**TOWN OF ELSMERE**
**BOARD OF ADJUSTMENT**
**MEETING MINUTES**
**November 26, 2019**
**6:30 P.M.**

**PLEDGE OF ALLEGIANCE:**

**CALL TO ORDER:**

**ROLL CALL:**

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| CHAIRMAN | JAMES PERSONTI | PRESENT |
| BOARD MEMBER | JOHN ACTON | PRESENT |
| BOARD MEMBER | PATRICIA BOYD | PRESENT |
| BOARD MEMBER | RON RUSSO | PRESENT |
| BOARD MEMBER | JOHN SMITH | PRESENT |

Code Enforcement Officer, Scott Allen – Present
Code Enforcement Office, Victor Morgan – Present

**PUBLIC COMENT:** None

**APPROVAL OF MINUTES:**

Minutes from the September 24, 2019 Board of Adjustment Meeting

**ACTION:** Board Member Smith made a motion to approve the Minutes from the September 24, 2019 Board of Adjustment meeting with no corrections. The motion was seconded by Board Member Boyd.

**VOTE:** ALL in favor Motion carried

**OLD BUSINESS:** None

**OPENING STATEMENT:**

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

**NEW BUSINESS:**

Introduction of the new Code Enforcement officer Victor Morgan.

Review Petition 19-09 Tax Parcel # 19-00400-611

Code Enforcement Officer Scott Allen read the statement of facts for Petition 19-09 from the Site Analysis (Exhibit 19-09H).

Mr. Teich presented his request to install a concrete patio and sidewalk in the rear of the yard. He is already over his lot coverage and currently at 38% coverage. He is requesting to increase his coverage to 57%.

Mr. Teich stated his property is located on the lower side of F street and it is always contending with excess water. That this leaves his property muddy and icy in the winter making it very unsafe to utilize the parking in the back of his property.

Chairman Personti asked I there were any questions of the board.

Board Member Russo stated your petition said that your surrounding neighbors already have accommodations like what you a requesting to do, can you please explain.

Mr. Teich responded that yes almost every neighbor has a patio and a walkway leading to the parking area. The end units typically do not have a sidewalk.

Board Member Russo asked Code Officer Scott Allen can he respond to the statement as to whether this is true.

Code Office Allen said yes in fact that is true.

Board Member Acton asked about the letter from Denise Snyder submitted as Exhibit 19-09Q stating that recently a new deck and patio had been built on the back of their house and what did that mean.

Mr. Teich responded that he removed the concrete type pavers that were not level and sinking and replaced them with concrete and while doing so installed a wood deck on top of the concrete for access from the back and that's when he received the Cease and Desist order from Code enforcement not realizing he needed a permit to do so.

Chairman Personti asked is your deck smaller than the concrete, pavers that you pulled out.

Mr. Teich stated that it is not really a deck. It is a 4x6 concrete pad with stairs to lead from the back of the house to the yard. That it is more like a stair landing.

Board Member Russo asked Code if a portion of this work has already been done.

Code office Allen stated yes, the patio and steps are done and that is why the Cease and Desist order was placed on the property.

Code Officer Allen stated he is seeking approval for the sidewalk to the back-parking lot as well as the work that has already been completed.

Board Member Boyd asked how much square footage for the patio has been poured already from the plans. That it appears to be a big portion of your back yard.

Mr. Teich stated that the proportion to size of his drawing is misleading that there used to be a horizontal sidewalk across the back of the house that he removed and replaced with his patio.

Board Member Russo asked did you attend a planning commission meeting and Mr. Teich responded yes.

Board Member Russo asked did he understand what the meaning of pervious material being placed next to the sidewalk for drainage per the Planning Commission's recommendation.

Mr. Teich responded yes, I do, and my additional drawings it is illustrated with the pervious drainage placed on the side of the sidewalk and concrete patio.

Chairman Personti asked does the board have any more questions.

Board Member Acton asked to have you ever thought of using brick pavers instead of concrete.

Mr. Teich responded it had crossed his mind.

Board Member Acton said because brick pavers allow water to run between them and everyone is doing concrete and will create more water issues.

Mr. Teich stated that the pervious material along the sidewalk and patio will create like a catch basin for the drainage.

Chairman Personti asked if there were any public comments.

Council Woman Sally Jenson, 2nd District, stated that she has not heard anything against or for the petition 19-09.

**ACTION:** A motion was made by Board Member Russo to grant the petition 19-09 the variance to 57% lot coverage based on the stipulation from the Planning Commission to have pervious material placed along the sidewalk and including the patio to help with the drainage. The permits are to be obtained from the Town of Elsmere code department within one year of this approval. That is also complies with Exhibit 19-09T.

The motion was seconded by Board Member Boyd.

**VOTE:** All in favor Motion carried

**ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:**

None

**PUBLIC COMMENT:**

None

**ADJOURNMENT:**

**ACTION:** A motion was made by Chairman Personti to adjourn. The motion was seconded by Board Member Boyd.

**VOTE:** All in favor Motion carried

These minutes summarize the agenda items and other issues discussed at the November 26, 2019 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** **PATTY BOYD, SECRETARY**