

3/3/83

PUBLIC HEARING: Enforcement of Local Law #3-82

Minutes of a Public Hearing of the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York, on Thursday, March 3, 1983 at 3:10 P.M.

Present: John Lombardi, Councilman
Victor Prusinowski, Councilman
Louis Boschetti, Councilman

Also Present: Peter Danowski, Special Town Attorney
Raymond Wiwczar, Building Inspector

Absent: Joseph Janoski, Supervisor
Vincent Artale, Councilman

Councilman Prusinowski: "It is now 3:10 P.M. in the afternoon and this Public Hearing is opened and let the record also show that we have a quorum of the Town Board present and we will now refer to our special attorney."

Councilman Lombardi: "Peter Danowski."

Councilman Prusinowski: "Peter S. Danowski, Esq. will make a brief statement to the Town Board."

Peter Danowski, Attorney: "Gentlemen, as you know, we have an ordinance of the Town. It is entitled, "Unsafe Buildings and Collapsed Structures Law." Under this particular law, a delapidated building is reviewed by the Building Department and a certain determination is made and filed with the Town.

With regards to the matters before you, I would begin with the matter that involved Mr. Raymond Wiwczar, he has filed a report that is available for your inspection and has previously filed with the Town. That report was forwarded to the last known owners of the property in accordance with the terms of the ordinance. Copies of the violation notice were forwarded, a specific check list indicating what was wrong with the property. I would just ask you to take judicial notice of the fact that these violation notices have been filed with the Town. I would point out to you that the purpose for today's hearing is to afford the opportunity to the property owner to come in here and explain his situation or to contest the findings of the Building Department or to add to or to subtract to those findings by explaining anything he might want to, to you on the record. That has not been done, we have not heard from the property owner, we've advised him of this hearing, we are now standing before you with no one else present and I would just advise you that as a Town Board, we must afford the owner the opportunity to be heard, after affording him that opportunity we must make that certain findings not necessarily have to make it at this hearing, but subsequently the hearing those findings have to be made. At this time, therefore, I would rest with the case as it has been filed by Mr. Wiwczar and as it has been forwarded to the particular person in question who owned the property.

PUBLIC HEARING Continues -

Peter Danowski Continues -

I think at this point we can close the hearing since no one has come forward to speak in behalf of the property owner with regard to Mr. Wiwczar's case.

With that then being done, I would address myself to a separate hearing that has been scheduled which involves Mr. DeLuca and a Mr. Ralph Naso."

Supervisor Janoski arrived at 3:12 P.M.

Supervisor Janoski: "The hearing is closed at 3:13 P.M.

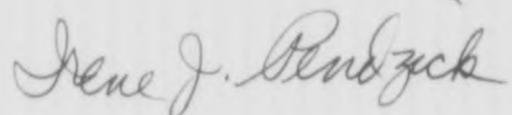
The second Public Hearing DeLuca vs Naso begins at 3:13 P.M. on March 3, 1983.

Peter Danowski: "With regard to the second matter, Mr. James DeLuca has filed with the Town a violation notice, addressed to the defendant Ralph Naso, he as well has forwarded a check list and filed it with the Town indicating the particulars that are considered to make this particular building or structure unsafe or dangerous. Once again, pursuant to the local ordinance, a notice of violation was forwarded and an affidavit of service in fact was filed with the Town. Again, I ask you to take judicial notice of the Notice of Violation and the contents thereof and note that there is an opportunity at this time for Mr. Naso or the property owner to come forward to make any comments that he wishes. Mr. DeLuca, just as Mr. Wiwczar had been, he is available to testify or available to be cross-examined or asked any questions. I did not see a representative of Mr. Naso, the property owner at present. I would therefore suggest that you just accept the violation notice and the contents and close the hearing.

Supervisor Janoski: "Peter, does that document have to be somehow entered into the record?"

Peter Danowski: "No, we can ask that it be made, it has already been filed with the Town, and I've asked you to take judicial notice of that fact and the content of its report."

Supervisor Janoski: "Fine. Now the hearing is closed at 3:15 P.M.



Irene J. Pendzick,
Town Clerk