

**TOWN OF ELSMERE  
PLANNING COMMISSION  
MEETING MINUTES**

**February 27, 2023  
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	PRESENT
COMMISSIONER	MARK DZIEGIELEWSKI	ABSENT
COMMISSIONER	VACANT	
COMMISSIONER	VACANT	

**PUBLIC COMMENT:**     **None**

**APPROVAL OF MINUTES**

Approval of the minutes from the February 7, 2023, Planning Commission Meeting.

**ACTION:** Chairman Jaremchuk made a motion to approve the minutes from the February 7, 2023, Planning Commission Meeting. Commissioner Pockets seconded the motion.

**VOTE:**             4 in favor, 1 Absent, 2 Vacant                     Motion carried

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

**OPENING STATEMENT:**

Administrative Assistant Denise Lardani read the opening statement.

**NEW BUSINESS:**

**1. Review Petition 22-10, Tax parcel number 19-00800-381.**

The applicant seeks approval to construct basement unit apartments (these basements were apartment units previously roughly 30 years ago) in Apartment building 1511 Maple Avenue. The Planning Commission will review and make a recommendation to the Board of Adjustment. This meeting is a continuance from the February 7, 2023, regular meeting. Additional information regarding the FEMA Flood Map was requested by the Planning Commissioners for the applicant to supply and present at this hearing.

Chairman Jaremchuk stated he delayed the beginning of the meeting because he was provided some documents from Councilwoman Personti on previous court judgements on similar matters with these Apartments regarding the flooding. His finding was these documents were from 2003 and 2007.

✓ /  
Petitioner Sam Moskowitz provided an exhibit of his own labeled Petitioner Exhibit 1 with a summary of points from the meeting held on February 7, 2023. Number one was the confusion in the FEMA map, number two the parking and whether there is enough parking for the additional proposed new units, of which the Office Manager, Stephanie counted all of the spots associated with the building and there are 164 spots in the back, 180 spots in the front for a total of 344 spots. Considering this ~~X~~ approval is for one building 1511, there is sufficient parking. Number three information on what is considered a “cellar” in the ~~V~~ Town Code. Number four the issues that came up from the neighbor (dogs, drugs, parking and basements).

Mr. Moskowitz presented new FEMA maps on several different dates to determine that the FEMA maps have not changed any time that they have been printed.

✓ ✓  
Mr. Moskowitz has provided a letter dated February 8, 2023, from the National Flood Experts in regards to his buildings and flood zone. The letter stated that originally all 9 of his structures were reclassified from Zone AE (in the flood zone) to Zone X (not in the flood zone) back on March 13, 2019. However, ~~X~~ the flood map and its latest revision from January 22, 2020, buildings 6, 8 and 9 were placed back in ~~X~~ Zone AE which is in the flood hazard area. Essentially stating that buildings 1-5 and 7 are not in the flood zone per LOMA document, Case No. 20-03-1613A dated September 23, 2020, approved by FEMA.

Mr. Moskowitz also provided a letter from Friedman Associates, stating the three buildings 6, 8, and 9 are the only remaining structures that have flood insurance policies in place.

✓  
Chairman Jaremchuk stated that tonight we are only approving building 1511 and in the flood zone map building 1511 is in ~~X~~ flood Zone X which is not in the flood zone.

Commissioner Pockets asked for clarification as to what buildings Mr. Moskowitz will be seeking the approval for. Mr. Moskowitz responded only the buildings that have been reclassified in the Zone X, the buildings that are not in the flood zone.

Mr. Moskowitz has provided a letter dated February 8, 2023, from the National Flood Experts in regards to his buildings and flood zone. The letter stated that originally all 9 of his structures were reclassified from Zone AE (in the flood zone) to Zone X (not in the flood zone) back on March 13, 2019. However, the flood map and its latest revision from January 22, 2020, buildings 6, 8 and 9 were placed back in Zone AE which is in the flood hazard area. Essentially stating that buildings 1-5 and 7 are not in the flood zone per LOMA document, Case No. 20-03-1613A dated September 23, 2020, approved by FEMA.

Mr. Moskowitz also provided a letter from Friedman Associates, stating the three buildings 6, 8, and 9 are the only remaining structures that have flood insurance policies in place.

Chairman Jaremchuk stated that tonight we are only approving building 1511 and in the flood zone map building 1511 is in Zone X which is not in the flood zone.

Commissioner Pockets asked for clarification as to what buildings Mr. Moskowitz will be seeking the approval for. Mr. Moskowitz responded only the buildings that have been reclassified in the Zone X, the buildings that are not in the flood zone.

Chairman Jaremchuk clarified the meeting tonight is only for building 1511.

Commissioner Pockets asked if there is a code that requires the parking to be 2 spots per unit. If he is approved for all the units that are not in the flood zone would he have enough parking for that. The calculation would be 186 units with 2 spots each total 372 parking spots.

Code Enforcement Officer Allen stated Chapter 225-10 (E) (1)(A)(2), Garden style apartments require 2 spots per unit.

Mr. Moskowitz stated he would not have enough spots and if he had to he would not build all of them or change his parking space sizes, move the dumpsters and repaint the lines to resize the spots if he could.

Chairman Jaremchuk asked if there is any comments or questions from the citizen or the public in attendance.

Councilwoman Personti stated she has not received one phone call about the petition.

Chief Giles stated at the last meeting, the resident made some comments that are not accurate and the drug paraphernalia does not have to be from the apartments, it could be from the residents in the area. She stated that Parklynn Apartments has no parking for the apartments, it is all street parking.

Chairman Jaremchuk stated they are grandfathered in with the parking code of 2 units per apartment.

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

None

**ADJOURNMENT:**

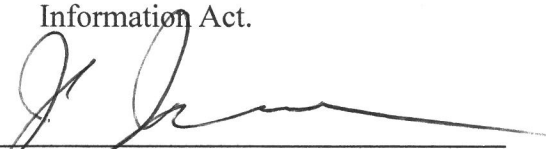
**ACTION:** Chairman Jaremchuk made a motion to adjourn the meeting. Chairman Dyer seconded the motion.

**VOTE:** 4 in favor, 1 absent, 2 Vacancies Motion carried

Anderson – 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**