

**TOWN OF ELSMERE
BOARD OF ADJUSTMENT
MEETING MINUTES
April 25, 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	ABSENT
BOARD MEMBER	JOHN SMITH	PRESENT

Code Enforcement Officer, Nicole Facciolo – Present

Code Enforcement Officer, Scott Allen - Present

PUBLIC COMMENT:

Councilwoman Mary Steppi, 3rd District, 113 Locust Avenue, speaking on her own behalf stated that she is here to give appreciation to the Code Enforcement Officers and the job of upholding the Code for the Town. Unfortunately, she feels there are several nuisance properties that keep the Code Enforcement Officers busy with lots of citations. Also, this keeps the Public Works Department busy when they must continuously clean up the properties that have citations that have not been corrected.

Councilwoman Steppi does not feel the vision of the people who came home from the war bought houses here, raised their families here and some of the grandchildren bought houses here did not have the expectation of living in the “ghetto” She would not like to live next door to these properties and would want to move out of Town, but her mission tonight is to combat the degradation and help improve the community.

Councilwoman Steppi would like to implore you to uphold the nuisance fines and all future nuisance fines except from hardships. She and all that live in the Town should not want Elsmere labeled as the ghetto, she would like to bring back the pride of the Town and she has many more visions and projects in line to build the Town back up.

Councilwoman Sally Jensen, 2nd District, 504 Baltimore Avenue, agreed with everything Councilwoman Steppi said. She stated please do not eliminate the fines unless there is true hardship.

APPROVAL OF MINUTES:

Minutes from the March 28, 2023, Board of Adjustment Meeting

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

VOTE: 3 in favor 2 Absent Motion carried

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

OPENING STATEMENT:

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

OLD BUSINESS:

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 due to a family emergency, he is requesting to reschedule.

Mr. Chilimidos did provide an email to explain his petition if it were to be heard.

Code Enforcement Officer Allen read the site analysis.

Code Enforcement Officer Allen read the email provided by the petitioner.

Chairman Personti asked Code Enforcement Officer Allen if he thought the recommendation from the Planning Commission to reduce the size would be help with the drainage.

Code Enforcement Officer Allen stated yes, he believes it would help with the drainage but also believes in creating more green space, not taking away from it. He is pro-storm water. He believes the driveway is excessive in size.

Code Enforcement Officer Allen knows the area has parking issues, especially when an individual has a handicapped parking spot but does not park in it.

There were multiple conversations about the width and length of the driveway and how much it should be reduced in size as currently it can accommodate 3 vehicles due to the length of it. Plus, conversations about the use of pervious material to help with drainage where the driveway will be reduced in size.

ACTION: Board Member Smith made a motion to approve the petition request with a condition of cutting 3 feet off the top of the driveway by the house and 4 feet from each side of the driveway to reduce run off to the adjacent properties. Board Member Acton seconded the motion.

VOTE: 3 in favor 2 Absent Motion carried

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

NEW BUSINESS:

Review Petition 23-05, Tax Parcel number 19-00100-154

The applicant seeks to appeal citation V2300533 issued by the Code Enforcement Department. The Board of Adjustment will review and render a decision regarding this petition.

The Petitioner did not appear.

ACTION: Board Member Smith made a motion to deny the Petition. Board Member Acton seconded the motion.

VOTE: 3 in favor 2 Absent Motion carried

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

Review Petition 23-06, Tax Parcel number 19-00400-206

The applicant seeks to appeal citation V2300533 issued by the Code Enforcement Department. The Board of Adjustment will review and render a decision regarding the petition.

The Appellant, Calvin Hucks, spoke on behalf of the Property Owner, Thesalie Miller. He stated the bag of trash that created the citation did not belong to the property owner. He believes it may have been from homeless people that were living in the detached garage behind the property. He stated when the citation was created, he was out of Town. He is requesting to waive the \$2,000.00 fine or reduce it; in the past the property has had several fines and they have all been paid.

Code Enforcement Officer Allen commented the property has had numerous violations and violations have had to have abatements performed. The property has improved slightly but as you can see the most recent violation was in March.

Code Enforcement Officer Allen asked the Appellant if they currently have tenants in the property and his response was no. Mr. Hucks stated they are getting the paperwork together for new tenants and they are not living there but are placing some of their belongings in the property since they are moving from out of state.

ACTION: Board Member Smith made a motion to reduce the fine from \$2,000.00 to \$1,000.00 with the condition that if there is another citation in the next 6 months, the reduced fine of \$1,000.00 will need to be paid. Board Member Acton seconded the motion.

VOTE: 3 in favor 2 Absent Motion carried

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

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS: None

PUBLIC COMMENT:

Joel Velez, 1350 Cypress Avenue, spoke about the concrete deck in the back of the property that is causing him to have water damage. He stated that he has been complaining for several years about it.

Code Enforcement Officer Allen responded that Mr. Chilimidos wrote about the stoop in the rear, and it has been there for 50 years that he will be removing it or repairing it as well.

Mr. Velez stated the street behind the houses also has damage and water collects in them and they need to be repaired.

Rose Stromberg, 1346 Cypress Avenue, has had a problem with the house since the new owner purchased the home. She stated that the new homeowner is unapproachable. She complained that the contractors who are working on the inside of the house are going to hit her chain link fence. She said since the driveway has been installed, her property has more water in her basement then she had prior to the driveway installation.

Mrs. Stromberg does not understand why the blacktop driveway goes from the alleyway all the way up to the back of the house. She stated if it were her driveway, she would reduce the size of it.

ADJOURNMENT:

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

VOTE: 3 In favor, 2 absent Motion carried

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

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


JAMES PERSONTI, CHAIRMAN


PATTY BOYD, SECRETARY