

**TOWN OF ELSMERE
BOARD OF ADJUSTMENT
MEETING MINUTES
October 25, 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 September 27, 2022, Board of Adjustment Meeting

ACTION: Board Member Russo made a motion to approve the minutes from the September 27, 2022, Board of Adjustment meeting with no corrections. Board Member Smith seconded the motion.

VOTE: 5 in favor Motion carried

OLD BUSINESS: None

OPENING STATEMENT: Administrative Assistant Denise Lardani read the opening statement.

NEW BUSINESS:

Review Petition 22-08 Tax Parcel # 19-00800-128

Joshua Wilkinson, representing his mother, owner of the Property, spoke on his 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 had moved back to Elsmere in the beginning of September and since he has been back it has taken him a few weeks to get everything back in order. He stated that now that he is back, there will be no more issues with citations and maintaining the property.

Board Member Russo asked who oversaw the property.

Mr. Wilkinson responded at the time of the citations; his mother Vicki Wilkinson oversaw the property. He stated that since his fathers passing a few years ago his mother has been in several mental facilities.

Board Member Russo asked if all the violations have been taken care of to which Mr. Wilkinson responded yes, they have.

Mr. Wilkinson stated he has come into the Code Enforcement Office to let Code Enforcement know that he was back in Elsmere and his plans to take of care his mother's property and asked questions about what he needed permits for.

Chairman Personti asked if any of the violations became fines.

Code Enforcement Officer Allen stated that prior to Mr. Wilkinson stepping in to taking care of the property, some of the citations did create fines and additionally some had to have abatements performed. Since Mr. Wilkinson has taken over the maintenance of the property, no additional citations have been issued.

Board Member Boyd asked if Mr. Wilkinson was living at the property and he responded that yes, he is living there.

Chairman Personti asked Code Enforcement Officer Allen if there was anything that Code had to submit.

Code Enforcement Officer Allen stated the evidence provided proves the property fits the definition of a repeat public nuisance due to the multiple citations and some of the citations received fines. Several of the citations also resulted in abatements being performed.

Code Enforcement Officer Allen believes since they have spoke with the appellant and heard his plans to ensure there will be no more violations and to even make improvements to the property with the knowledge of what does and does not need a permit. It shows in good faith the appellant will stand by his word.

Chairman Personti asked if there were any questions to be asked from the Board, receiving none he asked would someone like to make a motion.

Board Member Boyd commented there are several people in the audience and asked Chairman Personti if he should ask if they want to make a comment.

Chairman Personti stated that he does not ask for public comment during an appeal hearing.

Chairman Personti asked if the appellant had any further comments.

Mr. Wilkinson responded that his mother has been in and out of mental health facilities since the passing of his father. She has depression and anxiety issues. He also stated that he was not here because he was dealing with his PTSD issues from being captured at the Prison riot in Vaughn when he was a corrections officer, it has taken him a few weeks to get the property back to where there should be no more violations.

Board Member Boyd made comment that in light of the health issues that the homeowner, Vicki Wilkinson has had and the issues that Joshua has faced, she will make a motion to waive the nuisance fine but make a note that if another citation happens with in a year at that time the public nuisance fine will be charged.

ACTION: Board Member Boyd made a motion to approve Petition 22-08. Board Member Russo seconded the motion with the condition if the owner receives another citation the public nuisance fine will be charged.

VOTE: 5 in favor

Motion carried

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS: None

PUBLIC COMMENT: None

ADJOURNMENT:

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


VOTE: 5 in favor

Motion carried

These minutes summarize the agenda items and other issues discussed at the October 25, 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