

April 6, 2021
6:30 P.M.

Planning Commission Minutes
April 6, 2021
Page 1 of 10

NEW BUSINESS:

Review Petition 21-04 Tax Parcel Number 1900-400-063

Code Officer Allen read the summary analysis.

Chairman Lindell stated that the church is already legal non-conforming and granted for the R1 district and has a special exception for use of the existing gym. He asked if all of that would be following into this application because it appears that the applicant is looking for a same usage as the church has been using for a gymnasium.

Keith Rudy from Landmark Engineering stated that he is working with Mr. Gene Delle Donne on this project, and he believes that Chairman Lindell is correct.

Chairman Lindell asked Town Manager Giles if there was a reason we were hearing this petition since it is going to be the same usage.

Town Manager Giles stated that it is just a formality since we are changing it from the church using the property to the applicant using it for this purpose. He stated that he is unsure of what the agreement with the church is, but he believes that there is a lease involved. The applicant will be leasing the property and running sporting events out of there.

Chairman Lindell informed the commissioners that tonight they are only hearing this for harmonious development intent and not hearing anything as far as special exception use. Then he stated that they will make a recommendation to the Board of Adjustment.

Mr. Eugene Delle Donne, founder of Grail Sports, stated that the gym is staying and the programs essentially are not changing. To be specific, he noted that it would be CYMU sports, basketball, volleyball, and the occasional holiday tournament like the ones that Corpus Christi used to put on. He also stated that he may introduce soccer training downstairs as well. Complimentary fitness and physical therapy would also be available during the programs.

Chairman Lindell asked if the offerings, trainers and physician, if feasible, would only be there as the programs are taking place on a specific day or evening.

Mr. Delle Donne replied yes, that it would be a training room facility as opposed to an actual clinic.

Chairman Lindell reiterated that the physical therapy portion would not be going on separately from any activities and then asked if that was correct.

Mr. Delle Donne stated yes that is correct because if not, that would be bringing in an outside business.

Chairman Lindell then asked about the hours of activity and if there are rules regarding parking. He also asked if this was going to be 7 days a week operation or just on the weekends.

Mr. Delle Donne stated that it would be 7 days a week but mostly evenings and weekends. He said that the weekdays would be used for basketball and/or volleyball training and the weekends would mainly be used for basketball tournaments.

Commissioner Pockets asked if they were trying to maximize profits since they will be making the property a 7 day operation.

Mr. Delle Donne stated that they are being asked to sign a lease and then purchase the property, hence why he is making this property a commercial recreation facility.

Commissioner Pockets also inquired about security for tournaments and parking.

Mr. Delle Donne stated that they do have both parking lots on both sides of the building which holds approximately 100 cars and they do have an agreement with the church to use their parking as well. It's not going to be like the 76ers fieldhouse where there are multiple courts, since this facility only has one court, he believes that it will be a controlled environment. He also stated that they will be following the 600+ people fire occupancy regulations.

Commissioner Pockets then asked about the age range of the children that will be able to participate.

Mr. Delle Donne stated it will be as young as 6-7 years old and as old as 18-19 years old.

Commissioner Pockets stated that he is just concerned since Elsmere is a small Town and he wants to make sure this will be the right fit for this property.

Mr. Delle Donne and Mr. Rudy both agreed that they will keep in contact with Mr. Giles and the Town about all the concerns.

Chairman Lindell asked if any of the other commissioners had any questions.

Commissioner Steppi asked if currently Mr. Delle Donne had a lease agreement. Mr. Delle

Donne replied yes.

Commissioner Steppi asked if he planned on this being year-round. Mr. Delle Donne replied yes.

Commissioner Steppi stated that in the letter provided in the petition packet, Mr. Delle Donne stated that there will be cosmetic improvements, inside and outside. She asked him for a quick overview of what they will be.

Mr. Delle Donne said electrical such as switching out old lightbulbs and upgrading to energy efficient LED's, painting an office and continuing to enhance the restrooms. He also noted that the church has informed him that the gymnasium itself does not have air conditioning so he would like to put operable a/c units inside the facility. Routine maintenance for the HVAC equipment, putting down carpet and mainly just aesthetic improvements.

Commissioner Steppi then asked if it was handicapped accessible. She also stated that she was sad to see the school close and the property be vacant, but she believes that this is a good fit. She stated that she was a youth coach previously and thinks this will be a good asset for Elsmere. She also thinks that parking might be an issue, but she would rather see a property being used than having it torn down or putting in retail shops.

Chairman Lindell asked if Commissioner Matthews had any comments or concerns.

Commissioner Matthews thanked the other commissioners for their questions and that he does not have any further questions. He did want to agree with Commissioner Steppi and note that this is a great resource for families and that he appreciates Mr. Delle Donne investing in and choosing Elsmere as a place to do business and be here for our communities and families.

Chairman Lindell stated that he had one last question for the operation. He asked if any of the outdoor lighting will affect any homeowners across the way or be shining in anyone's windows at night.

Mr. Delle Donne and Mr. Rudy both stated that any enhancements to the lighting would propose full cut-off luminaries to limit the spill-over to any of those properties.

Chairman Lindell asked if there were any public comments for this petition and he received none.

Chairman Lindell asked if there were any comments from Code and he received none.

Commissioner Pockets stated that he saw a public comment in the chat box.

Patrice Vega, owner of the property directly behind the parking lot, stated that she is in favor of the petition, but she would like to have additional information about the security and trash that will be involved with the gymnasium.

Mr. Delle Donne stated that he plans on having both lots routinely swept on a weekly basis as well as improving the landscaping and blacktop to making the parking lots look more presentable. They currently have two trash compactors outside, one being used for old furniture and they will be removed when they are filled.

ACTION: Commissioner Steppi made a motion to recommend Petition 21-04 to the Board of Adjustment being that it meets the harmonious development intent of Section 225-9 and is within the intent of the Comprehensive Plan. The motion was seconded by Commissioner Matthews.

VOTE: 4 in favor, 0 opposed with 3 absent Motion carried

Lindell – Yes, Anderson – Absent, Matthews – Yes, Steppi – Yes, Jaremchuk – Absent,
Pockets – Yes, Shelton, Absent

Review Petition 21-05 Tax Parcel Number 1900-800-371

Code Officer Allen read the summary analysis.

Robert Kauffman stated that he is representing the applicant for this petition. He stated that they had a fire a little over a year ago and they lost everything. They chose to demo the building and start brand new. He said that they have already sent preliminary plans for the new building to everyone stated in the summary analysis and they've already designed a new septic system and sent the plans to DNREC. He said that he assumed this was just a formality and they are going to abide by all of the codes and laws. He said that someone previously tried to help his client on this project, but that person dropped the ball for some reason and he picked it back up and is trying to get everything moving and get all the information that they need. It will be a metal mechanics garage with 3 bays, everything will be handicapped accessible, and 6 parking spaces with 1 marked handicapped space. The owner of the property also owns the vacant lot directly next to this lot and if there is more traffic than they originally planned, they will return to the Town to request permission to use the vacant lot strictly for parking.

Chairman Lindell stated that he was going to turn the meeting over to Town Manager John Giles, who is also the Flood Plain Administrator for the Town of Elsmere, prior to the commissioners asking their questions.

Mr. Giles stated that he has not seen the plans that Mr. Kauffman submitted to us yet. He asked that if there will be an approval tonight, that it contingent upon meeting all the flood plain regulations. Mr. Giles suggested that Mr. Kauffman provide him with the drawings that were submitted so that he can go over them and mark off if he is missing anything. He said that there are quite a few things that they still have to do and he does not want to hold them up.

Chairman Lindell asked if they will be going over the original footprint of the previous building or are they enlarging the building and what the height of the building will be.

Mr. Kauffman stated that they are not building the apartment above the garage like before. The height of the building will be 35ft or less. It will be a 1 story, 3 bay mechanics garage with 12ft ceilings and they will be doing everything they need to for roof pitches.

Chairman Lindell asked where they would be storing any oils or anything that would be considered and hazardous material.

Mr. Kauffman stated that will get the proper sealed tanks that they will need. He said that was one of the questions that they were hoping to get an answer to because they are new with this process.

Chairman Lindell asked if the ground at the lot is crushed gravel.

Mr. Kauffman stated that they had the previous fire building completely demoed and removed. They will be removing all of the existing blacktop from the lot and bringing it back to dirt to prepare for the septic system and stormwater management. They just want to start completely fresh.

Chairman Lindell asked if the lot was across the street from the creek. Mr. Kauffman replied yes.

Chairman Lindell stated that it will be very imperative that they make sure there will be no run-off otherwise it's going to find it's way into the creek.

Commissioner Pockets inquired if they are just trying to restart their business that was operating before.

Mr. Kauffman replied that yes, they own a car dealership that is over in Stanton and they offer a 1 year full warranty and they want to make sure that if there is any issues with a customer's vehicle, they have somewhere that they can bring it that is going to fix it for free.

Commissioner Pockets stated that it sounds like you are trying to make the business better and the creek is a bit of a concern. Elsmere just has to make sure that you are maintaining the area near the creek.

Commissioner Steppi said that Mr. Kauffman mentioned a septic system. She asked “Are you not hooked up to the sewer system back there?”

Mr. Kauffman said no, that there was an existing septic on site and they spoke to DNREC about it and they are looking into the proper way to have that evacuated and reinstall a new septic system in that same location.

Commissioner Steppi stated that one of the reasons this is being heard is for the NPDES permit and she is assuming there is not very much green space back there to begin with. She stated that with all of the regulations that they have to follow, it will be a good investment for the Town and make a bit of an improvement in that area.

Commissioner Pockets inquired if they are going to be using pervious or impervious asphalt.

Mr. Kauffman stated that they were planning on using pervious asphalt and that was one of the questions that they had because they are not familiar with what they can or cannot use.

Commissioner Pockets stated that we would prefer pervious asphalt wherever possible if they are willing to do that.

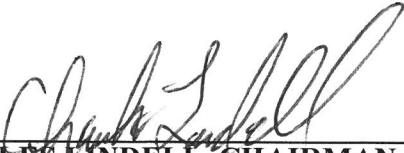
Mr. Kauffman said that they have looked into it and are keeping their eyes on the prices since they are changing so frequently so it’s hard for them to decide what is going to be within budget once that time comes.

Chairman Lindell stated that when they meet with the stormwater management committee and the engineers, they will have to find a way to keep the water from running into the street and into the creek.

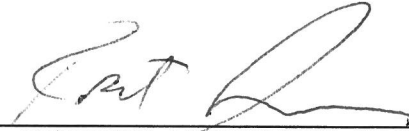
Commissioner Matthews thanked Mr. Kauffman for everything that he has presented and that he is confident that they will work with the Town Management and work on getting all the codes followed and approved by everyone necessary. He stated that he shares the same concern about the water run-off because that’s something that we have had an issue with previously.

Chairman Lindell asked if Mr. Kauffman had any additional comments.

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



ROBERT ANDERSON, SECRETARY