants moved in and, after some time, he was able to get rid of them.

Rep. Ramone stated that they did not expect and were unprepared some of number of variances considered at the Planning Commission. In accordance with a meeting with the city solicitor, the property is grandfathered for the use variances and a variance is needed for parking. Rep. Ramone explained that the proposed use of the commercial unit will not include any delivery trucks, only one or two clients will be there at a time, and that many of the clients will come in on the bus line and will not require any parking. The upstairs residential unit will be occupied by a single mother with a vehicle.

Rep. Ramone agreed that in the past there had been an issue with a previous tenant who had a pet, which wasn't allowed and that at one point they had tenants that did not care for the property very well.

In response to questions from board members, Rep. Ramone stated that the hair salon will have two chairs – one for hair cutting and one for shampoo and that the prospective tenant currently has about 25 clients she currently sees in her home.

Code Enforcement Officer Melissa Faedtke stated that there have been letters received either for or against the application other than the recommendation against the petition from the Planning Commission.

Councilman Ted Pfirrmann, 2nd District, stated that prior to the Planning Commission meeting, he had received five communications from constituents. Councilman Pfirrmann read a statement he had received from Krista Wriston, resident of 103 Filbert Avenue, in opposition to the application, expressing concerns about traffic and safety.

Board Member Boyd asked why the Planning Commission voted against recommending the application to the Board of Adjustment. Code Officer Faedtke stated that the main concern was related to parking and that the parking requirement is based on square footage of the premises.

The board members discussed parking and safety issues related to the application. Board Member Acton commented that the scope of the business could change over time.

ACTION: Board Member Smith made a motion to approve Petition 18-08 to allow for zero off-street parking with the condition that there will only be one cutter / stylist in the commercial property. The motion was seconded by Board Member Boyd.

VOTE: 4 in favor and 1 absent Motion carried

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

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

Martin Siegel spoke on behalf of the applicant and made a presentation about the petition. Mr. Siegel stated that the original petition was approved in 2017. 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. He has met with the state to explore different license available in order to serve alcohol but has not made application yet.

The board members asked the applicant questions. In response, Mr. Siegel stated that they do not intend to have a full bar; instead, the vision for the café is for a restaurant where an alcoholic beverage could be served with a meal. Mr. Siegel also stated that they plan to use the existing counter area for a wine bar and initially plan to serve wine and beer. They eventually may go beyond that to offer drinks such as a bloody Mary or a screwdriver with their customers' meals.

Chairman Personti inquired whether the state will want to know the number of seats in the café. Mr. Siegel stated that a minimum of eight table seats is required, which they already meet.

A discussion of the hours of operation followed. Mr. Siegel stated that internally they have discussed the need to expand their hours to meet demand and that they are currently open from 6:30 am to 3:00 pm on weekdays and from 7:00 am to 2:00 pm on Saturdays.

Code Officer Faedtke stated that the Town has not received any calls or concerns.

ACTION: Board Member Boyd made a motion to modify the previous approval to allow alcohol to be served. The motion was seconded by Board Member Acton.

VOTE: 4 in favor and 1 absent Motion carried

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

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

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

VOTE: 4 in favor and 1 absent Motion carried

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

These minutes summarize the agenda items and other issues discussed at the April 24, 2018 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