

**TOWN OF ELSMERE
BOARD OF ADJUSTMENT
MEETING MINUTES
August 22, 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 July 25, 2023, Board of Adjustment Meeting

ACTION: Board Member Russo made a motion to approve the minutes from the July 25, 2023, Board of Adjustment meeting with no corrections. Board Member Smith seconded the motion.

VOTE: 3 in favor 1 Absent 1 Abstained Motion carried

Boyd – Yes, Russo – Yes, Acton – Abstained, 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 23-10, Tax Parcel number 19-00400-537

The applicant seeks a request for a special exception use per Town of Elsmere Code 225-228B and a variance from the Town of Elsmere Code Chapter 225-19 for the operation of a day camp/church center. The Board of Adjustment will review and render a decision.

Regina LeCompte stated she is requesting to utilize 922 New Road, all the floors as a day camp/church center. There will be multiple programs and age groups. The Department of Justice funds the programs. She is currently operating this program at another location.

The first program is grief support, established in 2016. The three age ranges are adults no more than 20, teenagers no more than 15, children no more than 10. There are qualified grief counselors. The Department of Justice funds the programs.

The second proposed program is a summer camp/recreational camp that will be during the summer. She has missed the opportunity to provide it this year since school is getting ready to go back in session. She will follow all the rules and regulations about how many children are allowed to attend this camp through the Division of Licensing.

The third program is the safe haven. This program will run from July through September, from 6-10 P.M. It is to keep teenagers off the streets and provide a safe place for them. This will be four days a week.

The fourth program will be the Empowerment sessions on Sunday that will sort of piggyback off the grief support. There will not be a specific religion discussed. The encouragement is to heal in whatever form they seem fit.

Board Member Russo asked how and who the program has been designed by.

The Department of Justice has approved each program.

Mrs. LeCompte stated that she has information about the programs and services that she provides with her, and she also has personal experience with the passing of her son.

Brandon, the husband of Regina LeCompte, stated that they have several ways to perform outreach for the victims through social media.

Several Board Members asked about the transportation and the parking issues. Mrs. LeCompte stated it will be a parent drop off and pick-up. The organization also has a 15-passenger van for children who need transportation. Mrs. LeCompte provided a letter from Corpus Christi Church allowing them to utilize the church parking in the event of overflow.

Board Member Smith asked if Mrs. LeCompte had a copy of the letter from Corpus Christi Church allowing her to utilize their parking lot if needed.

Mrs. LeCompte stated she had given it to Scott.

Code Enforcement Officer Scott Allen distributed it to the Board Members and was added as Exhibit 23-10W.

ACTION: Board Member Russo made a motion to approve Petition 23-10, as the proposal that was received, the variance of Chapter 225-19 to allow the operation of a day camp/church center as well as the Special Exception Code 225-28B with the understanding the appropriate permits and approvals will be obtained by the organization once this has been approved. Board Member Smith seconded the motion.

VOTE: 4 in favor 1 Absent Motion carried

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

Review Petition 23-12, Tax Parcel number 19-00500-110

The applicant seeks to appeal a decision made by the Town of Elsmere Code office to deny Petition 23-11 to not allow the petition to be forwarded to the Planning Commission and Board of Adjustment due to legal non-conformance. 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 due to 2 reasons. One being he has no place to store his children's bikes and lawn mowing equipment. Two he has had a classic 1965 Buick since he was 16 and it is a fairly large vehicle that he wants to protect from the elements. The previous size garage would be a very tight fit. He would have a tough time opening the doors. He tried to protect the vehicle by putting up a temporary awning, but the wind kept knocking it over.

Multiple conversations were had by the Board Members as to what tonight's appeal is for.

Code Enforcement Officer Scott Allen responded this is to appeal the Code Enforcement Officer's denial to be forwarded to the Planning Commission and nothing more.

ACTION: Board Member Russo made a motion to approve the petition 23-12, to be heard by the Planning and Commission and Board of Adjustment. 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

John Pockets, 116 Western Avenue, stated he was in the same position a few years ago with his permit and request for appeal. He does not understand why the Town is denying his neighbor's request. He stated this should be managed by the Planning Commission and the Board of Adjustment not the Town Manager.

Councilwoman Sally Jensen, 2nd District, 504 Baltimore Avenue. She has not heard any against or in favor from her constituents. She stated as the Board and Town staff are very aware that she is not a proponent of increasing lot coverage as it pertains to the NPDES except if there is a hardship to consider. In this case, she is in favor of the Board granting permission to grant a larger single car garage to accommodate an antique vehicle. She feels the Deldot has declared in signage the root for traffic. Notably oversized trucks, rollbacks etc. to get to the business's located on Baltimore Avenue. That puts this classic vehicle in jeopardy of being damaged.

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

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

These minutes summarize the agenda items and other issues discussed at the August 22, 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
PATTY BOYD, SECRETARY