

**TOWN OF ELSMERE
PLANNING COMMISSION
MEETING MINUTES
November 4, 2025
6:30 P.M.**

CALL TO ORDER: Chairman Anderson 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	ROBERT ANDERSON	PRESENT
COMMISSIONER	DEAN DYER	ABSENT
COMMISSIONER	JOHN POCKETS	ABSENT
COMMISSIONER	JA'NIKKA CARABALLO	PRESENT
COMMISSIONER	FRANK OBARA	PRESENT
COMMISSIONER	JONATHAN WATTS	PRESENT
COMMISSIONER	MEGHAN WALLACE	PRESENT

PUBLIC COMMENT: None

APPROVAL OF MINUTES

Approval of the minutes from the October 7, 2025, Planning Commission Meeting.

ACTION: Commissioner Obara made a motion to approve the minutes from the October 7, 2025, Planning Commission Meeting with no corrections. Commissioner Watts seconded the motion.

VOTE: 4 in favor, 3 Absent. Motion carried

Anderson – Yes, Pockets – Absent, Dyer – Absent, Caraballo – Yes, Obara – Yes
Watts – Yes, Wallace – Absent

OPENING STATEMENT:

Administrative Assistant for the Code Department Denise Lardani read the opening statement.

At this time, Commissioner Wallace arrived at the meeting.

NEW BUSINESS:

1. Review of Petition 26-02 Tax Parcel Number 1900-400-215

The applicant seeks to operate an automotive repair shop at the subject parcel. The Planning Commission shall determine whether the automotive repair shop meets the Harmonious Development Intent of the Town of Elsmere Code 225-9. The Planning Commission will make a recommendation to the Board of Adjustment.

Town Manager Steven Martin read the statement of fact. The subject parcel is legal and non-conforming as per the Town of Elsmere Code 225.

In regard to the front yard setback, the required setback is 20 feet. The existing setback is 15 1/2. The rear yard setback is required 20 feet as well, and the existing is 15 1/2. The yard requirements, which are applicable to all pumps, mechanical equipment, and other appliances, are 75% lot coverage. The current lot coverage is 79%. The subject parcel is currently non-compliant with the special exception used to outline motor vehicle service stations as per the Town of Elsmere Code 225-28D. In that code, a minimum lot coverage of 15,000 square feet shall be provided. The existing lot has 9,375 square feet. Such a lot should be located within the following limits, not closer than 100 feet from the intersection of any two primary or secondary streets. Also, in the comprehensive plan, which we will state later, the petitioner came in earlier and said he had measured 110 feet. So that one is removed. The Town of Elsmere Code 225-28D has further requirements for special exception uses of motor vehicle stations as spelled out as above. In granting this petition, the Planning Commission of the Town of Elsmere would need to determine that the proposed meets the harmonious development intent of the Town of Elsmere Code 225-9. The Planning Commission will need to make a recommendation to the Board of Adjustment to grant these variances.

Fausto Siquencia, the owner of 1306 Kirkwood Highway began speaking on his own behalf. He stated that he brought his daughter because he is not very good with his English. He is going to have her explain better what they are doing.

The applicant's daughter Pamela Gutierrez then spoke on her dad's behalf. Today I am going to be working in conjunction with him, clarifying any questions that you might have. I will also be speaking on his behalf on some occasions. He will also interject. I just want to make sure you all know that.

Ms. Gutierrez stated we are asking to reopen and operate a commercial automotive repair shop that is in 1306 Kirkwood Highway. This is a dream of my dad's. It is his retirement plan. We have acquired all permits needed to actually pursue this.

The mechanic shop will work Monday to Friday, 8 a.m. to 5 p.m., and it will conduct tune-ups and other mechanical work like oil changes and things like that. It is important to note that this is not a body shop whatsoever. The people that will be working at this mechanic shop are my dad and his cousin, who live in 1308 Kirkwood Highway. There are five bays,

which means that we can fit around five cars at all times in the mechanic shop. However, it is important to note that it is also by appointment only at all times. So, we will not have too many cars at the same time. This mechanic's shop was previously owned by the late Mr. Harold Reed, and I know a lot of people have a lot of memories of him working there and kind of helping them out in certain situations. We hope to do the same.

Ms. Gutierrez stated they acquired a lot of signatures throughout the neighborhood and our neighbors, see Exhibit 26-02 AB through AJ. We have all of the signatures of neighbors in the surrounding areas that will be directly affected by the mechanic shop. We have some new ones as well by the owners of the funeral home as well as the jewelry store next door. We have neighbors from behind and all around.

I know there were some questions about the ingress and egress and how that would work. Please turn to Exhibit 26-02J, which is the parcel survey. As you can see, it is clearly marked on the right-hand side. There are cars entering and exiting through that specific area. According to Elsmere Code, we need 12 to 25 feet, and currently right now we have 19 feet that are clearly marked on the right, as you can see. This entrance and exit will be between 1306 and 1304, that big lot. I do not know if you guys are familiar with it, but it is in that picture right there.

Additionally, I know we have to hit the harmonious development bits of it. According to Elsmere Code Chapter 225-9, harmonious intent has to preclude traffic creation and traffic flow, which we have already hit on previously with the 19 feet and the ingress and egress. It has to have a general value property within the Town, and it also has to be safe and comfortable enjoyment of the property. No one is going to be affected by this within the properties. We are actually the owners of both, so everyone in the residences have agreed to have this mechanic shop opened and in Elsmere Code Chapter 225-9 B(4), it states that it has to be proposed use of property not substantially different from the prior usage and does not increase traffic. Again, this was a previous mechanic shop owned by the previous owner, Mr. Harold Reed, and the traffic incidents have again been satisfied.

Regarding any noise complaints, as you all know, 1306 is directly in front of Kirkwood Highway, one of the busiest highways that we have in Wilmington. We have around, give or take, maybe even 20,000 cars go by at a constant state. No noise that comes from that really has affected anyone around in the surrounding area. Also, I did look up the technicalities of how many decibels installation generally has in a mechanic shop, which is 50 to 70 decibels. To put that into context, 50 decibels is around a quiet conversation and maybe some rainfall. 60 decibels is a normal conversation, maybe like an AC unit or a quiet office. At most, 70 decibels are what a washing machine might sound like. So, they are not extremely exuberant amounts of sounds. And also, any neighbors that would be directly affected, like the ones behind, on the sides and even all the way to the jewelry store have already agreed and signed this clearly stated letter saying that they agree with this mechanic shop being opened.

There are also questions about the disposal of fluids. For disposal of fluids, there's actually special containers that collect all of the fluids that might come out of a mechanic shop. I do

not know if you might have seen them, they are kind of like big plastic containers. And then we have special companies that come by once those containers are full and they deposit them in an eco-friendly manner. Also, any odors. I know that might have been an issue. Again, if you are at a mechanic's shop and you are even sitting in the waiting area, you cannot really smell anything. Also, anything that would have any odors would be within that container that contains all of the fluids, and again, the neighbors in the surrounding areas directly affected by this have agreed and signed a letter, which you would not be able to. There is no idling at any time, really. I think it would be a bit of a safety hazard. Additionally, I forgot to mention this earlier, but the Fire Marshal has already approved for the safety measurements. We have gotten an approval from them. We have also gotten any permits that were required.

Chairman Anderson stated in my opinion, to meet the harmonious development, you need separation, somewhat of a sound barrier, between the properties.

There was some confusion about the 10-foot-high fence to be installed in the rear of the property on Exhibit 26-02 J. The fence height is 6 feet high and 10 feet wide.

Councilman John Holloway, 4th district, 1304 Maple Avenue, stated that he does not believe this will be harmonious to the area and is not a good fit.

Mary Steppi, 113 Locust Avenue, 20-year resident, former councilwoman, and also former commissioner on the Planning Commission, stated the petition before you tonight is to address if this a harmonious fit. What that means as far as municipal code is a balance between land use, zoning, and municipal development for sustainable long-term growth, the zoning in this area is community commercial. It is a scaled-down hybrid version of full commercial. We are not Price's Corner, it is community commercial along Kirkwood Highway there.

The land use is how you use the property. So various definitions of land use are agricultural, industrial, residential, mixed use, and commercial. The neighboring properties, including the ones behind, are all used as residential. When you talk about the buffers, this one wants to be used as commercial. Currently, despite who owns them, the surrounding properties are all used as residential, and therefore that is where the harmonious comes to play. Now, in that lot because it is community commercial, certain commercial businesses are allowed.

This is a special exception. So those that are permitted uses without all these buffers and whatnot are hardware stores, paint stores, just these are examples, bakeries, bookstores, hobby stores, jewelry stores, banks, insurance offices, barbershops, etc. This is a special exception to use, motor vehicle service station and because of that, the code specifies in Chapter 225-28D, certain setbacks in lot coverage are required. They would not necessarily be required if you were to put them in a bookstore because of the harmonious intent of that land use.

The property is legal nonconforming; it states here on your statement of fact. What does

that mean? It was always confusing to me. It means the land use of the property was legal when it was established years ago and years ago it was an auto repair shop, but it does not conform now to the standards of the current zoning laws. So, the property existed before current ordinances were adopted. Whatever it was before does not automatically make it okay today. We have adopted, as many municipalities across the country, these uniform municipal codes to make sure we have sustainable long-term goals in our community. When you talk about harmony, that is what comes to be. Now, clearly, this is a special exception, clearly with the information that the town has provided, minimum lot coverage for an auto service shop is 15,000 square feet. This lot only has 9,375. The setbacks are not sufficient at all. You are talking next door and vehicles in and out. It does not matter. It is what is required by our code. It does not matter what neighbors said, hey, this is great. That does not matter. I could get my neighbors to say, you know, I could do whatever, and it does not matter. I would still have to come before the Town. None of the setbacks meet the harmonious intent. They would if we wanted to put a bookstore in. This is a special exception use as defined in our code that we must meet these setbacks for good reasons, so that somebody else does not plunk an auto repair shop down between other residential properties within that commercial corridor. It is a community commercial corridor. Other issue that does not matter is who owns the surrounding properties. They are all used as residential, and they could be sold at any time. Anything could happen.

This is the property owner who does not live on site. I submitted photos to the Town Manager where I had filed complaints over the past several years on this specific property. Do we want to submit this as evidence of what this looked like? I actually labeled the photo "junkyard use". And with the previous owner, and it took quite a while to deal with that mess. This is what I am afraid of.

So, keep in mind harmonious development comes into play, means land use, does zoning, and does the areas and the lot coverage and does it all come together as defined by our municipal code? This would set a huge precedent if this passed, that anybody could plop any type of business anywhere right next to one of your houses or any other house in your neighbors or in council districts. Please keep that in mind. What happened in the past, memories of the shop, which was yesteryear. There is a lot of good memories in Town. They do not meet today's standards of the municipal code and therefore do not meet the harmonious intent of this petition.

Commissioner Wallace asked if the photos that were passed around were complaints lodged from the previous owner or the current owners?

Ms. Steppi responded that they were the previous owners but still licensed under an auto shop.

Commissioner Wallace confirmed the photos were from the previous owner under a previous auto shop, correct? Yes, but Ms. Steppi did not have the date the photos were taken. She stated they were code violations that she made complaints about. Commissioner Wallace asked again against the previous owner and Ms. Steppi responded yes.

Councilwoman Sally Jensen, 2nd district, 504 Baltimore Avenue, and a very concerned citizen. I agree with a lot of what Ms. Steppi said, that this is not harmonious. I am still concerned about the noise, the odors, the eventual ingress, and egress.

Councilwoman Jensen stated one of her big concerns is that the current owner, regarding parking, the back of 1300 to 1308 Kirkwood Highway has been clear cut, trees removed, all the grass removed, etc., as evidenced by those photos, and it actually looks worse. As a matter of fact, 1308 Kirkwood, several years ago, was denied for Zumba use, that ground floor of 1308, due to the lack of parking. Yet, as we speak now, there are several vehicles parked backing up to the jewelry store behind 1308 Kirkwood. So, my concern is, is that how many vehicles will eventually be parked if we have an auto mechanic repair shop? I am just concerned that many more vehicles will be put in. Last month, we found out that the previous mechanic shop had not operated for 14 years. So, this is kind of like, you know, let us come in and start it all over again and based on that, the minimum lot coverage, again, is 15,000, yet there is only 9,375, which is what, almost missing about a quarter or a third of what they need. The setbacks, all four sides are supposed to be 25 feet. The existing, and I know it is grandfathered in; the front is 15, the rear is only 5, and either side is only 5. So that means people that live in the residences all the way around, except on a terribly busy Kirkwood Highway, get to hear all the noise from the vehicles being repaired. And again, we have all had our cars in the shop, and we know what those riveting hoses sound like, etc. So, my thought is the buffer, if it were to be allowed, would have to be much more than five feet around each side, and it should be at least ten, much like Domino's and other businesses around. I think it is a bad idea. Oh, and the other was last month, the property owner's wife, who is maybe one of the property owners also, had said in addition to this mechanic shop the husband spoke about, she said that her husband and son were very much interested in restoring vehicles. So, which story is the right one, and if it is restoring vehicles, where are they going to park them to sell them? Maybe just like next door at 1304, where there has been a car parked on the grass that was for sale, just a couple of days after this meeting last month, and it is still parked on the grass, although the for-sale sign has been removed.

Ms. Gutierrez responded I would like to go through these one by one. Some of them might be combined because there were some combining concerns that kind of were echoed a little bit. The first concern was very broad. The comment said that it did not fit into the neighborhood process, that they are just scared that it does not fit into the neighborhood. Again, this was once before a mechanic shop. Everyone around it is agreeing that this mechanic shop worked. I know that there were complaints about any noise or any other odors.

Fausto Siquencia stated as the lady said, yes, my son, he likes old cars. Yes, we are going to make it for us. Not for different people, not for sale, as the lady said. We are not going to sell anything over there. Additionally, we are not necessarily going to do them on that property, in that mechanic shop. It is just something that my brother does in my own house. The mechanic shop is specifically meant to do tune-ups and other mechanical work. There is no body shop work being done at this mechanic shop.

Ms. Gutierrez stated I remember it was brought up with the noise and the odor complaints,

which we talked about previously. Remember those 50 to 70 decibels, which range from a quiet conversation to a washing machine. Neighbors will not necessarily be able to hear it. If you were to actually stand in a mechanic shop, if you're in the waiting area, you can hear a little bit, but if you are living in a house many, many yards and feet away, you are not really going to be able to hear it. Again, we are going to have that buffer that we spoke about previously.

Mr. Siquencia stated we cannot do anything in reference to the location because it is an existing building. If it would be a new building, there is a different story, but that is an existing building over there. It has been working that way. Actually, the house, the one that is behind us, is like 50 feet away from the shop, and the other one is like 25 feet away from the shop itself. This is not that close. To me, you are not going to hear something from the shop. Sometimes music is louder than what our noise will be. In terms of noise, we are not making any huge noise.

I would also ask council members to please disregard any comments made about other properties that are not 1306. I know 1308 was brought up, 1300 was brought up, 1304 was brought up. Today, we are only speaking about 1306 Kirkwood Highway, so if there are any other issues that might be concerned, I would invite anybody, if you guys have any other complaints about that, to bring them up on a separate occasion. I know there was talk about it previously looking very terrible. Again, that was under a previous owner, like you mentioned, under previous times. We are new owners. I believe we have kept the properties in very good state, especially 1306 that we are here today to talk about. Any trees that were cut down, also permits were acquired. Really, we have been up to date with all of our permits and things like that.

Chairman Anderson asked to speak on the trees on the property and grass on the property, and now it has all been dug up and put gravel down.

Mr. Siquencia stated I have several pictures that I can provide you. I can provide you with grass growing between the gravel. I can provide the pictures that if you see from far away, you can see grass, but it is grass in the gravel. What we did is clean all of that. That is why they say that actually 1306, it has been like that. We have not touched anything on 1306. It has been like that, and it is maintained that way. When Mr. Harold Reed passed away, the son gave the property to the corner people that owned 1300 to put all his stuff in the yard. That is why he had a big mess in there before I bought it. When I bought the property, the gentleman took all of his lawn equipment from there, and then we started cleaning up everything.

Chairman Anderson asked do you intend to do anything with the drive area? Is it just going to stay that way? The response from Mr. Siquencia was I am going to make it even better than that. Right now, because of this old gravel, it looks bad. It looks muddy because of the old gravel. So eventually, right now, we invest too much money in the property, so the cost of doing the asphalt is high for us at this time. We are planning to make it better.

Commissioner Carabello stated the last time and this time, to your point, are not in

alignment with what we are here to talk about today. If we were to address the concerns about those other properties, 1300, I believe it was, looked absolutely dilapidated before this family took ownership, and they have completely turned that around. I personally took the time to go on the property after our last meeting because there were concerns that were escalated in regard to presentation of those properties. There were equipment and debris and things of that nature that was stated that was there. I went there, did not see any of that presented on the property. They have new windows, siding, and all kinds of things, and signage on the property. The land use and all those are embedded into what we are also to look at. But what was mentioned by some of the complainants was also the presentation of the other properties. They have completely changed the presentation of those properties from dilapidated properties to actual ones that are no longer eyesores for the community. So, in that regard, I think they have satisfied that piece of it. I am also very pleased with obtaining the feedback from your neighboring folks who are around 1306 who would be affected by any noise that would come from the repair shop. In the event that it is determined that the additional greenery is needed for the noise barrier, I think that is perfectly fine but understanding that you have the jeweler on one side, the other side is a property which you actually own and look to maintain.

Commissioner Carabello stated as you shared, this is going to be an opportunity to create generational wealth for your family. It is something that you are going to maintain long-term. Both sides are ownership. You have the folks that are behind you who also have in agreement and residents of this town for some time. And it is an existing auto repair shop. So, I personally have no additional questions or outstanding concerns in regard to this request.

Commissioner Wallace asked the council members and former council member in attendance if there is any conditions under which you would be comfortable with this property being used for this purpose?

Councilman Holloway stated he understands that the Codes are different now with policy updates and everybody should be expected to update their usages based on the updated Codes. He does not feel this meets Code.

Chairman Anderson asked what you propose him to do with a four-bay and five-bay garage? What use should he use for that? That is a lot of money, are there any ideas?

Councilwoman Jensen stated it is not our job to produce those ideas. The existing does not comply with the current code.

There was confusion with the setback at the rear of the property.

Councilwoman Jensen stated, it may have complied with the former codes, but it does not now. Also, I don't know if you said it tonight, but at the last meeting, it was also mentioned that you didn't feel that any fencing needed to go between 1306 and either of the houses, 1308 or 1304, because you own them all and they're your renters. I disagree. The code states you have to have the fences there. And my concern is down the road, because of other

activities that have occurred on other neighboring properties that you do not feel we should discuss, but I feel that they are interrelated because it is all the same owners. We have not heard anything about the layout for a parking lot in the back. But again, looking at this, the lot is supposed to be 15,000 square feet, and it is 9,375. Again, I am saying that they are missing a third of the property that they need to perform this correctly, and I have seen cars now parked back there willy-nilly, for lack of better words. It is my opinion. I do not think it is harmonious, it may have been harmonious back 15 years ago, but to point a phrase from someone I know, that was then and this is now, and that is not what the committee requires.

Commissioner Wallace asked Councilwoman Jensen was it her position that under no circumstances will she support what is being proposed? The response was no.

Mary Steppi commented we are not even determining their answers tonight about parking, signage, or anything like that. Strictly, before you are a statement of facts, and our municipal code, you know, has done all the setbacks, the requirements as outlined. This is not something Elsmere made up. This is something uniformly adopted. The subject parcel is currently noncompliant with the special exception use. So, no, I do not support it, because it would set a huge precedent that any petition that comes before you, you will get emotional about or whatever and say, well, you know, they bought this property. That has no play in it. What happened is just these numbers before you and our code do not fit in as a special exception to what is defined in our code. It is a black and white issue. As a matter of fact, it is noncompliant.

Chairman Anderson asked is not this what a variance is all about? Variance is Board of Adjustment; it is up to them really to determine whether they grant the variance.

Councilwoman Jensen stated it is up to this board to say whether it is harmonious for them to consider. You are going to grant a special exception use that is not compliant with our code. Again, that would set a huge precedent for any other development in our town in the community commercial district. We have a lot of residential. So, it would set a huge precedent. This is a special exception use. Any of these other businesses that I listed are permitted, there is a whole list of permitted commercial type businesses that could fit into that area. This is not, this is a special exception as defined by our code.

Commissioner Wallace stated, just so I am understanding this, there are special exception uses that are granted to certain types of businesses. It is defined right here before you that this is a special exception use. And, therefore, certain lot coverage, certain setbacks are required if this was. So, what you are describing is the sort of the 15,000 square feet versus 9,375 thousand square feet.

Mary Steppi said this is taken from our code.

Commissioner Wallace stated I understand, I am just clarifying.

Mary Steppi said I think you might have come in late when I listed that. There are plenty of

permitted commercial uses along a community commercial corridor. This is clearly a special exception in our code and has defined parameters that are not met, unfortunately, by this parcel. This should be easy.

Commissioner Wallace asked again so you are taking issue with the 15,000 square feet versus the lot square footage of 9,375 square feet?

Mary Steppi said I am not taking issue. It is what it is. It is not compliant with our code. Yes, I am taking issue. On that point that I am raising, on the setbacks and the lot coverage. Whoever prepared all this, I read it, and I concluded that this does not, it is not compliant, nor does it not meet any of the qualifications for special exception use.

Commissioner Wallace stated you take issue with the lot coverage, but also the type of business it is.

Mary Steppi responded that the type of business is a special exception use that defines a lot coverage. Any other permitted use business like a barbershop that wanted to go in and probably be fine because it is not a special exception.

Town Manager Steven Martin asked how you are going to deal with the turning off and onto Kirkwood Highway? That is an area where kids cross, a school crosswalk for kids. So, how are you going to deal with that?

Mr. Siquencia stated we are planning on doing our business by appointment only and will not have an issue with traffic. We realize that Kirkwood Highway is a very busy highway. It will be a regular driveway in and out.

Town Manager Steven Martin asked how about your trash pickup? You will need to have your own trash pickup. So, would you have a commercial vehicle coming back there to pick up the trash, correct?

Mr. Siquencia responded yes, that is the plan. We have a hauling company to take the oil. It is going to be a disposable thing.

Town Manager Steve Martin stated when I first met you and your wife, your wife said that the repair shop is just a personal thing for you and your son. It was not going to be for retail. But now, you are saying that it is going to be a retail shop, correct? Yes.

Mr. Siquencia said yes but when we first came to your office, you gave me a list of what I need to complete in order to ask for the shop. So, you gave me a list that I sent to the Fire Marshal first, which I spent several thousand dollars over there making plans to get the approval from the Fire Marshal. I already spent like \$4,000 doing that. What you required to do, that was on the first requirement you made in order to come over here. I have attached the Fire Marshal approval. And also, since then, you knew that it is going to be a commercial repair shop. Of course, we are not planning to do it in a big amount. We are only two workers, and we will only work five days, it is a small business.

Town Manager Steven Martin stated I want to be clear on the end use of the property because, again, she said it and you were there, it's going to be a personal shop, just for you and your son to do things that you like to do, but now it's going to be a commercial shop. I want to make sure that is clear. It is on the record. I know you have some of these signatures, but some of these signatures are from businesses. They are not all from residents. So, I want to make sure that the record shows this.

Town Manager Steven Martin also stated there is much more noise than you are claiming. You have automatic guns for the tires coming off, that is noise. That is noisier than air conditioning. It is noisier than, I forgot you said something, but it is a significant amount of noise. So, I just want to make sure that we are clear on, you know, why we have these concerns. That is why we have the 15,000 square feet of lot coverage and the setback so that if there is a lot of noise, the neighbors or the residents in the neighborhood would not be affected by that.

Ms. Gutierrez stated I think a major issue that is an issue is the setbacks. It is an existing building. I think the only way to fix the setback that we are missing is by moving the entire building, which is something that no one is going to do. I do not think anyone would do that. That is why we are offering a fence that would help with the noise that you are so concerned about and that I understand why people are concerned. The fence, again, neighbors agree with all of this going into play, residents as well as other business owners that are the owners of the businesses. I know that there was some concern over what precedent this would set. This is not a willy-nilly business. This is a small business that we have put a lot of work and dedication and detail into. We have plans and surveys, we have exuberant amounts of evidence that are allowing us to put forth this idea before you. Again, to deny this would be generally to deny a lot of generational wealth that could be provided by this business.

Justin Argudo Rodriguez spoke and stated this is my father, Fausto Siguencia. I know we have differing last names. This is my stepfather, but I have always considered him my real father, and I understand the technicalities that go into this situation, and I understand the people here in this room today have made it very clear. Emotions play no part in their points, but I would like to present mine. This is my father. He has worked so hard for this. He has put hours upon hours, years of his life into bettering life for us, his kids, and this is just another step towards that. I am a junior in high school and going towards college. We are not made of money. We do not have the resources to move an entire building just for another 10 feet of space between that and the house behind us. It's not possible. We cannot come up with the money that it would take to rebuild it in a night. We are not asking for charity. We are simply asking for understanding. This is a very complicated situation; I understand that as well.

Chairman Anderson stated I am looking at definitions in the code here, and there is a private garage and then there is a public garage, and a public garage says a building, not a private garage, used for the storage, repair, or servicing of motor vehicles of any type of ownership. And when I look over here to special exceptions, it says motor vehicle service stations, which I do not know that I consider this a service station. And why isn't public

garage defined better here if that is the case?

Town Manager Steven Martin responded I cannot answer that question, honestly. I think we need to get clarity on that. It does not say anything about a public garage under special exceptions, and I see your point.

Chairman Anderson asked should this case even be heard is my question. Well, I mean, are you saying it would not require a special exception?

Councilwoman Jensen asked which codes were they?

Chairman Anderson stated there is public garage. Again, that is not on the code. Public garage is not really identified under motor vehicle service stations.

Councilwoman Jensen said we would need to get clarity on that. So, therefore, do special exceptions not include business garages? I do not know what word to use.

Chairman Anderson stated the public garage would infer this is a business.

There were multiple questions about what special exception refers to, and it is a "Service Station" and what is the definition of a Service Station.

Chairman Anderson again asked what is a service station? Is that something that pumps gas? I just want to make sure we are getting this right. Service stations used to be called. Gas stations used to be called. I do not know. Is this something our attorney should tell us?

Town Manager Steven Martin stated I think maybe we need our town solicitor to give us clarity on that.

Councilwoman Jensen stated I thought the granting of the petition, the Planning Commission, would determine that it needs harmonious development intent, and then they would make a recommendation to the Board of Adjustment on the other three issues.

Town Manager Martin said I have a definition here. I do not know if it is the correct definition though. It says service stations perform routine maintenance and preventive care via auto repair shop primarily focused on fixing broken, malfunctioning parts. This is all from Google. I have a question, is this garage going to have lifts in there? The response was yes; we do.

Councilwoman Jensen stated than this is a service bay. That is the word I'm looking for. It is not a service station. Service bay does more maintenance and works on service station.

Ms. Gutierrez stated I think that it would be an incomplete, like, nuanced definition that you are trying to give it.

Councilwoman Jensen stated I will give an example the three of you are standing here, we

are making references to your life savings being spent, how much money is being spent. You are looking at the overall for you, whereas the Town Manager and this Commission and even Council are looking at the town as a whole, and we feel that this is not harmonious, therefore not for the betterment of the town. I completely understand where you are coming from.

Ms. Gutierrez stated I completely understand where you are coming from. However, we already spoke on the harmonious development intent points earlier. For example, in Elsmere Code Chapter 225-9A, it must preclude creation of traffic flow. We have spoken about the traffic flow. It has to have general value of the property within the town. Again, it has maintained its general value. It has to be safe and comfortable enjoyment of the property. Everything is going to be safe. What I do not understand is what is harmonious for you? What is harmonious for you? What is your definition of harmonious?

Councilwoman Jensen stated harmonious, as I said, no odors, no noise, the comfort of the residents that own their homes and the renters. You can be in the business, no noise.

Ms. Gutierrez stated you have noise in your house.

Councilwoman Jensen stated if you ask me a question, do you want to let me answer?

Ms. Gutierrez stated okay, I am sorry. I just think that we are hitting a little bit too nuanced issues and terminal determinations and things like that. I think if we are going to stick to what's said specifically in the code, it is safe. It is going to have every safety measure possible. It has been approved by the Fire Marshal. It is going to be enjoyable use of the property. We are going to have people that are coming in by appointment only, so we will not even, again, hitting again on that traffic flow issue. The issue with the kids making sure that they are safe, we are hitting that. Additionally, it must be under Elsmere Code Chapter 225-9B(4). It has to be proposed to use the property not substantially different from the previous intent of what it was used for, and it also does not have to increase traffic. Once more, traffic has been hit. It was previously a mechanic shop by the previous owner, by the late Mr. Harold Reed. We have been hitting all of these significant points in harmonious development intent, and frankly, any noise, odor, or any of the sort, we have also hit. Odors are going to be any chemicals that are being used are going to be held in special containers that will be especially transported out.

Commissioner Wallace asked but for the sorts of issues that the council members have raised around noise or odors, that sort of thing, is there an outlet to make complaints and those things to have them remedied? Is that like a code violation? If those things become issues, is there a way to remedy them outside of any kind of ruling on this matter?

Councilwoman Jensen stated yes, there could be code complaints filed, and I have filed in the past, and others have but I want to say one thing, and I'll try to stop talking after this, is that history, recent history with this property owner specifically, has been non-harmonious. How many times has a complaint been filed, Town Manager or even Code Enforcement, about burning? That is not harmonious. Again, recent history with this property owner, they

do not always follow the rules, and we have had many complaints, and I am sure there have been many.

Commissioner Wallace stated that it is helpful context. And also, I guess my question is, when the complaints have come up, have they responded appropriately? Yes, but they have done it again at times. Okay. So, I guess my point of clarification was, if there were the sorts of issues that you are raising, if they were to come up, there is an outlet to manage those issues. And I also guess there is now some context around which they have worked to remedy the issues when they have come up, to your knowledge.

Councilwoman Jensen said to my knowledge, yes, but again, they have occurred again.

Ms. Gutierrez said, again, I would like to note that those were for separate properties on separate occasions and very, very past. I think that it is important to note. We are talking about 1306 specifically. Again, any problems and any concerns that have come up, we can speak to code enforcement for that. We have addressed them immediately, and we have fixed the issues. I think no burning is going to be happening in a mechanic shop. I think that would be extremely, extremely dangerous. And any cars and any specific tiny little situations about maybe in the past, maybe someone will ever abandon their car, and then we will have to figure it out then. I think that is an example that really should not be used as substantial evidence here, which is it is not substantial at all, and it could happen in a very rare case.

Councilwoman Jensen stated this is the same ownership for all of the properties. So yes, they are interrelated. For example, you have to admit that a car parked on the grass, and I think most people know that that is not legal by code. This has been there since the week of October 5, 2025.

There was a brief discussion from Mr. Siquencia that the car is not parked in the grass that it is in the driveway.

Ms. Gutierrez stated if the car being in a specific part of the entire parking lot is an issue, I think we can move the car. I do not think that a car parked where it is right now is substantial evidence to bring down a whole mechanic shop.

Town Manager Steven Martin stated at this point, Chairman, I think you heard from everyone in the audience. You heard from the Town. And, you know, unless someone else has something to add, I think you should speak as a group.

The Commissioners asked if they could go into an executive session to discuss amongst themselves and since it was not on the agenda they cannot.

Commissioner Watts voted no for the approval, and he stated a mechanic shop is a special exception. It is like a semi-light industrial application, and these types of situations tend to leak. They require space, and they require segregation. The whole entire area needs to be paved in order to execute its function properly. So, if you had a light industrial area, and

am going to send you the accomplishments that we have made since the inception of the 2021 Comprehensive Plan. I will send that out to you tomorrow.

Chairman Anderson asked is the December meeting going to be like a training session?

Commissioner Wallace asked for clarification and knowledge as to how to reach out to the public and constituents. She stated she has reached out to Mr. O'Neill to provide some prompts as to what should be focused on whether that is the recommendation section, or the maps, or both and if he could share that with us.

Town Manager Steven Martin responded yes and a discussion. He wants to start rolling up our sleeves up and get to work. Mr. O'Neill will give you guys, much as the commissioner said, some prompts, some things to address in an email, so that at the December meeting, it will help you be prepared. For the most part, we are coming with our sleeves rolled up, talking about recommendations, accomplishments, just things that we do to update the Comprehensive Plan. Like one thing we have a map that we have to change. We will talk about the map. I talked to the State Planning Commission about boundaries because our boundaries are sort of, they go through houses. He picked Elsmere out. We are going to talk about that. So, again, the update is just if your Comprehensive Plan is not meeting its objectives, this is the time that you update it and make it so that it will address the issues that you have in the town.

Joann Personti, Mayor, 108 Jefferson Avenue stated I just wanted to update you on the outreach that we did at the Fall Festival and the Spooktacular events. We had the maps out, and it was really great to engage with a lot of the younger families. I said, look, I can talk to a lot of people that I know in this town, but I want to know what the people that are coming here to settle, that are making Elsmere their home, what do they want to see? One thing I am very pleased to report is, remember that other map that I did not like, that was here before with the expanded commercial? No one liked that map. So, in addition to the historical issues with that, the packed meeting which clearly demonstrated that the residents were against that type of mixed-use expansion into residential zones. I think recently, too, what I have learned from the residents here, that they agree with that. They do not want to see that. Trying to think of some other things, the pamphlets, when we get the pamphlets, I do not know if you were given them yet, but even just to give them out to maybe a few neighbors, it will proliferate, and basically that is what we were doing at both events as well. We were handing the pamphlets to the individuals as well with the questionnaires, asking them to complete and email us, letting us know what you want to see in the town. The biggest comments that I love to hear, and I'll quote a resident, a 5th District resident over here, who said she was born in Newark and raised in Newark, lived in Wilmington, now lives in Elsmere, and has never felt a community that had such a sense of togetherness like the community aspect here. She never felt that anywhere else that she lived. Especially with a lot of our young families, they love the events. They love having our police force. They love feeling the safety of that. It has really been a pleasant surprise.

We had a few people that are going to complain about the usual things, whether it is the roads or whatever. So, we had a couple of those comments. But overall, I mean, the

comments regarding what the Comprehensive Plan intends to address were very encouraging to hear from the residents. So hopefully we will get the word out with the December meeting, so we can actually get people to come, I hope. But if not, I feel what we did with the two events surpasses the outreach that was done in 2021. I really believe that. We just keep on trying to get out as much as we can, get as much feedback as we can. I think we are on a good road here and I look forward to the December meeting.

There were questions about what type of outreach that the Town has and the response is we have the Code Red system, Facebook, computers, and the website. They can give comments on the website. I would tell people, if they do not have that access, to call their Councilperson or the Mayor, especially our seniors, who generally do not sit in front of a computer, that we want to hear their feedback to call. They do not have to do anything fancy. Just give us a call. Just be involved as much as they can. On the back of those pamphlets, there are all our names and phone numbers and emails. If they do not feel that they really want to complete a questionnaire but just want to reach out with whatever concerns that they have or whatever they would like to add to the process, they can do that in a phone call.

Town Manager Steven Martin stated he has 3 questionnaires already which is more than the last time.

Commissioner Wallace asked about legal counsel. I would appreciate, for the purposes of this evening's discussion, people are raising great points all around. I am not an attorney. You know, is it possible to have an attorney present when we are asking questions about what does the code says or what does Elsmere's code says? Normally, we would have, we would field those questions to the attorney.

The response was we have the attorney on retainer, but the Town Manager was not sure if he could attend because it is not a scheduled meeting that he normally attends like the council meetings. We certainly can give the questions to him and he will respond.

Mayor Personti stated she has reached out to the Town Solicitor and requested him to have a meeting with the Planning Commission and the Board of Adjustment. I have concerns, especially when things get off the rails. There are very specific things that the Planning Commission is supposed to, you know, consider and the Board of Adjustment is supposed to consider. Planning Commission does not consider hardships, number one, that is Board of Adjustment. But I do believe that we need the Town Solicitor to sort of talk about these things, and how you are to look at these cases. You know, I served on the Planning Commission and Board of Adjustment in the 1990s. Throughout then, like I hear tonight, I would go out and view properties that we were considering. Then the prior solicitor said we were not at all to do that, that we are to base our decisions on what is presented to us here.

Town Manager Steven Martin stated if you have a question, if you see that and you're reading that and you think, I don't know exactly what this means, if you can before the meeting, that's when you reach out to the town manager. Right. So again, that is why we send out the package ahead of time so that you can read it before the meeting and if you

have questions about anything, I mean anything, just call me or email me. And if I cannot answer it, I will make sure I have an answer for you within 24 hours. Instructions were given that no one is to reach out to the Town Solicitor directly and the procedure is to go through Town Manager.

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS: None

ADJOURNMENT:

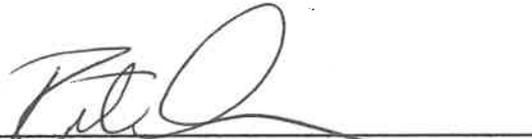
ACTION: Chairman Anderson made a motion to adjourn the meeting. Commissioner Wallace seconded the motion.

VOTE: 5 in favor, 2 Absent Motion carried

Anderson – Yes, Dyer – Absent, Pockets – Absent, Caraballo – Yes, Obara – Yes, Watts – Yes, Wallace – Yes

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.


**ROBERT ANDERSON,
CHAIRMAN**


**DEAN DYER, JANIKKA CARABALLO
SECRETARY**