

**TOWN OF ELSMERE
PLANNING COMMISSION
MEETING MINUTES
May 07, 2019
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	ABSENT
COMMISSIONER	JOSE MATTHEWS	PRESENT
COMMISSIONER	DEBORAH NORKAVAGE	ABSENT
COMMISSIONER	KRISTA NUSCHKE	PRESENT
COMMISSIONER	VACANT	

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Approval of the minutes from the February 05, 2019 Planning Commission meeting

ACTION: Commissioner Nuschke made a motion to approve the minutes from the February 05, 2019 Planning Commission meeting. The motion was seconded by Commissioner Anderson.

VOTE: 3 in favor, 1 abstained, 2 absent and 1 vacancy Motion carried

Lindell – Yes, Anderson – Yes, Backer – Absent, Matthews – Abstain, Norkavage – Absent, Nuschke – Yes

Commissioner Matthews abstained because he was not present for the meeting.

Commissioner Nuschke noted that her last name has changed from Wriston to Nuschke and requested that the records reflect the name change.

NEW BUSINESS:

Review Petition 19-01, Tax Parcel Number 1900-200-058

Code Officer Scott Allen read the summary analysis.

Applicant Francisco Rivera stated that he would like to install a 10-foot by 20-foot blacktop driveway and that he already has a curb cut.

Chairman Lindell asked whether it will be pervious or impervious coverage and explained the difference between the two.

Councilman Brian Hurst, 6th District, stated that it would be impervious because it is cost efficient.

Chairman Lindell asked if there are any existing impervious areas on his property that he can remove and about any restrictions in the flood plain. Town Manager John Giles stated that Kyle Bendler, who prepared the site analysis, did not note that it is an issue.

Mr. Rivera stated that he received something from FEMA that he doesn't need flood insurance. Mr. Giles stated that the Code Office is unaware of having received a LOMA for the property.

Councilman Hurst stated that even with the proposed increase in impervious coverage, he would only be at 22 percent lot coverage. He further stated that the town is beyond its 10-year plan, that he does not recommend approving them all, but that the town must be reasonable.

Councilman Hurst also noted that Richard Avenue is a busy road.

Mr. Giles stated that the Code Office has no objection.

ACTION: Commissioner Nuschke made a motion to approve Petition 19-01. The motion was seconded by Commissioner Matthews.

VOTE: 4 in favor, 2 absent and 1 vacancy Motion carried

Lindell – Yes, Anderson – Yes, Backer – Absent, Matthews – Yes, Norkavage – Absent, Nuschke – Yes

Review Petition 19-02, Tax Parcel Number 1900-400-240

Code Officer Scott Allen read the summary analysis.

Applicant Joseph Quill stated that the back area of the parking lot of Mulrooney's is 24-foot by 40-foot, that it is covered with pavers and that the existing side porch is 9-foot by 18-foot. He would like to put a roof over the back area.

Chairman Lindell inquired whether a canvas awning will be allowed in the floodplain. Mr. Quill stated that it wouldn't necessarily be canvas. Chairman Lindell also asked about a plan for the tables and chairs in case of inclement weather. Mr. Quill stated that he expects to have eight to ten tables. Mr. Giles stated that the flood plain regulations require for a plan to be in place.

Mr. Quill noted that the liquor commission requires that the area is fenced in.

Chairman Lindell noted that a plan still needs to be in place to remove the tables and chairs when inclement weather is expected.

Commissioner Anderson questioned whether adding the new area changed the parking requirements. Mr. Giles replied that the applicant had approached council and had the regulation changed that allows him to use a total of 1400 square feet of outside space.

Chairman Lindell inquired whether there is going to be an increase in lighting that will affect the neighbors. Mr. Quill explained that his property is located in a commercial area that is not visible to any residential zones. Mr. Giles stated that any lighting or noise would have to be approved by the police chief. Mr. Giles further explained that the town code requires that the town manager approves any music being played outside. A short discussion followed about the events that are currently held at the property.

Mr. Giles stated that the code office has not further comment.

ACTION: Commissioner Anderson made a motion to approve Petition 19-02, noting that it meets the harmonious development intent of Town of Elsmere Section 225-9 as long as the applicant files for the applicable permits and adheres to applicable codes. The motion was seconded by Commissioner Matthews.

VOTE: 4 in favor, 2 absent and 1 vacancy Motion carried

Lindell – Yes, Anderson – Yes, Backer – Absent, Matthews – Yes, Norkavage – Absent, Nuschke – Yes

Mr. Quill stated that to obtain approval from the liquor commission, he must obtain written approval from the town first and asked when the decision would be ready. Mr. Giles stated that it would be ready by the 16th.

OLD BUSINESS:

Review of the Comprehensive Plan

Mr. Giles stated that he is in the process of drafting an RFP (request for proposal). Chairman Lindell explained that the University of Delaware has assisted the town with the PLUS process in the past. A list was distributed to the Commission showing the sections of the comprehensive plan that each commissioner had recently expressed interest with working on. Chairman Lindell stated that he has a checklist that he plans to work from and stated that whoever is awarded the bid, whether the University of Delaware or someone else, will be available to help with the process.

Mr. Giles stated that he thinks that the town should be ready to kick off the process in June once the contract is awarded and that he would also like to get council involved. Mr. Giles also stated that he believes that council will want to add annexation to the plan and added that once the plan is adopted that it has the force of law. Mr. Giles also said that he would like the zoning to allow building upwards where businesses are located on the first floor and residences are located on the upper floors.

General discussion about the comprehensive plan followed.

Mr. Giles stated that the Commission can set the path and the future of the town with the comprehensive plan.

Commissioner Nuschke stated that she has been reviewing the current comprehensive plan and was wondering whether the Commission will be responsible for updating the data with the new comprehensive plan. Mr. Giles stated that the town has hired the University of Delaware to provide this data. However, it is expensive - about \$20,000 - and he will be putting it out to bid.

Chairman Lindell recommended the state planning office website for anyone interested in learning more about the process and to review examples of the comprehensive plans for other municipalities.

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: Commissioner Nuschke made a motion to adjourn the meeting. The motion was seconded by Commissioner Matthews.

VOTE: 4 in favor, 2 absent, and 1 vacancy Motion carried

Lindell – Yes, Anderson – Yes, Backer – Absent, Matthews – Yes, Norkavage – Absent, Nuschke – Yes

At this time, the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the May 07, 2019 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