

**TOWN OF ELSMERE  
BOARD OF ADJUSTMENT  
MEETING MINUTES  
March 28, 2023  
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	ABSENT
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 February 28, 2023, Board of Adjustment Meeting

**ACTION:** Board Member Acton made a motion to approve the minutes from the February 28, 2023, Board of Adjustment meeting with no corrections. Board Member Smith seconded the motion.

**VOTE:**           4 in favor     1 Absent                           Motion carried

**OLD BUSINESS:**     None

**OPENING STATEMENT:**

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

**NEW BUSINESS:**

**Review Petition 23-02 Tax Parcel # 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 Board of Adjustment will review and render a decision regarding this petition.

Joseph Cunane, owner of the Property, spoke on his own behalf as the Petitioner, Elsmere Code Enforcement Officer Scott Allen and Code Enforcement Officer Nicole Facciolo represented the Town as Appellee. Prior to hearing any testimony all witnesses who are expected to testify were sworn in by Chairman James Personti.

Mr. Cunane stated based on the recommendations from the Planning Commission, he met with an architect and a landscape architect and made some design modifications to have a little less impervious space and illustrate the required off street parking, and has provided the updated plan with him tonight.

Mr. Cunane stated he is requesting to build a 2 ½ story commercial property into a 3-unit high-end apartment building which once was a pawn shop.

Chairman Personti asked if there were any questions from the Board.

Board Member Smith asked is this a 3-unit apartment building?

Mr. Cunane responded that is correct.

Board Member Acton asked what is the other building on the property?

Mr. Cunane responded it is a single family home that has recently been renovated to bring back the 19<sup>th</sup> Century look and feel.

Councilwoman Sally Jensen, 2<sup>nd</sup> District, stated that she has received no comments in favor or against. She personally feels it is a good use of the property rather than for it to be commercial.

Code Enforcement Officer Allen stated that the Code Department has no opposition to the request.

Code Enforcement Officer Allen read the site analysis which refers to the property being Legal Non-Conforming. Any plans to bring the property more into compliance is great.

Chairman Personti asked does the request meet the parking requirements or would a variance need to be granted?

Code Enforcement Officer Allen responded with the updated plan that was provided tonight this would meet the Code requirement of 2 spots per unit.

Board Member Smith asked would there be a requirement for handicap parking.

Code Enforcement Officer Allen responded that since it will no longer be commercial use and will be residential use he believes it does not need handicap parking. He will double check the information.

Board Member Smith asked if there is sufficient parking for the house that is on the property as well.

Code Enforcement Officer Allen added up the parking spaces that are on the updated plan and it was a total of 8 which would be sufficient.

Mr. Cunane added that their goal is to add more landscaping and remove some of the asphalt to allow for more green space.

Code Enforcement Officer Allen stated the Town encourages improvements to the green space.

**ACTION:** Board Member Russo made a motion to approve Petition 23-02, it meets Harmonious Development intent per Code 225-9. Also, a variance per Code 225-19 A, B, C to allow for an Apartment building at the subject parcel and Code 225-10 the applicant has provided adequate off-street parking as well. Board Member Acton seconded the motion.

**VOTE:** 4 in favor 1 Absent Motion carried

Boyd – Absent, Russo – Yes, Acton – Yes, Smith – Yes, Personti – Yes

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

The applicant seeks a variance to install an 810 +/- sq. ft. impervious pavement/driveway in the rear of the property.

The Petitioner did not appear.

**ACTION:** Board Member Smith made a motion to post-pone the Petition until the April 25, 2023, Board of Adjustment meeting. Board Member Acton seconded the motion.

**VOTE:** 4 in favor 1 Absent Motion carried

Boyd – Absent, Russo – Yes, Acton – Yes, Smith – Yes, Personti – Yes

**ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:** None

**PUBLIC COMMENT:** None

**ADJOURNMENT:**

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

**VOTE:** 4 In favor, 1 absent

Motion carried

These minutes summarize the agenda items and other issues discussed at the March 28, 2023, 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.

  
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JAMES PERSONTI, CHAIRMAN

  
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PATTY BOYD, SECRETARY