

**TOWN OF ELSMERE  
BOARD OF ADJUSTMENT  
MEETING MINUTES  
October 24, 2023  
6:30 P.M.**

**CALL TO ORDER:** Chairman James Personti called the meeting to order at 6:30 pm.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

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

**PUBLIC COMMENT:** None

**APPROVAL OF MINUTES:**

Minutes from the August 22, 2023, Board of Adjustment Meeting

**ACTION:** Board Member Smith made a motion to approve the minutes from the August 22, 2023, Board of Adjustment meeting with no corrections. Board Member Acton seconded the motion.

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

Russo – Yes, Acton – Yes, Smith – Yes, Personti – Yes

**OPENING STATEMENT:**

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

**OLD BUSINESS:** None

**NEW BUSINESS:**

**Review Petition 23-13, Tax Parcel number 19-00800-076**

The applicant seeks a variance regarding lot coverage to install a roof to cover part of the deck. The Board of Adjustment will review and render a decision.

Luis Sierra stated he is seeking a variance to his lot coverage so that he can cover part of his deck, allowing his lot coverage to be 33%. His request is due to a medical condition that neither his brother nor himself can be in direct sunlight.

**ACTION:** Board Member Smith made a motion to approve Petition 23-13, grant a special exception to allow the lot coverage to be 33%. Board Member Russo seconded the motion.

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

Russo – Yes, Acton – Yes, Smith – Yes, Personti – Yes

**Review Petition 23-14, Tax Parcel number 19-00400-357**

The applicant seeks to appeal citation V2400127 issued by the Code Enforcement Department. The Board of Adjustment will review and render a decision regarding this petition.

The homeowner Eric Marshall, spoke on his own behalf. He stated that there was an address problem, the citations were going to an old address, and he was not receiving them. Mr. Marshall also admitted neglect and when he changed management companies it created more confusion.

Code Enforcement Officer Scott Allen stated he is opposed to fines or fees being waived as this applicant owns many properties in the Town of Elsmere and is aware of the Towns Codes. One of the citations on this property was an unregistered rental that was unregistered for more than a year. Had the owner submitted the proper paperwork for the rental license and the pre-rental inspection prior to moving in, his address would have been corrected at that time.

Eric Marshall stated he is guilty and realizes the property is in poor shape but is working with the tenants to correct the issues. He has submitted the rental license information and is going to be checking on the property in a timelier matter as to avoid more citations. He is sorry and is seeking any assistance in reducing the fines.

**ACTION:** Board Member Smith made a motion to deny petition 23-14. Board Member Acton seconded the motion.

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

Russo – Yes, Acton – Yes, Smith – Yes, Personti – Yes

**Review Petition 23-15, Tax Parcel number 19-00500-110**

The applicant seeks to install a new garage in place of an old one that sat on top of an existing concrete pad. The new proposed garage will be larger in size, creating new impervious coverage. The applicant also seeks to install new impervious coverage to connect the existing driveway to the proposed garage and a small new strip of concrete sidewalk. The Board of Adjustment will review and render a decision regarding this petition.

The homeowner Matthew Kurth, spoke on his own behalf. He stated that he bought the property in 2018 and the previous owner removed the existing 10' x 20' garage due to its poor condition but left the cement pad that was there. He is requesting to build a garage slightly larger in size to allow for his classic 1965 Buick that he had since he was 16 and it is a fairly large vehicle that he wants to protect from the elements. He is also seeking to connect the existing driveway to the proposed garage with a small new strip of concrete. Creating additional impervious coverage.

Code Enforcement Officer Scott Allen stated the property is legal non-conforming in regard to lot coverage but with the requested petition, the nonconformance will be reduced since he is planning a larger setback.

**ACTION:** Board Member Russo made a motion to approve petition 23-15. Board Member Smith seconded the motion.

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

Russo – Yes, Acton – Yes, Smith – Yes, Personti – Yes

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

**PUBLIC COMMENT:** None

**ADJOURNMENT:**

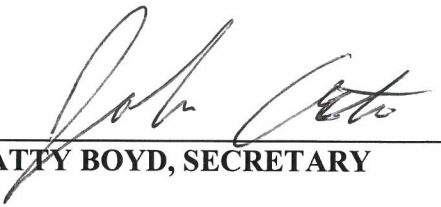
**ACTION:** Board Member Russo made a motion to adjourn. Board Member Acton seconded the motion.

**VOTE:** 4 in favor, 1 Vacant Motion carried

Russo – Yes, Acton – Yes, Smith – Yes, Personti – Yes

These minutes summarize the agenda items and other issues discussed at the October 24, 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**

 For Patty Boyd  
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**PATTY BOYD, SECRETARY**