

**TOWN OF ELSMERE
PLANNING COMMISSION
MEETING MINUTES**

October 4, 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	DEAN DYER	PRESENT
COMMISSIONER	JOHN POCKETS	ABSENT
COMMISSIONER	MARK DZIEGIELEWSKI	ABSENT
COMMISSIONER	VACANT	
COMMISSIONER	VACANT	

PUBLIC COMMENT:

Per Chairman Jaremchuk will move forward to new business and allow public comment at that time.

APPROVAL OF MINUTES

Approval of the minutes from the September 6, 2022, Planning Commission Meeting.

ACTION: Chairman Jaremchuk made a motion to approve the minutes from the September 6, 2022, Planning Commission Meeting. Commissioner Anderson seconded the motion.

VOTE: 3 in favor, 2 Vacant, 2 Absent Motion carried

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

OPENING STATEMENT:

None

NEW BUSINESS:

Discussion and recommendation of Ordinance 666 amending Chapter 225 by adopting a new Zoning Map and creating a mixed-use zone.

Chairman Jaremchuk gave a summary of what the former zoning codes were and what the new proposed zoning districts are.

R1 Single family dwelling.

R2 One/Two family semi-detached dwelling and all usages allowed in R1.

RGA Garden apartments, townhouses, and developments with a density 21 units per acre. Two family and one family dwelling per the lot regulation and all usages allowed in R1 and R2 zone. Community Commercial retail service and office uses. Indoor uses for amusement or assembly and all usages in R1 and R2 zones.

Highway development which is retail development and office usage. Indoor uses for amusement or assembly, bus station.

General Industrial Light industrial manufacturing uses.

Chairman Jaremchuk stated the Comprehensive Plan, which was a lengthy process is provided by the Town Council and the Planning Commission. Lots of recommendations participated in the Plan. The comprehensive plan was approved by Town Council and Governor John Carney. Any combination of R1, R2, RGA, CC that creates a mixed of dwelling types and or mixed commercial uses will be considered Mixed-uses. Ordinance 666 creates the rezoning of the areas that were approved by the Comprehensive Plan.

Code Enforcement Officer Scott Allen spoke on behalf of the Code office. Officer Allen commented on the questions about how this change is going to affect taxes. His response is the taxes will only change if the use of the dwelling changes. Zoning and Use are separate entities, and it will not affect your taxes now or if you live there. If you do not change the usage, then your taxes will not change. The zoning change is simply a plan for redevelopment.

Councilwoman Personti stated when Council received the Comprehensive plan the zoning map was included but the listing of addresses was not included. Councilwoman Personti was under the impression that the mixed-uses was for Community Commercial only and that R1 properties would not be included to be designated as Mixed-use. As a Councilwoman and as a Resident she is upset.

Councilwoman Personti read an email that she had received from Amy Lane of 2 Poplar Ave., she states that it is already difficult to get out of her driveway and adding more business seems like a lack of planning. She understands the vision that Elsmere is seeking. She thought Elsmere was a community and this does not feel like a community anymore. There are already enough unoccupied businesses already.

Councilwoman Personti stated that whenever a new business comes into Town one of the major concerns is the Buffer Zone.

Councilwoman Personti said there is a concern with Poplar Avenue being rezoned as mixed-use with the street being restricted to one side for parking and how will the effect Signage. Would a commercial entity have the same allowance in residential zone as would the businesses on Kirkwood highway?

Councilwoman Personti commented that she was dumbfounded when she saw the Residential properties being placed in the mixed-use, she feels it will negatively impact the quality of life and although she approved the Comprehensive Plan, she was not aware of the properties involved and feels misinformed.

Albert Ray, 1032 S. Grant Ave. spoke about his concern with the Tractor Trailers that already travel down his road and are tearing up the asphalt on the roadway. Mr. Ray made suggestions to assess fines for the tractor trailer drivers going down a road that is marked no tractor trailers.

Mr. Ray stated he has called up to Town Hall a few years ago and was told that there is no money for roadway improvement and said more recently he has been told the same thing. He also stated that yes, they have patched some of the potholes but with in a day or two when the tractor trailers drive down the road it breaks the patch.

Mr. Ray last concern is A and B alley. He calls every year to complain about weeds along the McDonalds fence line and in the past, he has pulled them. He stated that this year they only cut back half of the alley also there are chickens in a neighbor's backyard.

Chairman Jaremchuk made a comment to notify your Council person about the issues and Mr. Ray stated that he had, and she told him to contact the code office.

Chief Giles stated she had received an email from Councilwoman Skipski about the area to investigate and she said it is not only tractor trailers, but also work vehicles as well. She has her police officers working to try to correct the issues.

Mark Miller, 1 Leech Ave, asked what mixed-use is it states it is a combination of uses. He asked can someone turn a residential property into a commercial property?

Chairman Jaremchuk stated the way he reads the mixed-use description is that yes, they can.

Code Enforcement Officer Allen stated yes, they can do that with mixed-use.

Mr. Miller asked is there an obligation to the residents to change the use of the properties?

Code Enforcement Officer Allen responded that no there is no obligation to change the usage. When the usage is requesting to be changed the code office and building official will still have to review the proposed changes and permits will need to be applied for.

Code Enforcement Officer Allen stated that the goal for the mixed-use is to allow for business to be like main street Newark with businesses on the bottom and residential on

the top.

Mr. Miller asked if there is redevelopment, does that mean the current usage has to change or can single family be torn down and rebuilt as single family? Also is this going to change the taxes on our property?

Code Enforcement Officer Allen responded it will change the property value, but he is not sure about the taxes.

Chairman Jaremchuk stated that the property assessment is currently being performed by New Castle County for all the County. It is his understanding that the taxes are not going to change with the new assessment value, but the property value may change. The Town of Elsmere uses the New Castle County assessment.

Chairman Jaremchuk made it known that the Planning Commission is not the committee who would raise taxes that it is Mayor and Council who is responsible for that. Maybe some of you should attend that meeting next week.

Mr. Miller asked does the change in zoning allow for a different percentage of impervious coverage?

Code Enforcement Officer Allen replied with the mixed-use zoning will follow the commercial usage setbacks and impervious coverage. The usage change and intent will be on a case-by-case basis. There would still be a review with permits involved.

Chairman Jaremchuk stated the Town's hands are tied and regulated by the Federal Government with NPDES which regulates the Town to have so much Impervious coverage.

Kurt Hollstein, 5 Poplar ave., stated he thinks that this plan is completely asinine. He questioned the fact that Fiscal Impact is "Unknown" on the Comprehensive Plan. He feels the plan is a bunch of nonsense. There is concern for safety with Baltz school letting in and out, parking is only allowed on one side of the road and traffic is already bad enough. He is concerned about additional noise and if any properties on Poplar become commercial where will the parking be. He likes the small town feel of Elsmere and does not want Elsmere to be like downtown Main Street in Newark. He feels that the plan should be tabled until an estimate can be made for the Fiscal Impact.

There were multiple conversations about the residential addresses that were included in the rezoning map.

Councilwoman Steppi spoke as the sponsor for the rezoning. She stated prior to being on Council she was on the Planning Commission and helped develop the Comprehensive Plan. When on the Planning Commission she was under the impression that the residents were not involved or seemed not to care.

Councilwoman Steppi said the mixed-use is to give the town a more main street feel, not like Newark but to make the town feel more walkable and sustainable. The vision is also to slow the traffic down on Kirkwood Highway. It is not to have the houses tore down and create more commercial property. It is to make the town more walkable, sustainable and increase the property values. The Comprehensive Plan is the wave of the future and its visions. She believes that mixed-use is to allow for the Town to be more charming, but she also feels that more changes need to be made with the codes in the Town. Especially parking and we have many vacancies on Kirkwood Highway due to the strict rules and guidelines that businesses do not want to reside in Elsmere. Changes need to be made to the Codes that are old and need to be revisited and revised.

Councilwoman Personti said that she is all for the mixed-use on Kirkwood Highway for the commercial properties but was really surprised when she saw the addresses and all the residential properties that were involved. This was the first time she had seen the list and the zoning map was in the Comprehensive Plan but not a list of addresses and she does not agree. Her vision was not to include the address on Poplar Avenue, Spruce Ave. or Walnut.

Chairman Jaremchuk stated that in his reading of the definition of Community Commercial (CC) and mixed-use (MU) there is not a substantial difference between the two.

Councilwoman Steppi stated during the two years working on the Comprehensive Plan, public meetings were held, nothing was done behind closed doors and there seemed to be little to no involvement from the residents. The residents need to take back their town and come out to these meetings and volunteer for the boards that have vacancies.

Fred Carlson, 104 Western Avenue, stated he walks the Town and asked if there is still going to be a buffer zone from Commercial properties in the new mixed-use area. Currently, there should be a twenty-foot buffer zone. If you have a R1 that is now considered mixed-use and a commercial property moves in will the buffer zone be less now?

Mr. Carlson's concerns are that if a commercial business moves into a previously considered R1 zone, will they be encroaching on the residential properties and yards? This should be considered and checked on. There also would be more noise involved. Mr. Carlson thinks the Town needs to get more lawyers for the Town with this new mixed-use zoning.

Chairman Jaremchuk stated if there are proposed changes, they will need to be verified with the Building Official and the Code Department at the time of request. There will be public meetings to confirm that the permit or proposed usage meets the Harmonious Intent of the Town of Elsmere. At that time, all concerns can be questioned.

DJ Mcaneny, 410 New Rd, just moved here in May and found out about the changes when the flyer was placed in his door. He questioned whether the Comprehensive Plan

was advertised the same way the proposed zoning change is. Did the residents receive the information via a flyer on the door or are they just finding out about it now like him?

Chairman Jaremchuk responded that all the meetings for the Comprehensive Plan, Planning Commission and Council are publicized on the Town's website and during these days that is as good as putting the notices on the public's door. Any change in use will be seen by the Planning Commission and the meeting will be publicized on the website.

Mr. Mcaneny stated he is not worried about the plans on his property but worried that a business/café will be started across the street from him, and he questioned where the residents are going to park. The road is already crowded with parking, and he does not want to have to park a mile away from his house.

Chairman Jaremchuk reminded Mr. Mcaneny that before any usage changes there will be a Planning Commission hearing and more than likely a Board of Adjustment hearing. These hearings are to determine the Harmonious Intent of the request and during the process issues with buffer zones and parking are all taken into consideration before anything is approved. Also, these hearings/meetings will be placed on the website for public knowledge.

Code Enforcement Officer Allen stated that there are multiple variables for commercial properties with parking based on lot size, number of employees and such.

Mr. Mcaneny said so now I have a parking lot in front of my property as well as a business with this mixed-use. This does not sound appealing to me. He asked a question about bus stops and codes, is there not ordinances for that?

Code Enforcement Officer Allen stated no, the bus stops are the property of Deldot not the Town of Elsmere. Also, for any future hearings or projects that arise if this Ordinance is approved, notices are delivered for the two hundred feet surrounding such property. If you are not in the two-hundred-foot property area he encourages you to sign up for our code red messages.

Joshua Winner, 909 New Road, stated his grandparents had a store there about seventy years ago. He said he would like to make another unit in the back of the property where he has parking already and it would be more profitable for him. He asked where he would find the information about the buffer zone and other questions that may arise. He supports the zone change to mixed-use and thinks it is a great idea.

Code Enforcement Officer Allen responded on the Town of Elsmere website under the Code section primarily in Section 225.

Questions were asked amongst the committee members and Council as to where the addresses came from on the list and how the residential properties were involved whether code participated in creating the list.

Code Enforcement Officer Allen responded the Code Office was not involved with the list of addresses as well. The list came from the administrative office.

Chairman Jaremchuk stated that if you are not in agreement with the proposed zoning change for your property to please show up at the council meeting next week to convey your displeasure. The Ordinance can be amended before it is adopted by removing properties from the list.

Councilwoman Personti stated she was going to ask the Planning Commission to amend the addresses in the 5th district that pertain to R1 and remove them from being rezoned as mixed- use.

Chairman Jaremchuk commented that this Town has paid lots of money to the University of Delaware to help with composing the plan. The County, State and Governor must approve the plan.

Questions were asked why a Comprehensive Plan is there and when was it started. The response from Councilwoman Personti is the plan was required by the Governor Minner, that all Municipalities must compose a Comprehensive Plan every ten years and if this is not completed the Municipality is in jeopardy of losing the funding from the State.

Committee Member Dean Dyer thanked everyone for coming out tonight. When he received the list of properties he was surprised as well. He feels that amendments should be made to the list of properties.

OLD BUSINESS:

None

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

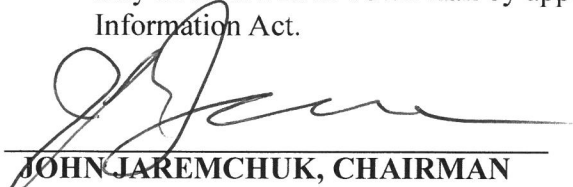
ACTION: Commissioner Anderson made a motion to adjourn the meeting. Chairman Jaremchuk seconded the motion.

VOTE: 3 in favor, 2 absent, 2 Vacancies Motion carried

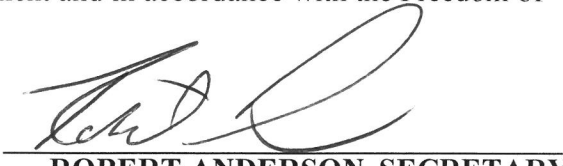
Anderson – Yes, Dyer – Yes, Jaremchuk – Yes, Pockets – Absent, Dziegielewski - Absent

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