

**TOWN OF ELSMERE
PLANNING COMMISSION
MEETING MINUTES
March 7, 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 27, 2023, Planning Commission Meeting.

ACTION: Chairman Jaremchuk made a motion to approve the minutes from the February 27, 2023, Planning Commission Meeting. Commissioner Dyer seconded the motion.

VOTE: 4 in favor, 2 Vacant, 1 Absent 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 23-02, Tax parcel number 19-00500-092

The applicant seeks to convert a 2.5 story commercial building in the rear of the property to

a 3-Unit apartment building. The Planning Commission will review and make a recommendation to the Board of Adjustment.

Prior to hearing any testimony, all witnesses who are expected to testify were sworn in by Chairman Jaremchuk.

Code Enforcement Officer Allen read the site analysis.

Joseph Cunane, spoke on his own behalf as the Applicant. He is looking to develop his property consistent with Elsmere and has been working with John Behrens. He is looking to build a higher end 3-unit apartment building. He feels this would be low impact on the Town but would also be a beautiful entrance to the Town. He thinks the 3-unit apartment building would be the best fit. His purpose tonight is for input as to what the Town thinks the use would be better Commercial or Residential use.

Commissioner Pockets asked the applicant what his plans would be for this property since he has been working on it for a few years.

Mr. Cunane responded if it were to be commercial, he was thinking about a small bank. Looking at the Egress and talking to the Deldot Engineers, it has taken him a few years to purchase a small piece of right of way. Economically it was too expensive to try to pursue.

Commissioner Pockets asked if there was ample parking if he were to be approved for the three apartments.

Code Enforcement Officer Allen stated the petitioner would have to reconfigure the parking lot but already being legal non-conforming, he would not be able to expand on the property.

Chairman Jaremchuk asked the Petitioner what it is that he is seeking a recommendation for because there is two submitted plans. One with a commercial property on the bottom and the other having three apartments.

Mr. Cunane stated he placed the other layout of the commercial property with the apartments above as an option but would prefer to be approved for the three high end apartments. He believes it is a lower impact and less traffic than a smoke shop or pawn shop. He was not sure if he could have residential at this location.

Commissioner Pockets asked how many bedrooms per apartment is requested. It was stated the count of bedrooms is in the plan. It would be a quantity of 2, two bedrooms and then a one-bedroom apartment.

Commissioner Anderson asked how the tenant would get to the upstairs.

Mr. Cunane responded there is steps on the outside that lead upstairs as well as an interior stairwell. On Exhibit 23-02 K you can see it.

Commissioner Anderson asked will this be handicap accessible?

Mr. Cunane stated that the first-floor apartment would be handicap accessible.

Code Enforcement Officer Allen reminded the Commission the Fire Marshall would need to approve this.

Commissioner Anderson asked would the front building parking be included with the amount of parking spots needed for the rear structure?

Code Enforcement Officer Allen stated the parking for both buildings would be combined.

Councilwoman Jensen from the 2nd district stated she feels the apartments are a good fit for the area. She questioned the building as to being 2 ½ stories, can there be three apartments.

Councilwoman Jensen has concerns with additional paving and the NPDES permit. Also questioned if the Planning Commission could approve this petition without all the proper information.

Mr. Cunane stated there is a plan to raise the roof to make the apartment that previously had to be taller and bigger.

Councilwoman Jensen stated she has had no response either good or bad about the possibility of apartments constructed on said property.

There were multiple conversations about green space, parking, what Deldot will allow and raising of the roof.

Code Enforcement Officer Allen, in reviewing the plot plan is trying to determine if the small piece of land Mr. Cunane purchased from Deldot is included in the calculation of the coverage.

Commissioner Pockets stated this is just a meeting to confirm if this will meet harmonious development.

Commissioner Dyer asked about Exhibit 23-01 J, whether the shaded part on the Exhibit needs to be paved to allow for the parking of the house and rear structure to conform with the Town Code?

More conversations amongst the Commissioners were had about the parking, the property would need two spots per unit and street parking is not included in the calculation. Therefore, the need would be 8 parking spots.

Commissioner Pockets asked for an explanation as to why street parking cannot be used in the calculation.

Code Enforcement Officer Allen stated due to the property being zoned Commercial and not Residential, there is no allowance for street parking. It can be utilized but is not part of the Code requirement of 2 spots for Unit.

Chairman Jaremchuk stated the meeting tonight is determine if the petition meets harmonious development.

ACTION: Commissioner Pockets made a motion to recommend approval to the Board of Adjustment. Commissioner Anderson seconded the motion.

VOTE: 4 in favor, 1 Absent, 2 Vacancies Motion carried

2. Review Petition 23-03, Tax Parcel number 19-00400-211

The applicant seeks a variance to install an 810 +/- square foot impervious paving/driveway in the rear of the property.

Prior to hearing any testimony, all witnesses who are expected to testify were sworn in by Chairman Jaremchuk.

Code Enforcement Officer Allen read the site analysis and stated this petition is the result of a Cease and Desist due to work being performed without a permit and the driveway has already been installed.

Chairman Jaremchuk stated the Petitioner on his paperwork wrote he noticed other driveways in the area were done so he did not think it was an issue. He asked Code Enforcement Officer Allen if he is aware of other driveways in the area that are paved just like this one.

Code Enforcement Officer responded that he would estimate 5 – 10 driveways on the block have driveways in the rear but maybe just one which completely covers the grass.

Mr. Chilimidos spoke on his own behalf as the petitioner and stated when he bought the property the back was a mess with the grass and a partially falling down fence. He thought first he would start with paving the back as to allow for his construction company to drive out back for the start of the interior construction of the property. His intent was for the tenant to have off street parking as well, especially with the handicap parking out in front of the residence.

Commissioner Pockets asked the Petitioner what kind of business he has, and he found it hard to believe that he did not know that he could not completely cover the grass but none the less it does look better than most of the properties in the back.

Chairman Jaremchuk inquired about the property next door and as to whether the driveway goes up to the property and is all paved.

Code Enforcement Officer Allen stated yes it does, the resident has applied for a hardship variance due to being a corner lot, living right next to the apartments and tenants from the apartments were parking in his grass and he has had to call the police several times. He was granted a variance to be able to have the driveway in the rear of the property.

Mr. Chilimidos stated he was sorry and when he drove around, he saw multiple driveways in the back and assumed it was allowable.

Chairman Jaremchuk asked the question about our recent Planning Commission meetings in reference to Maple Walk Apartments, there was quite a bit of complaints about parking. He commented the driveway would free up one to two parking spots on the street.

Code Enforcement Officer Allen made mention that this property was in deplorable conditions when the Petitioner purchased the home. He commented the back alleyway being a lake whenever it rains, and he feels this driveway has made it worse for the alley and the surrounding neighbor. He feels some sort of drainage needs to be provided but is not sure what kind.

Chairman Jaremchuk asked has there been a flooding issue with the neighbor and the alleyway before the driveway was installed? Code Enforcement Officer Allen stated yes there was, and it has gotten worse since. Chairman Jaremchuk asked can you quantify how much worse has it gotten? Code Enforcement Officer Allen stated that no he cannot.

Commissioner Pockets stated the alley really is just one big pothole and the pavement is deplorable. He feels the area needs more of the improved look but not necessarily asphalt. He said it does need more care in the alleyway.

Commissioner Anderson asked if the driveway was complete because the back edge of it appears in the picture to be about 3 inches higher than the grass as if there is a significant slope.

Mr. Chilimidos stated when he was there last time it did not seem to be that big of a height difference that it appears to be the angle of the picture. He stated his contractor that he hired does good work, he does not think he would leave it as it appears in the picture.

The Chairman and the Commissioners had a conversation about the NPDES Permit and the fact that it is regulated by the Government and the State of Delaware and if the Town does not maintain the greenspace or even increase it, the Town be fined.

There were multiple conversations amongst the Commissioners and the Chairman about how to make a recommendation which would be allowable and agreeable.

Commissioner Pockets made mention that the newly installed driveway appears to be

sloped away from the house but maybe the neighbor's property is sloped towards their home. This could be part of the issue. Maybe raise the level of the dirt under her deck as to have the drainage flow away from her house.

Councilwoman Jensen asked if the driveway could be reduced in size on each side as to make it better for the NPDES permit and put grass there to improve the flooding for the neighbor? This may help alleviate some of the additional flooding happening since the driveway has been installed. Maybe install pervious stone on each side to allow for some drainage but also keep the resident from having to walk through the wet grass.

PUBLIC COMMENT:

Rose Stromberg, 1346 Cypress Ave. stated she is the next-door neighbor. She stated that since the driveway has been installed against her fence, there is more water in her basement. She commented she has 2 basements and her husband's portion of the basement; has not dried since the installation of the driveway. Code Enforcement Officer Allen has told her to call the owner herself to talk about it and she feels that is not her job.

Mrs. Stromberg commented there is no parking, and she is the only one who has handicap parking. She also stated the other neighbor has had issues with flooding since the driveway has been installed.

Chairman Jaremchuk asked Mrs. Stromberg are you telling me that you did not have flooding issues before this driveway was installed?

Mrs. Stromberg responded yes, she did because the water outback just lays there and has nowhere to go. There is no drainage. The flooding issue has worsened since the driveway was installed.

Commissioner Pockets asked Mrs. Stromberg if she has a working sump pump. She responded yes, she does. She stated that her basement sits up higher than her husband's basement. She has a sump pump, and her husband has a floor drain. She commented since the driveway has been installed neither basement will dry.

Mrs. Stromberg stated that she would not mind if the driveway was smaller maybe half the size.

Mr. Chilimidos stated when Mrs. Stormberg's property was up for sale a few months ago he went into the property and there was water in the basement. This is why he did not put in an offer to buy it. At this time, it was before the driveway was installed.

Commissioner Pockets asked the Petitioner if he is in the process of renovating the property now and Mr. Chilimidos responded that is correct but before he bought it there was no power to the property and the sump pump would not have been working without power. Currently there is water in the basin of the sump pump but not in the basement.

Mr. Chilimidos stated he wants to start the interior renovations but is waiting the outcome of this Petition.

ACTION: Chairman Jaremchuk made a motion to approve the recommendation to the Board of Adjustment with the condition that the petitioner reduce the size of the driveway by 2 feet on each side for a total of 4-foot reduction and reinstall pervious material. Commissioner Anderson seconded the motion.

VOTE: 4 in favor, 1 Absent, 2 Vacancies Motion carried

OLD BUSINESS:

None

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

ADJOURNMENT:

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