# TOWN OF ELSMERE PLANNING COMMISSION MEETING MINUTES June 05, 2018 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	SALLY JENSEN	PRESENT
COMMISSIONER	DEBORAH NORKAVAGE	PRESENT
COMMISSIONER	KRISTA WRISTON	PRESENT
COMMISSIONER		(VACANT)

#### **PUBLIC COMMENT:**

Mr. Jose Matthews introduced himself and stated that he has been newly appointed to the Planning Commission. Commissioner Matthews was seated with the Commission and a new roll call was taken with all present and no vacancies.

# **APPROVAL OF MINUTES:**

Approval of the minutes from the May 01, 2018 Planning Commission meeting

**ACTION:** Commissioner Backer made a motion to approve the minutes from the May 01, 2018 Planning Commission meeting. The motion was seconded by Commissioner Norkavage.

**VOTE:** 5 in favor and 2 abstained Motion carried

 $\label{eq:Lindell-Yes} Lindell-Yes, Anderson-Yes, Backer-Yes, Jensen-Yes, Matthews-Abstain, Norkavage-Yes, Wriston-Abstain$ 

#### **NEW BUSINESS:**

The Commission shall vote for the office of Planning Commission Chair

**ACTION:** Commissioner Norkavage made a motion for Chairman Lindell to continue as chairman. The motion was seconded by Commissioner Backer.

**VOTE:** 6 in favor and 1 abstain Motion carried

Lindell – Abstain, Anderson – Yes, Backer – Yes, Jensen – Yes, Matthews – Yes, Norkavage – Yes, Wriston – Yes

**ACTION:** Chairman Lindell made a motion to re-appoint Commissioner Backer to continue as secretary.

**VOTE:** 6 in favor and 1 abstain Motion carried

Lindell – Yes, Anderson – Yes, Backer – Abstain, Jensen – Yes, Matthews – Yes, Norkavage – Yes, Wriston – Yes

# Review Petition 18-09, Tax Parcel Number 1900-500-270

Town Manager John Giles 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.

The applicant, Mrs. Catherine Kane-Picciotti, explained that the house is very small, that they would like an extra bathroom and to increase the value of the home. Mr. Anthony Picciotti stated that it is hard to entertain with just a small living room and dining room and that the home is very well kept. Mrs. Picciotti stated that including the existing concrete pad that they plan to remove, the total additional coverage is about 70 square feet. Mrs. Picciotti further stated that they have no intention of leaving Elsmere and just want to improve their home.

Commissioner Backer stated that the town's NPDES permit requires that the town increase its green space and asked the applicant what they would be willing to do so that green space is not reduced. A discussion followed about impervious surface that could be removed. Mr. Picciotti stated that they are willing to remove a 230 square foot section of existing concrete that will not be covered by the addition and a 100 square foot portion of the driveway.

Town Manager John Giles stated that the property is already over-developed and that a legal nonconforming property cannot be expanded in accordance with Section 225-35 of the Code of the Town of Elsmere.

Commissioner Anderson inquired about the material the applicant planned to use. Mr. Picciotti stated that the addition would have wood framing and vinyl siding and they plan to install a fireplace and full bath. Mr. Picciotti further stated that they have been steadily upgrading the house over the last few years.

Mr. John Jaremchuk said that he is surprised to hear that this property is non-conforming and that he is in favor of the project.

A discussion followed about the existing lot coverage of the property and the expansion of a non-conformance.

Chief of Police Laura Giles stated that the project appears to meet the comprehensive plan by improving the property and that the increase in lot coverage is only one percent.

Commissioner Wriston inquired about the existing setbacks. Administrative Assistant Cynthia Pfirrmann clarified that the existing setbacks are currently in compliance but that a variance would be needed for the setbacks if the project is approved.

Commissioner Norkavage inquired about what constitutes a hardship. Town Manager Giles stated that when you purchase a home, you should be aware of the size of the home. Mr. Picciotti stated that he is willing to remove what he needs to remove. Town Manager Giles stated the Planning Commission must also rule on a variance to Section 225-35 to the Code of the Town of Elsmere for the expansion of a non-conformance.

**ACTION:** Commissioner Norkavage made a motion to make a recommendation to the Board of Adjustment to approve Petition 18-09 due to the fact that its meets the harmonious development intent of Section 225-9 of the town code and to grant a variance to Section 225 Attachment 3 to allow 41% lot coverage, Section 225 Attachment 3 to allow for a rear setback of 25.7 feet, that it meets NPDES with the condition for removal of 330 square feet of impervious surface and a variance from Section 225-35 for the expansion of a non-conformance. The motion was seconded by Commissioner Wriston.

**VOTE:** 6 in favor and 1 opposed Motion carried

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

Commissioner Backer stated he voted against because although it is a worthwhile project, it does not meet the harmonious development intent of Section of 225-9 of the town code.

# Review Petition 18-13, Tax Parcel Number 1900-100-129

Town Manager Giles 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.

The applicant, Mr. Jeff Kaczmarczyk, representative for Kalcarp LLC, explained that Kalcarp LLC purchased the property for a long-term employee for his retirement. He needs a driveway to get in and out of his house.

Town Manager Giles stated that the town has been compiling a list of pervious surfaces for residents who request it. Mr. Kaczmarczyk stated that he would not be adverse to using a pervious material if it is cost effective.

Commissioner Matthews stated that he would rather see other options explored rather than additional impervious surface. Commissioner Anderson stated that the Planning Commission seems to grant variances each time they are requested for a new addition or a new building. Town Manager Giles stated that if these type of petitions continue getting approved, then he will have to approach Council about passing an ordinance to limit them.

Commissioner Backer asked whether it would be appropriate for the petition to be withdrawn. Town Manager Giles stated that it does not have to be withdrawn; however, even if the driveway is approved, he will not approve the curb cut as the town manager. A short discussion followed about other options available to the applicant.

**ACTION:** Commissioner Backer made a motion to take no action. The motion was seconded by Chairman Lindell.

**VOTE:** 7-0 Motion carried

Lindell – Yes, Anderson – Yes, Backer – Yes, Jensen – Yes, Matthews – Yes, Norkavage – Yes, Wriston – Yes

#### **OLD BUSINESS:**

None

# ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

# **PUBLIC COMMENT:**

None

#### **ADJOURNMENT:**

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

VOTE: 7 - 0Motion carried

Lindell – Yes, Anderson – Yes, Backer – Yes, Jensen – Yes, Matthews – Yes, Norkavage – Yes, Wriston – Yes

At this time, the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the June 05, 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.

CHARLES LINDELL, CHAIRMAN LEON BACKER, SECRETARY