

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

**June 24, 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	ABSENT

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

PUBLIC COMMENT: None

APPROVAL OF MINUTES:

Minutes from May 27, 2025, Board of Adjustment Meeting

ACTION: Chairman Personti made a motion to approve the minutes from the May 27, 2025, Board of Adjustment meeting with no corrections. Board Member Acton seconded the motion.

VOTE: 4 in favor 1 Absent Motion carried

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

OLD BUSINESS: None

OPENING STATEMENT:

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

NEW BUSINESS:

1. Review Petition 25-07, Tax Parcel # 19-00400-063

The applicant seeks to add 441 square feet of additional impervious coverage. The Board of Adjustment will review and render a decision regarding this petition.

The owner, Pamela Statile, stated that she is requesting to pave an area behind the fence behind the back yard with asphalt. Her request is due to the fact that it is very muddy back there and makes it hard to put her trash cans and park there.

Board Member Acton asked what is the dimension of the driveway that is requested. He also stated that in the plot plan there were no dimensions, and it appeared to be incorrect.

Code Enforcement Officer Facciolo stated when the contractor drew the driveway on the plot plan, he put the requested asphalt area in the wrong place on survey of which we corrected the location. She stated the dimension is on Exhibit 25-07 H.

Board Member Smith asked if the neighbors have issues with the request and will this make the water run off into the neighbors parking area.

Eugene, the owner's son responded no because the neighbors have stone parking area. The other side of the proposed asphalt driveway is the public easement and grass area,

Town Manager, Steven Martin stated that Councilwoman Sally Jensen, 2nd District, could not attend due to a sickness but she supported the petition.

Chairman Pertsoni stated that we have a recommendation letter from the Planning Commission that also supports the petition.

Code Enforcement Officer Facciolo read the site analysis provided by Kyle Bendler from Building Inspection Underwriters (BIU).

ACTION: Board Member Tate made a motion to approve Petition 25-07 and grant the variance to Chapter 225 Attachment 3 to allow for 41% impervious coverage in lieu of the required 30%. Board Member Smith seconded the motion.

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

2. Review Petition 25-08, Tax Parcel # 19-00500-197

The applicant seeks to construct a rear 20' x 16' addition thus increasing the lot coverage by 5%. The Board of Adjustment will review and render a decision regarding this petition.

Frankie, who is representing the homeowner Osvaldo Ocampo is requesting to build a porch on top of an existing driveway that is a two-story screened in porch.

Board Member Smith asked if the porch is going to be screened in with a roof.

Mr. Frankie responded after interpreting with the homeowner that yes it is a screened porch with a roof on the second level. The street level, first level will be the driveway to park the cars underneath the porch.

Town Manager Steven Martin had several questions pertaining to who is building the porch and the drainage.

The Board members had multiple conversations about the existing lot coverage and the proposed lot coverage. The existing is 60% and the proposed is 65%.

Code Enforcement Officer stated the permit was submitted by a contractor and there are construction drawings, and it will not be approved unless the requirements on the permit are met.

Code Enforcement Officer Facciolo read the site analysis provided by Kyle Bendler from Building Inspection Underwriters (BIU).

Chairman Pertsonti stated that we have a recommendation letter from the Planning Commission that also supports the petition.

ACTION: Board Member Smith made a motion to Approve Petition 25-08 and grant the variance to Chapter 225 Attachment #3 to allow for 65% lot coverage in lieu of the maximum 30% and a 14.5' rear yard setback in lieu of the required 20'. Board Member Acton seconded the motion.

Acton – Yes, Smith – Yes, Pertsonti – Yes, Tate – Yes, Zielinski – Absent

3. Review Petition 25-09, Tax Parcel # 19-00100-181

The applicant seeks to appeal citation V2500543 issued by the Code Enforcement Department and waive the \$1,000.00 fine. The Board of Adjustment will review and render a decision regarding this petition.

The homeowner James Neylon stated he loves the Town, grew up in the Town and respects the Town but he believes he made a math error and feels he is paying for it.

Board Member Smith asked Mr. Neylon what was the math error that he made.

Mr. Neylon stated when he wrote the check out for his taxes, he put \$2200.00, and he thinks he wrote \$2,000.00 which is \$200.00 less than he should have for his taxes.

Mr. Neylon stated he was very good friends with Mr. Giles and thought Elsmere was a tighter Town than it is turning out to be. He said he did not get his mail properly and he did not realize that the cost of the rental licenses had increased, and he dropped off a check for \$400.00 thinking that it covered both rentals. He stated at the time he did not realize he was \$200.00 short on the taxes so now he is \$600.00 short with the late fee.

Mr. Neylon stated he paid money that he really does not know what it was covering or paying for.

Code Enforcement Officer Facciolo stated yes the homeowner does have multiple rentals and yes as he stated he did not realize the price of the rental licenses increased but however we send out renewals with invoices and all the paperwork every year in September. This has never changed since she has worked for the Town. There has never been an issue with him renewing. As of the Violation date exhibit 25-09 AC this property in particular was not renewed due to the price difference. Therefore, Mr. Neylon was charged with failing to renew his Rental License that was due by October 31, 2024. He was contacted a few times via telephone calls and emails.

Mr. Neylon stated that he has never spoken to anyone personally.

Code Enforcement Officer Facciolo stated that I just took an Oath that I have spoken to you on the phone, we left voice mails, and emails to inform you the cost has increased.

Mr. Neylon stated that he will disagree about being notified.

Code Enforcement Officer Facciolo stated we can agree to disagree.

Code Enforcement Officer Facciolo stated the violation issued on December 18, 2024 was the failure to renew by the due date with the fine. January 30, 2025, a second notice of the same violation was issued with a fine. February another violation was issued for the same thing with the fine and an additional violation for failure to comply. March he was not fined. In April, another violation was issued with a fine and the failure to comply fine. Each of these fines are \$300.00 and the failure to comply is \$100.00 fine. Which is the fourth notice. At the end of the petition packet, Dee placed emails in the petition packet as evidence that he has been notified. In fact, Mr. Neylon has even left a nasty message on Dee's telephone. The fines were paid as of yesterday because he knew they had to be paid to be seen for the petition.

Mr. Neylon stated he paid \$750.00 to the Town not knowing how much he owed because he has been working out of Town.

Chairman Personti asked the cost of the fines totaled \$2,109.09 included the \$1,000.00 that you are appealing.

Code Enforcement Officer Facciolo stated are you referring to Exhibit 25-09 AH. She stated that Dee sent the information to Mr. Neylon through email that yes he paid \$400.00 for the renewal but still owed \$709.09. Which is why he submitted the \$750.00 yesterday.

ACTION: Board Member Smith made a motion to decrease the cost of \$1,000.00 to \$500.00 for Petition 25-09 with the stipulation if another citation is issued the petitioner will be responsible to pay the \$500.00 and additional fines. Board Member Acton seconded the motion.

After the decision was made Mr. Neylon stated he would like to double down and not have to pay any of the nuisance fine.

VOTE: 4 in favor 1 Absent Motion carried

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

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS: None

PUBLIC COMMENT: None

ADJOURNMENT:

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

VOTE: 4 in favor 1 Absent Motion carried

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

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