

**TOWN OF ELSMERE
BOARD OF ADJUSTMENT
MEETING MINUTES
April 26, 2022
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

CHAIRMAN	JAMES PERSONTI	PRESENT
BOARD MEMBER	JOHN ACTON	PRESENT
BOARD MEMBER	PATRICIA BOYD	PRESENT
BOARD MEMBER	RON RUSSO	PRESENT
BOARD MEMBER	JOHN SMITH	PRESENT
Code Enforcement Officer, Nicole Facciolo – Present		
Code Enforcement Officer, Scott Allen - Present		

PUBLIC COMMENT: None

APPROVAL OF MINUTES:

Minutes from the March 22, 2022, Board of Adjustment Meeting

ACTION: Board Member Boyd made a motion to approve the minutes from the March 22, 2022, Board of Adjustment meeting with no corrections. Board Member Acton seconded the motion.

VOTE: All in favor Motion carried

OLD BUSINESS: None

OPENING STATEMENT:

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

NEW BUSINESS:

Review Petition 22-02 Tax Parcel # 19-00500-054

Kaushik Shah, owner of the Property, spoke on his own behalf as the Appellant, Elsmere Code Enforcement Officer Scott Allen represented the Town as Appellee.

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

The Appellant was asked to provide an opening statement. In his statement he informed the Board of Adjustment that he knows the tenant was elderly and was trying to maintain the property until the last few months when her health had become an issue. He unfortunately stated the tenant, Ethel Williams, has passed away on April 13, 2022, The Appellant is appealing the Nuisance fee due to her health issues and inability to have someone to take the mattresses and such.

Chairman Personti asked if all the violations were cleared.

Code Enforcement Officer Allen responded yes that is correct.

Chairman Personti asked if the Code Office had anything they wish to state.

Code Enforcement Officer Allen stated in light of the current situation with the passing of the tenant there seems to have been some miscommunication, he feels the invoice should be waived.

Chairman Personti asked if there was any public comment for petition 22-02 and received none.

ACTION: Board Member Smith made a motion to approve Petition 22-02 and waive the \$1,000.00 fine. Board member Boyd seconded the motion.

VOTE: All in favor Motion carried

Review Petition 22-03 Tax Parcel # 19-00400-432

Jennifer Wiseman, Owner of the Property, spoke on her behalf as the Appellant, Elsmere Code Enforcement Officer Scott Allen represented the Town as Appellee.

The Appellant was asked to provide an opening statement. In her statement she informed the Board of Adjustment that she has tried to fix the gutter from falling and every time she fixed it the weather would knock it down again. She stated that none of the violations have turned into a fine and she would correct them immediately. In fact, she paid for one and the check was returned.

Chairman Personti stated he did not think the grass in the picture for the citation was higher than the eight inches and he felt that may not have been a citation.

Board Member Boyd also questioned the height of the grass.

Board Member Russo has suggested again there needs to be a review of the procedures of the Public Nuisance fine and done on a case-by-case basis instead of an automatic \$1,000 fine being assessed.

Code Enforcement Officer Allen said that on behalf of the Town we do not believe this property is considered a Public Nuisance that the Code Enforcement Officers know what properties, are Public Nuisances and he does not believe this is one of them.

Chairman Personti asked if there was any public comment regarding Petition 22-03 and received none.

ACTION: Board Member Boyd made a motion to approve Petition 22-03 and waive the \$1,000.00 fine. Board member Acton seconded the motion.

VOTE: All in favor Motion carried

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS: None

PUBLIC COMMENT: None

ADJOURNMENT:

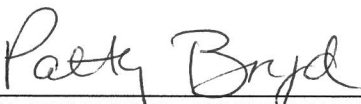
ACTION: Board Member Smith made a motion to adjourn. Board Member Russo seconded the motion.

VOTE: All in favor Motion carried

These minutes summarize the agenda items and other issues discussed at the April 26, 2022, Board of Adjustment meeting. 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.



JAMES PERSONTI, CHAIRMAN



PATTY BOYD, SECRETARY