

**TOWN OF ELSMERE
BOARD OF ADJUSTMENT
MEETING MINUTES**

**July 22, 2025
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

CHAIRMAN	JAMES PERSONTI	PRESENT
BOARD MEMBER	JOHN ACTON	PRESENT
BOARD MEMBER	JOHN SMITH	PRESENT
BOARD MEMBER	KYRAH TATE	PRESENT
BOARD MEMBER	ED ZIELINSKI	PRESENT

Town Manager, Steve Martin
Code Enforcement Officer, Nicole Facciolo – Present
Code Enforcement Officer, Mark Bowers – Present

PUBLIC COMMENT: There was a moment of silence for Ray Firmani.

APPROVAL OF MINUTES:

Minutes from June 24, 2025, Board of Adjustment Meeting

ACTION: Board Member Smith made a motion to approve the minutes from the June 24, 2025, Board of Adjustment meeting with no corrections. Board Member Acton seconded the motion.

VOTE: 4 in favor 1 Abstained Motion carried

Acton – Yes, Smith – Yes, Personti – Yes, Tate – Yes, Zielinski – Abstained

OLD BUSINESS: None

OPENING STATEMENT:

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

NEW BUSINESS:

- 1. Review Petition 25-10, Tax Parcel # 19-00400-519**

The applicant seeks to appeal citation V2500672 issued by the Code Enforcement Department. The Board of Adjustment will review and render a decision regarding this petition.

The applicant, Viroon Yong, stated that he is appealing the Citation V2500672 for the \$1,000.00 nuisance fee stating he never received the initial citation for high grass and weeds from July 8, 2024. He also stated that when he did receive the other citation for high grass and weeds he immediately called a landscaper to have them come cut the property. There was a total of 4 citations that created the appeal for the \$1,000.00 fine. There were two high grass and weeds (one he did not receive), one late filing of rental license and one feeding stray animals.

Board Member Smith asked was the rental license paid and if so why was it paid late.

Code Enforcement Officer Facciolo stated the rental license was paid late with a late fee. She said the rental license renewals are mailed the end of September and are due October 31st.

Mr. Yong stated that at the time he was living at two different addresses, and he received the renewal late and that is why it was paid late. He knew that he would get the mail eventually but missed the renewal.

Board Member Smith asked several questions about the renewal and when did he receive the notice. Also was it his first renewal.

Mr. Yong stated that as soon as he received the notification or maybe it was the second one he came and paid the renewal. He thinks this is his second- or third-year renewing. In the previous years he has paid on time.

Board Member Tate questioned who is responsible for maintaining the property? Have you hired someone to maintain it?

Mr. Yong stated that it is written in his lease that the tenant is to maintain the property for grass, lawn care, trash, and overall maintenance.

Board Member Zielinski asked Mr. Yong if he received the citations and he said he did not receive the first high grass and weeds citation and what is your primary address the Town has on file.

Mr. Yong stated that it may have been posted on the door but as the landlord he did not receive the citation. His address is 346 Nicholas Court, Wilmington, DE 19808.

Several Board Members questioned as to how many times do you drive by the rental property to ensure it is being maintained properly and stated as the landlord and owner of the property this is your responsibility.

Mr. Yong's response was very rarely. I only go by if there is a problem and again it is stated in the lease the tenant is responsible for the lawn care and such.

Board Member Tate asked if there is anything that is done if the tenant does not take care of the property since it is in the lease.

Mr. Yong responded they have been warned of the citations and also they could be terminated from the lease. He notified the tenant he would be more stringent with making sure they are complying.

Board Member Zielinski asked to review the lease to ensure the tenant is responsible.

Code Enforcement Officer Facciolo stated that this would not be part of tonight's evidence, but she can review the lease that we have a copy of and let the Board Members know. She also wanted to state on the record the Code Enforcement Office does not enforce the lease that this is a landlord tenant issue and ultimately regardless of the lease it is the homeowner's responsibility to make sure the property is being maintained.

Code Enforcement Officer Nicole Facciolo stated there have been multiple violations at this property in the 12-month period beginning in June 2024 until June 2025. She believes the Town followed the proper procedure for each. The citation for feeding a stray animal that was complaint driven was voided by Nicole due to lack of evidence. Therefore, the Town will maintain the requirements of Chapter 145 of the Code of the Town of Elsmere, and the property falls under the repeated Public Nuisance. The Town has met its intent with the evidence provided and testimony given beyond reasonable doubt.

Town Manager, Steven Martin stated to Mr. Yong that you as the homeowner are responsible for your property. Your tenant obviously did not let you know about the first violation.

Town Manager, Steven Martin stated that we are trying to keep the Town clean and just because you do not live here does not mean you can ignore your property.

Councilwoman Sally Jensen, 2nd District, is representing the third district due to not having a councilperson for several months. She stated we all live here, and this is our Town, and we care what it looks like. She is sick and tired of property owners being absent and does not care. You live close enough to drive by and check on the property.

Town Manager, Steven Martin asked Code Enforcement Officer Facciolo how much time the petitioner has to pay the violation.

Code Enforcement Officer Facciolo stated that once we notify the finance department the appeal was denied you will have 30 days to pay the fine. Also pay attention to your property because if you receive another violation within the 12-month period the fine will be \$2,000.00. All we ask is for you to maintain the property correctly.

ACTION: Board Member Smith made a motion to deny the waiving of the \$1,000.00 nuisance fee, for Petition 25-10. Board Member Acton seconded the motion.

VOTE: All in favor Motion carried

Acton – Yes, Smith – Yes, Personti – Yes, Tate – Yes, Zielinski – Yes

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS: None

PUBLIC COMMENT: None

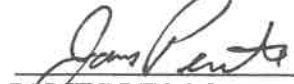
ADJOURNMENT:

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

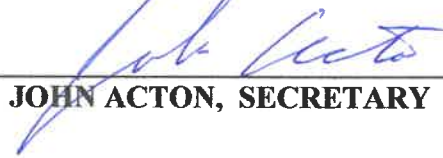
VOTE: All in favor Motion carried

Acton – Yes, Smith – Yes, Personti – Yes, Tate – Yes, Zielinski – Yes

These minutes summarize the agenda items and other issues discussed at the July 22, 2025, 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



JOHN ACTON, SECRETARY