

**TOWN OF ELSMERE  
BOARD OF ADJUSTMENT  
MEETING MINUTES  
April 23, 2024  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE:**

**CALL TO ORDER:**

**ROLL CALL:**

CHAIRMAN	JAMES PERSONTI	PRESENT
BOARD MEMBER	JOHN ACTON	PRESENT
BOARD MEMBER	RON RUSSO	PRESENT
BOARD MEMBER	JOHN SMITH	PRESENT
BOARD MEMBER	KYRAH TATE	PRESENT

Code Enforcement Officer, Nicole Facciolo – Present  
Code Enforcement Officer, Vaughn Hill - Present

**PUBLIC COMMENT:**      None

**APPROVAL OF MINUTES:**

Minutes from the March 26, 2024, Board of Adjustment Meeting

**ACTION:** Board Member Russo made a motion to approve the minutes from the October 24, 2023, Board of Adjustment meeting with no corrections. Board Member Acton seconded the motion.

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

Russo – Yes, Acton – Yes, Smith – Yes, Personti – Yes, Tate - Abstained

**OLD BUSINESS:**      None

**OPENING STATEMENT:**

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

**NEW BUSINESS:**

Chairman Personti nominated Board Member John Acton as the Secretary of the Board of Adjustment. Board Member Russo seconded the motion.

**VOTE:** All in favor Motion carried

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

**Review Petition 24-03 Tax Parcel # 19-00400-746**

Sumeet Malik, spoke on his own behalf and requested Citation V2400800 to be waived in the amount of \$1,000.00. He stated most items were corrected the same day as the violation. The trash can citations were not for his property. He stated the cans that were in the pictures as Exhibits 24-03Q belonged to the neighbor but there is no way to prove that. He admitted the rest of the citations were valid.

Code Enforcement Officer Nicole Facciolo stated there have been multiple violations at this property in the 12-month period beginning in June 2023 and until March of 2024. She stated that although there have not been any fines associated with these violations, the Code Department has been at this property 5 times in the 12-month period.

**ACTION:** Board Member Smith made a motion to reduce the \$1,000.00 nuisance fee by \$500.00 with the condition that another violation is not received in the next six months. If so, the reduction of \$500.00 will be due as well as the repeated public nuisance fee of \$2,000.00. Board Member Acton seconded the motion.

**VOTE:** All in favor Motion carried

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

**Review Petition 24-04 Tax Parcel # 19-00800-348**

The applicant seeks to appeal citation V2400798, issued by the Code Enforcement Department. The Board of Adjustment will review and render a decision regarding the petition.

The Appellants, Tesfaye and Tirsit, requested the nuisance property fine to be waived in the amount of \$1,000.00, citation number V2400798. Tesfaye stated that the violations that have been issued are from a previous tenant who broke their lease due to not being able to get along with the neighbor.

Code Enforcement Officer Nicole Facciolo stated there have been multiple violations at this property in the 12-month period beginning in November 2023 up until March 2024. She stated although none of these violations have had fines associated with the violations, the Code Department has had to come to the property multiple times. Also, a second pre-rental inspection had to be performed on this property. When she performed the original inspection, she issued the C of O on good faith that the issues that were found during the inspection would be corrected before the tenant moved in. She was proven wrong.

Councilwoman Sally Jensen, 2<sup>nd</sup> District, suggested to drive by the properties you own in the Town more often to make sure the property is not in violation or hire a reliable property manager.

**ACTION:** Board Member Smith made a motion to deny Petition 24-04. Board Member Tate seconded the motion.

**VOTE:** All in favor Motion carried

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

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

**PUBLIC COMMENT:** None

**ADJOURNMENT:**


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

**VOTE:** All In favor Motion carried

Russo – Yes, Acton – Yes, Smith – Yes, Personti – Yes, Tate - Yes

These minutes summarize the agenda items and other issues discussed at the April 23, 2024, 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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JOHN ACTON, SECRETARY