

**TOWN OF ELSMERE  
PLANNING COMMISSION  
MEETING MINUTES**

**April 5, 2022**

**6:30 P.M.**

**CALL TO ORDER:** Commissioner John Jaremchuk called the meeting to order at 6:30 PM.

**PLEDGE OF ALLEGIANCE:**

**MOMENT OF SILENT PRAYER FOR THOSE WISHING TO DO SO:**

**ROLL CALL:**

CHAIRMAN	JOHN JAREMCHUK	PRESENT
COMMISSIONER	ROBERT ANDERSON	PRESENT
COMMISSIONER	JOSE MATTHEWS	PRESENT
COMMISSIONER	DEAN DYER	PRESENT
COMMISSIONER	JOHN POCKETS	PRESENT
COMMISSIONER	MARK DZIEGIELEWSKI	ABSENT
COMMISSIONER	VACANT	

**PUBLIC COMMENT:**

None

**APPROVAL OF MINUTES**

Approval of the minutes from the March 1, 2022, Planning Commission Meeting.

**ACTION:** Chairman Jaremchuk made a motion to approve the minutes from the March 1, 2022, Planning Commission Meeting. Commissioner Anderson seconded the motion.

**VOTE:** 4 in favor, 1 Abstained, 1 Absent Motion carried

Anderson – Yes, Pockets – Yes, Dyer – Yes, Matthews – Abstained, Jaremchuk – Yes,  
Dziegielewski – Absent

**OPENING STATEMENT:**

None

**NEW BUSINESS:**

Review Petition 22-05, Tax Parcel Number 1900-500-105

Petitioner Sam Chick W. Lockerman Street, Dover Delaware, 19904, spoke on behalf of Puffsters. Mr. Chick dispensed products that are provided by Puffsters.

Mr. Chick stated that there is a misconception in the proposed sign with a Pot leave versus a Hemp leaf. The difference between the two is the THC factor which is in the Pot/Marijuana leaf. The Hemp leaf is a legal product and a large part of his business. It is a legal product by federal laws. Mr. Chick also stated that he has a lawyer available if he is turned down on the sign.

Mr. Chick referred to the site analysis referencing the 225-38 (1) states that “No sign, pennant banner, or flag that is harmful to minors shall be permitted.” He stated that there is no age barrier for the hemp product and that it is not harmful to minors. There is no law in Delaware or federal laws that restricts the laws of Hemp for minors. The company has made a personal decision to not sell to minors, to only sell to adults.

Mr. Chick would like to make it know that gas stations, liquor stores and cigarette stores all have signs that have the Hemp leaf, Cigars and Cigarettes on them around his store.

He stated this sign is very important to them that it is trademarked, and it is their logo.

Commissioner Pockets asked why you are here for this meeting.

Mr. Chick stated I have been summoned to appear before this Commission.

Commissioner Mathews asked how long you have been in business.

Mr. Chick stated they have been in business in Dover since 2017. He stated they closed on the building on Kirkwood Highway in February 2020. His plan is to open the business on Elsmere, April 8, 2022.

Code Officer Allen stated that he does not have a testimony, the reason for the meeting is based off a recommendation from the building official. Mr. Bendler wanted to have the meeting as a formality based off of the Sign Permit. The sign is completely compliant in all aspects.

Commissioner Anderson asked if the sign is LED and will it be on a timer and off after certain hours.

Mr. Chick responded yes that is correct. It will be on for two hours after closing.

Commissioner Pockets asked if the sign was initially approved, or did you not have a sign when you applied for your business license.

Mr. Chick stated that the sign was not a part of his Business License.

Chairman Jaremchuk asked the Code Department did the building official approve the sign on the gas station on Ohio Avenue and Kirkwood Highway.

Code Officer Allen stated that no not to his knowledge. That it was not reviewed while he has been at the Town.

Commissioner Anderson inquired as to whether there are internet sales that will be done.

Mr. Chick responded because of banking regulations at this time they will not provide internet sales.

Chairman Jaremchuk stated that before this meeting he refreshed himself with reading Title 16 and there is a distinct difference between the hemp and marijuana leaf.

Commissioner Mathews thanked the applicant for educating him on the difference of the two products. It helped him make a formulated decision for the petition. He also stated that he does not think that some of the examples of signs in The town reflect Harmonious development. He would like them to be reviewed and is disturbed by some of them.

**ACTION:** Chairman Jaremchuk made a motion to approve Petition 22-05 that it meets the harmonious development intent of Section 225-9. Commissioner Mathews seconded the motion.

**VOTE:** 5 in favor, 1 Absent, Motion carried

Anderson – Yes, Pockets – Yes, Dyer – Yes, Matthews – Yes, Jaremchuk – Yes, Dziegielewski – Absent

**OLD BUSINESS:**

Chairman Jaremchuk quickly reviewed where the Comprehensive plan stated a recommendation has been made and review with the Commission as to the need to make

Code changes.

There were multiple conversations amongst all Commissioners about the “Legal Non-Conforming” properties and that they should be allowed to enhance and make improvements to one’s properties. It will make the Town appearance much nicer.

Commissioner Pockets and Commissioner Mathews spoke about rental properties and the fact that renters do not take pride in the property. A suggestion was made that maybe the Town can place a cap on how many rental properties are allowed.

Councilwoman Jensen spoke about ARPA funds have been set aside and some of the older residents could qualify to enhance their home using these funds. She made comment that New Castle County also has a few programs available, and could the Code Department supply the brochures to the seniors or individuals that are in need.

Code Enforcement Officer Allen spoke about the month of May and October the permit fees are waived also, that there are senior citizen discounts based of the discount they qualify with their taxes.

Councilwoman Jensen stated that there have been conversations about creating a brochure about the top 10 Code violations and providing them to the residents. That communicating and educating the residents will help.

Councilwoman Jensen said that some residents are afraid to complain about properties for fear of retaliation. Another suggestion is to reinforce with the residents about making the complaints through the Towns website and they can remain anonymous in doing so.

Commissioner Pockets asked are the code violations are more from renters versus homeowners.

Code Enforcement Officer Allen responded that sometimes in the middle of the night the renters pack up and leave and leave their messes behind them. This forces the Code Department to give citations to the homeowners.

Conversations about abandoned properties and vacant homes were had amongst the Commissioners and whether there is Code for it and there is.

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

None

**PUBLIC COMMENT:**

Fred Carlson, 104 Western Avenue, stated that he is at adversity at looking at the sign with the leaf on it due to in his mind it refers to Marijuana or something of the sort. He realizes that Hemp is approved by the State but is concerned with what the State is going to allow in

**ADJOURNMENT:**

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

**VOTE:** 5 in favor, 0 opposed with 1 absent Motion carried

Anderson – Yes, Matthews – Yes, Dyer – Yes, Jaremchuk – Yes,  
Pockets – Yes, Dziegielewski - Absent

At this time, the meeting was adjourned.

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.



**JOHN JAREMCHUK, CHAIRMAN**



**ROBERT ANDERSON, SECRETARY**