

Minutes of Chapter 54 Public Hearings held at Riverhead Town Hall, Howell Avenue, Riverhead, New York on Thursday, March 25, 1999 at 1:00 p.m.

**Present:**

Barbara Grattan,	Town Clerk
Laury Dowd, Esq.,	Town Attorney's Office
Leroy Barnes,	Building Administrator
Richard Podlas,	Zoning Inspector
Bruce Johnson,	Fire Marshal

Public Hearing opened: 1:09 p.m.

Barbara Grattan: "Let the record show the hour of 1:09 has arrived. I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York at 1:00 p.m. on March 25, 1999 to hear all interested persons who wish to be heard regarding Chapter 54 Unsafe Buildings and Collapsed Structures, property owned by Delphine Booker and Warren Booker, Jr., located at 9 Zion street, Aquebogue, New York."

Anthony Coluzzi: "My name is Anthony Coluzzi. I'm the attorney for Mr. Booker."

Laury Dowd: "All right. We'll give you an opportunity at the Town's presentation."

Anthony Coluzzi: "Okay."

Laury Dowd: "So, would the Inspector please state your name and position with the Town of Riverhead."

Leroy Barnes: "Leroy Barnes, Senior Building Department Administrator."

Laury Dowd: "And what are your qualifications to review unsafe structures pursuant to Chapter 54 of the Riverhead Town Code?"

Leroy Barnes: "Well, I would like to submit in writing but I will give that for the record."

Starting in 1975 and over a period of 24 years I have coordinated numerous phases of construction, including decks, additions, and

residential single family dwellings. I have also served as the Assessor, the Department Head, and Chairman of the Board of Assessors for the Town of Riverhead for 17 years until 1997.

Currently I am the Building Department Administrator and the Department Head, which I'm responsible for inspection, procedures, building, housing, zoning and code enforcement. I also oversee a staff of 14 which includes the Fire Marshal, Residential Building Inspector, the Commercial Building Inspector as well as the Electrical Inspector, two Housing Inspectors, and the Ordinance Inspector."

Laury Dowd: "Did you inspect the property owned by Delphine and Warren Booker located at 9 Zion Street, Riverhead?"

Leroy Barnes: "Yes, I did, on February 10, 1999 on or about 1:10 p.m."

Laury Dowd: "What did you observe when you performed this inspection?"

Leroy Barnes: "I observed that the building was structurally unsafe. It was structurally dangerous, unsanitary, inadequate maintenance, dilapidated, obsolescence, abandonment, rodent infested, broken windows. There were structural leaks. The foundation is deteriorated. The steps are unsafe; shingles are missing on the side of the building, rotten fascia board. The interior as what I could observe needs painting, exterior needs painting. The chimney is deteriorating."

Laury Dowd: "All right. What are your recommendations for Town Board action on this matter?"

Leroy Barnes: "What I would like to do is listen to what the property owners have to say. From what I understand in conversations through the attorney-- I spoke to Mr. Coluzzi. He told me that he would try to secure the building and that there were possible applications to be made to rehabilitate the building. So I'd like to hear what the property owners would like to do and how they would like to act on that and then I will make a recommendation."

Laury Dowd: "Okay. So we will close the Town Board-- the Town presentation at this point. Is there anybody here to speak on this matter? Would you like to come on forward?"

Anthony Coluzzi: "My name is Anthony Coluzzi, the attorney for Mr. Booker. On Mr. Booker's behalf, I've secured an estimate from Genesis Contracting Services, Inc. They plan to go to the property on or about April 3 at which time they will secure the premises, clean up the grounds and the premises is also in contract with a sale date of May 15th."

Laury Dowd: "What's the nature of the work they plan to perform by April 3rd?"

Anthony Coluzzi: "Securing the building, putting up boards on the windows and also cleaning up the debris that is currently around the property."

Laury Dowd: "Could I ask you your address for the record?"

Anthony Coluzzi: "My address is 932 Jericho Turnpike, St. James, New York."

Laury Dowd: "All right. Do you have any further information you'd like to give the Town?"

Anthony Coluzzi: "The only other thing I have is the estimate and a letter from Genesis Contracting stating that the work will be done."

Leroy Barnes: "I would also like to ask would the attorney for the property owner be available to give us the contract or a copy of the contract for the May 15th closing?"

Anthony Coluzzi: "I don't have a copy of the contract with me today-- "

Leroy Barnes: "Okay, can you make that available?"

Anthony Coluzzi: "-- I can make that available to you."

Leroy Barnes: "Okay. Good. So you plan on closing on the property, securing the property, and the person who is buying it-- they're going to renovate it and reopen the building and reoccupy it. Are they reoccupying-- it's being intended for reoccupancy?"

Anthony Coluzzi: "Yes, the person-- "

Leroy Barnes: "Okay, good."

Anthony Coluzzi: "-- that's buying it is intending on renovating the property."

Laury Dowd: "All right. Do you have any further information you'd like to present?"

Anthony Coluzzi: "That's all at this time."

Laury Dowd: "Okay. Is there anybody else in the audience that would like to speak on this application? All right, Mr. Barnes, did you want to make your recommendation at this time?"

Leroy Barnes: "I would recommend that we leave the hearing open until the end of May. I don't have a specific date but I will schedule a hearing for-- an adjournment-- for the end of May and I will be more specific when I obtain a calendar and a date."

Laury Dowd: "All right. Then we will adjourn the hearing until the end of May and we will send Mr. Coluzzi a copy of the date that the hearing has been rescheduled."

Leroy Barnes: "Excuse me. For the record, I do have a date here available. It's May 27th."

Laury Dowd: "All right. So adjourned to May 27th."

Leroy Barnes: "Adjourned to May 27th."

Anthony Coluzzi: "Okay, very good. Thank you."

Leroy Barnes: "And thank you for coming today."

Public Hearing adjourned 1:15 p.m.

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Public Hearing opened: 1:15 p.m.

Barbara Grattan: "Let the record show that the hour of 1:15 has arrived. I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York at 1:10 p.m. on March 25, 1999 to hear all interested persons who wish to be

heard regarding Chapter 54 Unsafe Buildings and Collapsed Structures, property owned by Gary Malloy, located at 22 Lewis Street, Riverhead, New York."

Laury Dowd: "We have two Booker properties."

Leroy Barnes: "Yes, we have a 1:05 hearing but-- "

Laury Dowd: "It was 9 Zion and then there's 23 Zion. They're also owned by the Bookers."

Leroy Barnes: "Yes. That was adjourned. That's why it was moved over. I believe-- no, no, that was a scheduled hearing."

Barbara Grattan: "The one that we just heard was 9 Zion."

Leroy Barnes: "Right. We do have a 23 Zion, Thelma Booker."

Barbara Grattan: "I'm sorry. So this was going to be at 1:05?"

Laury Dowd: "Yes. Take a look at this so you can get the information that you-- "

Barbara Grattan: "Let the record show that the hour of 1:17 has arrived. I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York at 1:05 p.m. on March 25, 1999 to hear all interested persons who wish to be heard regarding Chapter 54 Unsafe Buildings and Collapsed Structures property owned by Delphine Booker and Warren Booker-- this is Thelma Booker, no Warren, just Thelma Booker-- "

Leroy Barnes: "Yes."

Barbara Grattan: "-- located at 23 Zion Street, Aquebogue, New York."

Leroy Barnes: "Okay, that-- Leroy Barnes, Building Department Administrator. I just wanted to make for the record that that hearing be held open. However, there was a notification problem that there also was a tabling of this resolution and the Town Board, based on Resolution 99-259 rescheduled the public hearing for April 29th. I want to open this hearing and then have it closed and then reopen it again for a reschedule. Because it was tabled by the Town Board."

Barbara Grattan: "Good. That's the reason why I don't have it."

Public Hearing rescheduled for April 29, 1999

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Public Hearing opened: 1:15 p.m.

Laury Dowd: "Thank you very much. So then I guess we're ready to proceed with the one-- "

Barbara Grattan: "And opened up at 1:15 p.m. Okay."

Laury Dowd: "All right. Is the Inspector here to testify on that matter?"

Bruce Johnson: "Yes, I am."

Laury Dowd: "Would you be sworn in? Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?"

Bruce Johnson: "I do."

Laury Dowd: "Would you state your name and position with the Town of Riverhead for the record?"

Bruce Johnson: "My name is Bruce Johnson, Fire Marshal, Town of Riverhead."

Laury Dowd: "What are your qualifications to review unsafe structures pursuant to Chapter 54 of the Town Code?"

Bruce Johnson: "I was appointed Town of Riverhead Fire Marshal I on April 13, 1998, and as such am responsible for conducting commercial and other building inspections for the Town of Riverhead. I'm a certified New York State Building and Fire Prevention Code Enforcement official, certification number is 0299-7031 A.

My education includes a Bachelors of Accounting degree from Dowling College, New York, Masters degree in finance and real estate from the University of Southern California, Los Angeles and a Bachelors of Science degree in Fire Service Administration from Empire State College.

I hold numerous training certificates from the National Fire Academy, the New York State Fire Academy, Suffolk County Fire Academy in firefighting, building construction, safety management, incident command and hazardous materials.

My experience includes 17 years as a volunteer fire fighter, including five years as a chief officer. I'm currently an adjunct professor for Fire Science Program at the Empire State College."

Laury Dowd: "Did you inspect the property owned by Gary Malloy located at 22 Lewis Street, tax map number 600-105-2-11?"

Bruce Johnson: "Yes, I did."

Laury Dowd: "When did you perform this inspection?"

Bruce Johnson: "The inspection was performed on February 12th of 1999 at approximately 9:30 a.m."

Laury Dowd: "What did you find when you did that inspection?"

Bruce Johnson: "The building was found to be structurally dangerous, structurally unsanitary. It was dilapidated, showed signs of obsolescence and abandonment. Specifically, there were exterior doors open or missing, broken windows, structural leaks. The structure was rotten, in need of repair. There were holes in the ceiling. There were railings missing on the stairs to the back entrance, bilco doors to the cellar. The steps were found in an unsafe condition. There were shingles missing on the side of the building. There were sheetrock and plaster damage throughout the interior of the building. There was rotten fascia board on the building. The interior showed broken plumbing fixtures, no hot water, no heat, exposed wiring. The interior was deemed unfit for human habitation. The building had shown signs of vandalism and there was unsafe debris found in the yard."

Laury Dowd: "What is your recommendation for the Town Board on this matter?"

Bruce Johnson: "Okay. I also had the opportunity to reinspect the premises at approximately 12:15 today, prior to this hearing. The Town has already reboarded this structure so that the building is no longer accessible from the outside and the debris in the yard has been cleaned up. The next phase of my recommendation is that this

structure be set up for demolition to finish making it a safe piece of property again."

Laury Dowd: "I see. So just to make myself clear. The Town boarded up this structure, not the owner?"

Bruce Johnson: "That is correct."

Leroy Barnes: "Just to make it clear. I believe the Town of Riverhead is currently in contract through Community Development Agency to buy this particular piece of property and as contract vendee, we're trying to keep it secure until we close on it."

Laury Dowd: "When is the closing date?"

Leroy Barnes: "Probably three months ago. Still waiting for a closing date."

Laury Dowd: "Is there anything else you'd like to add to your testimony?"

Bruce Johnson: "Not at this time."

Laury Dowd: "All right. Is there anybody else here to speak on this issue, on this property? If not, the public hearing on this property is closed."

Public hearing closed: 1:22 p.m.

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Public hearing opened: 1:23 p.m.

Barbara Grattan: "Let the record show that the hour of 1:23 has arrived. I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York, at 1:15 p.m. on March 25, 1999 to hear all interested persons who wish to be heard regarding Chapter 54 Unsafe Buildings and Collapsed Structures, property owned by Paul J. Hulahan & Stanley Terlecky d/b/a Peconic Associates, located at 41 Forge Road, Calverton."

Laury Dowd: "All right, would the Inspector state your name and position with the Town of Riverhead?"

Bruce Johnson: "Bruce Johnson, Fire Marshal I."

Laury Dowd: "You've already been sworn in?"

Bruce Johnson: "Yes, I have."

Laury Dowd: "Could you briefly review your qualifications to review unsafe structures pursuant to Chapter 54 of the Town Code?"

Bruce Johnson: "If there's no objections, I'd like to submit written qualifications that were previously given today."

Laury Dowd: "Thank you very much. Is there anybody in the audience that needs to see these qualifications? Hearing none, Mr. Johnson, did you inspect the property owned by Paul J. Hulahan & Stanley Terlecky located at 41 Forge Road, Calverton?"

Bruce Johnson: "Yes, I did."

Laury Dowd: "When did you perform this inspection?"

Bruce Johnson: "The inspection was done on February 17, 1999 at approximately 3:45 in the afternoon."

Laury Dowd: "What did you observe when you performed that inspection?"

Bruce Johnson: "The mobile home at that location was deemed to be structurally dangerous and structurally unsanitary. It showed signs of inadequate maintenance, obsolescence and abandonment. Specifically, exterior doors were open or missing. There were broken windows, there were structural leaks. The structure was rotten and in need of repair. There were holes in the floor, holes in the ceiling. There were railings missing on the stairs. The chimney was found in deteriorated condition. The plumbing was in disrepair. There were broken plumbing fixtures. There was no heat. There was exposed wiring. The building showed signs of vandalism. The grounds adjacent to the building had accumulations of dangerous waste and debris and there was also a rusted oil tank located on the site of the mobile home."

Laury Dowd: "All right. Based on your observations, what's your recommendation for Town Board action on this matter?"

Bruce Johnson: "The mobile home at this location should be immediately secured to prevent further access and vandalism and then it should be scheduled to be removed from the site, either by the owner or the Town, if necessary."

Laury Dowd: "All right. Is there anything else you'd like to add to your testimony?"

Bruce Johnson: "Not at this time."

Laury Dowd: "Is there anybody else here to speak on this particular property? Hearing none, the public hearing on this property is closed."

Public Hearing closed: 1:26 p.m.

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Leroy Barnes: "Leroy Barnes, Jr., Building Department Administrator. We are here from an adjourned prior meeting from February 27th, which is now adjourned to this date, March 25, 1999. The property location is 206 Raynor Avenue. The property owner is E.G. Smith, Suffolk County Tax Map No. Section 124 Block 2 Lot 9. The inspector who is in charge of this particular inspection was Richard Podlas."

Laury Dowd: "All right, Mr. Podlas. May I swear you in?"

Richard Podlas: "Yes."

Laury Dowd: "Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Richard Podlas: "I do."

Laury Dowd: "Would you state your name and position with the Town of Riverhead, please?"

Richard Podlas: "My name is Rich Podlas. I am currently the Zoning Inspector for the Town of Riverhead."

Laury Dowd: "What are your qualifications to review unsafe structures pursuant to Chapter 54 of the Riverhead Town Code?"

Richard Podlas: "I am a registered New York State Code Enforcer. The past two years I have worked for the Town of Riverhead as a Zoning Inspector. Prior to that, I had my own construction business. Prior to that, I worked for my father in construction. I've been in construction for 25 years. I'm also a certified construction inspector for the country."

Laury Dowd: "Did you inspect the property owned by E.G. Smith located at 206 Raynor Avenue, Riverhead?"

Richard Podlas: "Yes, I did."

Laury Dowd: "On what date did you perform that inspection?"

Richard Podlas: "January 11, 1999, roughly at 2:00."

Laury Dowd: "Thank you. What did you do when you-- what did you find when you did that inspection?"

Richard Podlas: "That the building was-- approximately a third of it has already caved in, meaning the roof and the side walls and floor is caved in to the basement. The rest of it is broken windows, broken doors. I did not go into it as from the outside it looked so unsafe that I did not think it was advisable to go inside plus there was garbage and debris all over, inside and outside the property."

Laury Dowd: "Based on your observations, what is your recommendation for Town Board action on this matter?"

Richard Podlas: "I think the structure should be taken down and the property cleaned up."

Laury Dowd: "Is there anything else you'd like to add to your testimony?"

Richard Podlas: "Not at this time."

Laury Dowd: "Is there anybody here to speak on this particular property owned by E.G. Smith?"

Anthony Coluzzi: "Yes, Anthony Coluzzi, an attorney."

Laury Dowd: "Want to come up, please?"

Anthony Coluzzi: "My appearance again, Anthony Coluzzi, 932 Jericho Turnpike, St. James, New York."

Laury Dowd: "Thank you."

Anthony Coluzzi: "My client has been in contact with several contractors. They have secured an estimate for the repairs to the building. We've spoken to an architect concerning the repairs to the building and the building is also currently listed with a real estate, Mushroom Realty, for the sale of the building. And I have the estimate for repairs right here."

Laury Dowd: "Is there any particular time frame you have in mind for actually performing any of the repairs shown by that estimate?"

Anthony Coluzzi: "Well, there are several collateral issues associated with this property. The first is that it has lost its non-conforming use, so I would have to go to the Town-- the Zoning Board before I could make any repairs. Secondly, the adjoining landowner has made a claim to part of the property based upon a new survey that was conducted. So now I have to go to that landowner and also have a new survey done on the property to see exactly where the boundaries do lie. So until those issues are resolved, I can't really do any work on the property right now."

Laury Dowd: "And is your client directing you to go ahead and do that work?"

Anthony Coluzzi: "Yes, he is."

Laury Dowd: "Do you have an estimated time frame?"

Anthony Coluzzi: "Within three to four months."

Laury Dowd: "Do you have any questions?"

Leroy Barnes: "I would just like to make a couple comments. One, I believe that it's not economically feasible to restore that building or that house back to its original state. I don't think it makes economic sense to the property owner but that is his choice and he has that constitutional right. The concern I have is that the building has collapsed and is exposed to the elements. And there are people that have children in that neighborhood. I would hope that

they have liability insurance on the structure because that building is wide open. And I have a deep concern for that and I would like to see action immediately and I am going to pursue with the Town Board a resolution to demolish that structure. Because I have no immediate plans to have any type of action on that property."

Laury Dowd: "Do you-- are you going to take any steps to secure the property and prevent access by children?"

Anthony Coluzzi: "My client has informed me that the property has been secured since I've spoken to Mr. Barnes approximately a month ago and he does have insurance on the property."

Laury Dowd: "What is the form of-- how is it secured?"

Anthony Coluzzi: "Boards on the windows and doors, things of that nature."

Laury Dowd: "If the house is about to fall down, are there any steps taken to make sure that people are kept back far enough away so things don't fall on them?"

Anthony Coluzzi: "I'm not quite sure of that at this time."

Laury Dowd: "I see. Okay. Would anybody else in the audience like to speak on this matter?"

Barbara Grattan: "You have to come up here, sir."

Eugene Smith: "My name is Eugene Smith. The building has been secured. I've retained my real estate broker to handle that and that building has been secured. I had a major accident last fall otherwise I've been taking care of it. That was a project that I usually take care of in the winter time. We are planning on restoring the property. Now, I have done restorations just like this. I have pictures of houses that I tore apart and fixed up, you know. This is the way the structure is basically now and this is the what I want to do. Just clean it up and basically put it back.

I own a landscaping, nursery business and this was one thought of what I wanted to do and this is the simplest which is the most economical way of just getting it straightened out. I put the property up for sale, too, based on the fact that I am in a brace and I had a major accident which this is what I looked like in the fall.

I was doing a favor for a friend, designing a house, and they didn't secure the floor in the house and I fell through the floor and they had to do a brain operation on me. So that's basically what I've done but I have pictures of other houses that I've done, you know. This is a property which is right around the corner from me and-- "

Laury Dowd: "Well, Mr. Smith, do you want to submit any of these photographs for the Town Board to consider? Or do you want to retain copies of them after the Town Board has made their decision?"

Eugene Smith: "But we secured the property. The-- "

Laury Dowd: "Could you describe how it was secured?"

Eugene Smith: "Plywood and wood, you know. I brought the person that did it here and the person that put it on multiple listing. I'm looking to work with the Town. I heard something in reference to the Town looking to-- would buy property, you know, I don't know whether that's possible, but that might be an avenue, too. I was going to, you know, invest quite a bit out here in the Riverhead area because we were planning on moving out this way."

Leroy Barnes: "Mr. Smith, can you tell me how many years you're owned the property? Since like 1987? Would you say since 1987? Would that be accurate or close? When is the last time the building was occupied?"

Eugene Smith: "I had somebody in there about two years ago."

Leroy Barnes: "So you've had it occupied up to two years ago?"

Eugene Smith: "Well, there was somebody in there."

Leroy Barnes: "Was it a vagrant or was it occupied that you were receiving rent?"

Eugene Smith: "Oh, I have a lease."

Leroy Barnes: "So there were utilities hooked to it? There was water hooked to it; there was electric hooked to that?"

Eugene Smith: "He was using it mainly for his business where he used it as a storage, it wasn't-- "

Leroy Barnes: "So it wasn't occupied as a residence?"

Eugene Smith: "No, as a residence, no. He wasn't really living there. He was using it as a place to run his business. He was running a landscaping business."

Leroy Barnes: "Okay. I would hope you understand from the Town's point of view of what kind of safety factor we're really dealing with here and probably because of the inaction of the property and nothing has really happened with the real estate, you can understand now that the walls have collapsed and it has falled and it has gone down to the second-- into the basement level, that the Town would like to have the building secured or some kind of remedy done to it shortly. I am still very concerned and I think Mr. Podlas is concerned and we would like to deal with this in a swift manner. If you can get an architect to come in and you go to the Zoning Board of Appeals and they reestablish a use, I have no problem with that. I just hope you move swiftly. But I do know you have some legal boundary lines issues to deal with Mr. Tuccio on that. There's going to have to be resolve on that, possibly a boundary line alteration or some type of settlement which still may require you to go to the Planning Board. And that's a lengthy process and the Building Department is not in the position to be waiting another six months to a year to wait for all these things to happen. So we will, again, go out and look at the property and see how secure it has been made since you-- when did you have it secured? Two weeks ago, a week ago?"

Eugene Smith: "Well, it was quite a few-- a couple months ago."

Leroy Barnes: "Three weeks ago?"

Eugene Smith: "Oh, no, months, right-- "

Laury Dowd: "Well, let's have this person come on up."

Al Veryssel: "My name is Al Veryssel. I work at North Shore Realty."

Barbara Grattan: "What's your name?"

Al Veryssel: "Al Veryssel."

Barbara Grattan: "Spell the last name."

Al Veryssel: "V-E-R-Y-S-S-E-L. The house is registered with the multiple listing service. I've had a couple of contractors-- three or four-- that are considering to build on it. I understand that you need it in a timely fashion. I went out there; I had a screw gun in my trunk. I secured all the boards on it. If someone were to climb on and over into it, sure they could get into it. But as you look at the house, there's yellow tape with "caution" all the way around it."

Leroy Barnes: "Yes, I put the tape around it with Mr. Podlas."

Al Veryssel: "Okay, you know it's there."

Leroy Barnes: "Right."

Al Veryssel: "And I put my signs on it to let people know that it is for sale. And it is registered with the multiple listing, too. So that's-- "

Leroy Barnes: "Okay. So as long as everybody here knows and understands the liability that the property owner has at the moment because you are officially on notice that it's an unsafe structure. Okay."

Al Veryssel: "I just want to state one more thing. Gene, I know a couple of-- he does the landscaping part due to his accident. He asked me who I could maybe get in contact with contracting to clean it up and bring all the debris to the dumps, too. So if we would do that within the next couple of weeks, would that help satisfy you?"

Leroy Barnes: "Certainly that would be a help and if after myself and Mr. Podlas go back and look at the site, we certainly would be satisfied with that if it is well secured. We want to make sure it's secured. And if it is secured-- and I understand you are a property owner, we're trying to protect your constitutional rights but we do need some action. Okay."

Eugene Smith: "I also spoke to Edwin Tuccio about the property when he was out in Colorado. I spoke to him and the only reason this has all been taking place is because Edwin did send me something. I bought a piece of property I thought was a house. He's saying that he owns half the house. You know, and I'm saying how could that possibly be? I mean I bought it from the County. The County sold me the property with a house on it and he said he had a survey that said he

owns a piece of the house and it's his part that's caving in, not mine. The main structure-- "

Leroy Barnes: "Yes, he did question me on where the bill would be sent. He wanted it sent to your half for some reason or another."

Eugene Smith: "Right. But, if you know the picture of the house-- the main structure of the house, the two story part, is in-- not the greatest condition, but it's restorable. The lean-to part of the house, you know, is in worse-- "

Leroy Barnes: "Which is leaning too much."

Eugene Smith: "No, I know. But the inside, you know, like-- what we have-- it's not going to take a tremendous amount once the situation with Edwin gets straightened out. The property was going to be used as my operation as a landscaping and nursery business, you know. Now, I talk to, you know, having the real estate put it on the market. Being that Riverhead Building Supply is there it would be perfect for operation of a contractor or something to run from there."

Leroy Barnes: "I'm curious to ask. If the Town were to consider to purchase it and I made a recommendation say to the Community Development Agency or any other economic agency that works with the Town and represents the Town, what kind of asking price are we asking?"

Eugene Smith: "I'm not asking much."

Leroy Barnes: "What is it being listed for?"

Eugene Smith: "Thirty-eight thousand."

Leroy Barnes: "Thirty-eight thousand. Okay. Thank you."

Al Veryssel: "That's with my commission included."

Eugene Smith: "That's with your commission."

Leroy Barnes: "That's for putting up the boards?"

Eugene Smith: "I was in a situation-- at this point in my life I'm saying, you know, I would normally be out here, I'd be cleaning up. I'd have my people. I don't want to give you a hard luck story,

but, it happened. At this point, you know, I'm saying this is crazy, tearing down a house I know it is a usable building, I know I can salvage it. I was hoping that, you know, I would be released from the brace and I would be able to do this work myself. (Inaudible)."

Laury Dowd: "Of course it is but, you know, obviously this matter has been going on sometime and it seems to me that you could have at least had the debris cleaned up and you're indicating that you're looking at doing it the next month or so. Is that a firm commitment?"

Al Veryssel: "Well, within the next couple-- " "

Eugene Smith: "Well, the debris isn't even on, you know, per se my property. It's-- Mr. Tuccio-- his people cleaned their land and put it on what was the questionable piece of property."

Laury Dowd: "It seems to me it would make your property sell a lot better if it looks nice and clean."

Eugene Smith: "Oh, no, you know, I have to get it straightened out with Edwin in reference to-- he already quote me a price, the price isn't outrageously bad, you know. I told the real estate that, you know, we would have to be added onto the thing to make it a full lot or he was going to give me another piece of land."

Al Veryssel: "And one other thing, too. We were going to (inaudible) on that, too, if we had somebody that was a qualified contractor and went through the appropriate codes and all the permits that they would need to fix up the house. We were willing and able to work with them, too. Okay. That's registered with the multiple listing. A little more than putting boards up."

Leroy Barnes: "Can I ask you a question, Mr. Smith? If you were to remove the area that has collapsed, would that be away from the encroachment or the property line of Mr. Tuccio's?"

Eugene Smith: "Would that be-- "

Leroy Barnes: "If you were to remove that addition part, that one story section and you just left the two story section, would any of that be still encroaching on his land after you removed that?"

Eugene Smith: (Inaudible)

Leroy Barnes: "Oh, it seems to be very close. Yeah, it's right up there."

Laury Dowd: "So you're saying the answer's not clear?"

Leroy Barnes: "It looks pretty clear to me that the dilapidated section is on Mr. Tuccio's property if, in fact, the survey is accurate and correct."

Laury Dowd: "So one way of resolving that property-- "

Leroy Barnes: "I was trying to suggest that he would take the dilapidated end off and then not have to deal with the adjoining parcel but it is right on the line. That's why in my opinion I think it would be better to knock the house down and build a new house. It probably would be a lot cheaper. Because I don't know what you're going to spend on as far as conveyances to straighten out the other issues but-- "

Anthony Coluzzi: "I think that the repair estimate that we submitted was below \$10,000. That's not unreasonable."

Leroy Barnes: "Okay."

Barbara Grattan: "\$5,640."

Anthony Coluzzi: "And Mr. Smith does know contractors, we he can get things at a more reasonable rate than most."

Leroy Barnes: "Good, okay. Well, we'll see how it proceeds along. Certainly the Building Department has been patient on this issue. We're willing to work with you. However, probably I would have to say within the next 60 days if there is no action, we are going to demolish it. We are going to recommend to the Town Board that we are going to demolish it."

Laury Dowd: "Mr. Barnes, based on what you've heard today, would you recommend that we adjourn this hearing to another date or do we close it today?"

Leroy Barnes: "I would recommend that we close it today and leave it in the hands of the Building Department to work with the property owner so that we have the ability at any time to go to the Town Board and ask for and request to have the building demolished."

If he satisfies the Building Department's request, we don't need to go to the Town Board with this issue."

Laury Dowd: "Any comments, gentlemen?"

Anthony Coluzzi: "I would ask on behalf of Mr. Smith that we adjourn it for the 60 day period, leave it open."

Laury Dowd: "With what objective in mind?"

Anthony Coluzzi: "Being we have all the collateral issues to resolve, the survey, the zoning issues, all of that, those things do take time and although Mr. Smith is undertaking measures to rectify the condition of the property, things do take time. I'm sure we'll do something within 60 days but-- "

Leroy Barnes: "I believe the Building Department wishes not that to happen because we believe there's been enough time extended already to the property owner and we need to be, I believe, in the legal position to demolish the building in case there is a safety structure issue that we need to address and to demolish the building so I respectfully request that we close the hearing."

Laury Dowd: "All right. We're going to be closing the hearing. The entire matter will be submitted to the Town Board at a time in the future based on our transcript of the hearing today and the information that you've presented and you can always give further input at that time."

Anthony Coluzzi: "Okay. Just one point of clarification, Mr. Barnes. You said some action. What action were you referring to be undertaken within the 60 day period?"

Leroy Barnes: "Well, I would believe that an application to the Zoning Board of Appeals, one, would suffice for me, that you are going to make an attempt to secure a building permit. Two, would be a submission of an architect's set of plans to bring the building back into current compliance. I certainly would recommend that that you go to the Zoning Board of Appeals first so that you can get your use back, if they will give it back to you. In that particular zoning, single family residence is not permitted. So it's lost its non-conforming pre-existing use. So I would suggest that you apply to the ZBA and, of course, I don't want to see you use up all your resources in your financial situation towards an architect and then find out

that the town will not grant you that use. So I'd recommend that immediately, within the next five business days at least, make an attempt to go to the Zoning Board of Appeals to try to reestablish the use issue. And in the meantime, I would like to see correspondence to Mr. Tuccio that you are trying to resolve the boundary line issue and get some kind of rapport going with him. That certainly would suffice and be the beginning of a working relationship and to resolving the issues."

Anthony Coluzzi: "And I can provide you with copies of the aforementioned."

Leroy Barnes: "Absolutely."

Anthony Coluzzi: "Okay."

Laury Dowd: "All right. The public hearing on this issue is closed."

Anthony Coluzzi: "Thank you."

Leroy Barnes: "Thank you for coming in to day."

Public Hearing closed: 1:47 p.m.

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Leroy Barnes: "And the next adjourned hearing which was a notice of issue that property owner was not properly notified, however, we used a process server and they were properly notified and the property owner is Carol and Eugene Ferguson-- it's 18 Hubbard Avenue, tax map number is Section 111, Block 1, Lot 1.1. And the Code Enforcement Officer who served the notice to the property was Richard Gadzinski."

Laury Dowd: "Mr. Gadzinski, would you be sworn in, please? Do you promise to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Richard Gadzinski: "I do."

Laury Dowd: "Would you state your name and position with the Town of Riverhead?"

Richard Gadzinski: "Richard E. Gadzinski, Ordinance Inspector, Town of Riverhead."

Laury Dowd: "Would you review your qualifications to review unsafe structures pursuant to Chapter 54 of the Riverhead Town Code?"

Richard Gadzinski: "I've been employed with the Town of Riverhead for the past 10 years as Ordinance Inspector. Four years before that, with the Town of Smithtown doing code enforcement fire marshal work. Certified by New York State Enforcement of the Uniform Fire Prevention and Building Codes since 1987. My duties get me into buildings safe or otherwise. My background experience in exposure to the building in the town puts me in a position to make a judgment such as I've made here."

Laury Dowd: "Did you inspect the property owned by Wickham C. Tyte and Carol and Eugene Ferguson located at 18 Hubbard Avenue, Riverhead, tax map number 600-111-1-1.01?"

Richard Gadzinski: "Yes, I did."

Laury Dowd: "When did you perform that inspection?"

Richard Gadzinski: "January 14, 1999."

Laury Dowd: "What did you observe when you performed that inspection?"

Richard Gadzinski: "Pardon me?"

Laury Dowd: "What did you observe when you performed that inspection?"

Richard Gadzinski: "At the time of the inspection, there were a number of unregistered junk vehicles, both in front of the residence and to the rear of the residence. By junked vehicles, they looked like they were stock cars that were used at Riverhead raceway. They hadn't been in a condition to be run at the time, at least they didn't appear that way. The trailer that's on the property was used as a residence. I believe that it has been unoccupied or uninhabited as a residence for at least three years. The water service had been disconnected. The last bill for the water was October of '97 and the last consumption registered at that site was April of '96."

The building is in disrepair in that the roof leaks, the stairs are unsafe, there are stairs missing, handrails missing. Limbs and branches and debris, both to the front, to the side and to the rear of the premises. I was not able to gain access to the residence at all. There is no electric from Lipa to the facility and overall it just looks like it's been abandoned and not used at all."

Leroy Barnes: "Did you mention that it was a mobile home?"

Richard Gadzinski: "Pardon me?"

Leroy Barnes: "Did you mention that it was a mobile home?"

Richard Gadzinski: "I said that it was a trailer mobile home."

Leroy Barnes: "I just want to be clear on the record."

Laury Dowd: "Thank you. What's your recommendation for Town Board action on this property?"

Richard Gadzinski: "In light of the fact that it hasn't been used for a number of years as a residence, it appears to be just abandoned and left there to deteriorate of its own natural causes. I think in the interests of safety and appearance in the Town, it should be removed and the cars removed and the lot cleared and cleaned."

Laury Dowd: "All right. Is there anything else you'd like to add to your testimony?"

Richard Gadzinski: "No, ma'am."

Laury Dowd: "Is there anybody here to speak on this matter? Hearing none, the public hearing on this property is closed."

Public Hearing closed: 1:54 p.m.

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Leroy Barnes: "Okay, the next adjourned public hearing for today was Alfred Campbell, 79 Lewis Street, Riverhead, tax map number Section 105 Block 2 Lot 72. Before the Fire Marshal speaks, I would like to just mention that the attorney for Mr. Campbell contacted me this morning. He is the one who originally asked for the adjournment. For the record he has been in contact with the Community Development

Agency, Andrea Lohneiss. She has assured Mr. Kozakiewicz's client, Mr. Campbell, that they are proceeding and they are going to try and close within the next 60 days. So I just wanted to make that part of the record. That's what he had asked me to submit to the record and if Mr. Johnson would like to ask or add anything else to this adjourned hearing before we close it-- step up the mike, Mr. Johnson."

Laury Dowd: "A little clarification to what you just said. Mr. Kozakiewicz is the-- "

Leroy Barnes: "Mr. Kozakiewicz is the attorney for the property owner."

Laury Dowd: "And today he contacted you and he requested what?"

Leroy Barnes: "He requested that I put into the record that those findings and those issues that I just discussed with Community Development be a part of the record."

Laury Dowd: "Okay. He didn't ask for an adjournment or anything?"

Leroy Barnes: "No. He did not ask for an adjournment. I told him that I was going to terminate and close the hearing or request to have the hearing closed and he agreed to that. And he knows that all these issues can be brought to the Town Board."

Laury Dowd: "Refresh my memory. Has any evidence been put on the record yet?"

Leroy Barnes: "Yes. There was a full hearing on this particular piece of property and only left open for the reason or fact to see when and if the Community Development Agency was going to actually close and buy the property."

Laury Dowd: "Thanks. And so does the Fire Marshal have any evidence or information to present today?"

Bruce Johnson: "Yes, I do."

Laury Dowd: "What is that?"

Bruce Johnson: "I had the opportunity to make another inspection of this property approximately 12:30 today, prior to this

hearing. And the original concern with the Chapter 54 on this property still remains. There has been nothing done to secure the structure or to clean up the property since the hearing was originally scheduled 30 days ago. I recognize that this property is in contract with the Town but we still have a seriously unsafe condition that exists at this location.

Primarily the concern is that the access to the structure as reported by the attorney on the first floor is limited. There is severe damage to the west side foundation. That foundation is in serious deterioration. You can see the soil under the house behind the cracks in the walls and the missing pieces of the foundation and the property itself has numerous vehicles and other items that I consider to be very unsafe. They are an attraction to any children that might be in the neighborhood. There are cabinets that they could get locked into. There are small refrigerators. There is tractors, there is boats, there is all kinds of again things on this property that would be an attraction to young kids and teenagers.

There's evidence that the property is trespassed on on a regular basis based on the garbage and the debris. So my recommendation is that either the property owner or the Town immediately secure the perimeter of this property with some kind of a barricade fence and it should be posted for no trespassing and that would probably eliminate the condition that exists today until we get a determination and we can close on the property and actually remove the debris.

But I feel it's very imperative that we move immediately to secure the perimeter of the property and in the outcome of Community Development closing on this property at which time then the Town can remove all the debris properly and demolish the structure."

Laury Dowd: "What's your estimate of the dimensions of the perimeter?"

Bruce Johnson: "It's a small lot, I believe it's about a quarter acre lot. So we would need to actually secure three sides of this property. It's on a corner. The one which would basically be the southwest side does have a residence and that residence has a chain link fence along that property line. So we are looking at securing three sides of this property."

Laury Dowd: "And what method-- you indicated some method of securing. What degree of fence is needed? What height?"

Bruce Johnson: "Minimum recommendation would be to use four foot snow fence which can be installed relatively economically and that should be posted with no trespassing signs. I think that will suffice for 60 days until we close."

Laury Dowd: "All right. Is there anybody else here to speak on this matter? Hearing none, I'll close the public hearing."

Public Hearing closed: 1:59 p.m.

*Barbara Dutton  
Gowd Club*