

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

Present:

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

Public Hearing opened: 1:10 p.m.

Barbara Grattan: "Let the record show the hour of 1:10 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 February 25, 1999 to hear all interested persons who wish to be heard regarding Chapter 54 Unsafe Buildings and Collapsed Structures, property owned by Irma G. Murphy located at 609, also known as 605, West Main Street, Riverhead, New York."

Laury Dowd: "All right, as the Clerk has stated, this is a public hearing on unsafe buildings for 609 West Main Street. Is the inspector here?"

Bruce Johnson: "Yes, I am."

Laury Dowd: "All right. Would you be sworn in, please? Raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Bruce Johnson: "Yes, I do."

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

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

Laury Dowd: "Can you-- what are your qualifications in reviewing unsafe structures pursuant to Chapter 54 of the Riverhead Town Code?"

Bruce Johnson: "Okay. I was appointed as Riverhead Town Fire Marshal on April 13, 1998. I'm a certified New York State Building and Fire Prevention Code Enforcement official. My education includes a Bachelors of Accounting Degree from Dowling College, a Master's Degree in finance and real estate from the University of Southern California, and a Bachelor of Science degree in Fire Service Administration from Empire State College.

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

My experience includes 17 years experience as a volunteer fire fighter including five years as a chief officer. I am also Adjunct College Professor for Fire Science at Empire State College."

Laury Dowd: "Mr. Johnson, did you inspect the property owned by Irma G. Murphy located at 609 West Main Street, tax map #0600-124-4-031?"

Bruce Johnson: "Yes, I did."

Laury Dowd: "What date did you inspect it?"

Bruce Johnson: "That inspection occurred on December 30th at approximately 12:30 p.m."

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

Bruce Johnson: "As indicated on the paperwork, we found a structure that was structurally dangerous, unsanitary and not provided with adequate egress. It appeared to be somewhat dilapidated and also experiencing inadequate maintenance. Specifically, we noticed that the structure was rotten and in need of repair, had a deteriorated foundation, had missing rails on the stairs, the steps were in unsafe condition, there was rotten facia board. The interior was in need of painting. We noticed faulty wiring, broken plumbing fixtures, no hot water, exposed wiring underground feeding the trailer, no electric meter on the building and we were unable to determine the condition of the trailer supports underneath the trailer. We're listing those as questionable condition unknown. And that was the results of our inspection on that date."

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

Bruce Johnson: "The Town has no recommendation at this time."

Laury Dowd: "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 matter?"

Irma Murphy: "That's me; I'm just listening."

Bruce Johnson: "Do you want to say anything?"

Irma Murphy: "No."

Laury Dowd: "If not, then the public hearing is closed."

Public Hearing closed: 1:14 p.m.

Public Hearing opened: 1:14 p.m.

Barbara Grattan: "Let the record show that the hour of 1:14 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 February 25, 1999 to hear all interested persons who wish to be heard regarding Chapter 54 Unsafe Buildings and Collapsed Structures, property owned by E.G. Smith located at 206 Raynor Avenue, Riverhead, New York."

Laury Dowd: "For the record, on this date I received a fax of a letter from Anthony C. Caluzi (phonetic), the attorney for Eugene Smith who is asking for an adjournment. It's my understanding that the Town is willing to accept an adjournment to the meeting of March 20-- do you have the date?"

Leroy Barnes: "March 25th."

Laury Dowd: "March 25th at the same time. So if anybody is

here to speak on that-- to appear or speak or listen on that matter, please return on March 25th at 1:00 p.m. and we will hear the testimony and proceed with the matter. Hearing no comments or remarks on that, I will close that hearing-- or adjourn the hearing until that date."

Public Hearing adjourned at 1:14 p.m.

Public Hearing opened: 1:15 p.m.

Barbara Grattan: "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 February 25, 1999 to hear all interested persons who wish to be heard regarding Chapter 54 Unsafe Buildings and Collapsed Structures property owned by White Lake Development Corp., located at 38 Patti Lane, Riverhead, New York."

Laury Dowd: "Is the Inspector present on this particular matter?"

Leroy Barnes: "Yes."

Laury Dowd: "Would you be sworn in, please?"

Leroy Barnes: "My name is Leroy Barnes. I'm the Building Department Administrator. Currently I would ask that this hearing be closed or adjourned for a few moments because our inspector is delayed. He shall be here within five or 10 minutes. Okay, the inspector is here."

Laury Dowd: "All right. This is the hearing on 38 Patti Lane and the inspector is here and I'd like to swear him in. Would you raise your right hand, please? Do you swear 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 for the record, please?"

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

Laury Dowd: "All right. What are your qualifications in reviewing unsafe structures pursuant to Chapter 54 of the Riverhead Town Code?"

Richard Gadzinski: "I've been doing code enforcement work for over 13 years. I've been certified as the Code Enforcement Officer by New York State since 1987. I've worked for the Town of Riverhead enforcing their rules and regulations of Town code since 1988."

Laury Dowd: "Did you inspect the property located at 38 Patti Lane, Riverhead, tax map #0600-64-3-1?"

Richard Gadzinski: "Yes, I did."

Laury Dowd: "And what did you find when you did that inspection?"

Richard Gadzinski: "There was a construction type trailer on the north end of the property. It had been there for quite some number of years. It had not been used in quite a number of years. The vines and shrubbery and whatever had grown up around and over the building. There's no electric hooked to the building, no utilities, no water. It was put on the site originally some number of years prior to be used as a construction trailer for the subdivision."

The subdivision is pretty much completed except for two lots and it happens that this trailer is located on a lot which has a residence under construction on. It was supposed to be removed from the subdivision."

Laury Dowd: "And what factors in your opinion make this trailer unsafe or dangerous?"

Richard Gadzinski: "According to the Town Code, it must be maintained. It was in disrepair, railings missing from the steps in the front, wear and tear. The unit is not stably mounted so that it could be used in a safe condition. It has shown disrepair and neglect in maintenance on day to day from painting, from weather, from rot and so forth."

Laury Dowd: "What was the date of your inspection?"

Richard Gadzinski: "January 13th, 1999."

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

Richard Gadzinski: "The trailer is on a residential property. It is-- it has no legal right to be there. It should be removed. It is not being used in the intent in which it was originally put on the subdivision."

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

Richard Gadzinski: "The only thing that I would like to add is that I was contacted by Mr. Balbano (phonetic) this morning and I-- he asked me to speak on his behalf about the trailer. I cannot do that. But I would like to make it part of the record that I was contacted by him and I directed him to speak with the Town Attorney about any stay or any other alternative options that would be open to him."

Laury Dowd: "All right."

Leroy Barnes: "I would like to add something to the record. This property should be noted that the property is owned by White Lake Development Corp. and not Mr. Balbano. Mr. Balbano is the owner of the trailer but the mobile home itself is located on property owned by White Lake Development Corp."

Laury Dowd: "And the notices were sent to White Lake Development Corp? Is that correct?"

Leroy Barnes: "Correct."

Barbara Grattan: "It was sent to White Lake Development Corp."

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

Public Hearing closed: 1:21 p.m.

Public Hearing opened: 1:21 p.m.

Barbara Grattan: "Let the record show that the hour of 1:21 p.m. 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 February 25, 1999 to hear all interested persons who wish to be heard regarding Chapter 54 Unsafe Buildings and Collapsed Structures, property owned by Stanley and Renee Woodson located at 17 Old Farm Road, Riverhead, New York."

Laury Dowd: "All right. The inspector on this matter is present at this time and would you raise your right hand, let me swear you in on this matter. Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?"

Richard Podlas: "Yes, I do."

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

Richard Podlas: "Rich Podlas, Zoning Inspector, Town of Riverhead."

Laury Dowd: "All right. What are your qualifications in reviewing unsafe structures pursuant to Chapter 54 of the Riverhead Town Code?"

Richard Podlas: "I also am certified by New York State for code enforcement. I've been a zoning inspector for the Town of Riverhead for two years. Prior to that, I had my own construction business, Precision Plus Woodworking for four years and prior to that, roughly 15 or 20 years of working with my father, Paul Podlas under Podlas Construction. I've been in construction for the past 25 years."

Laury Dowd: "All right. Did you inspect property owned by Stanley and Renee Woodson located at 17 Old Farm Road, and tax map #0600-084-01-02.74?"

Richard Podlas: "Yes, I did."

Laury Dowd: "What date did you inspect that property?"

Richard Podlas: "On January 12, 1999."

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

Richard Podlas: "That the building was unsafe, that part of the roof was caving in. There was holes in the roof. Some of the walls

were blown out because it was a big barn. They had plywood on the sides so I couldn't gain access, but it was-- with the roof caving in and the way it was, it wasn't safe to go inside in my opinion. Part of the foundation was cracked and coming away."

Laury Dowd: "All right. What's your recommendation for Town Board action on this matter?"

Richard Podlas: "Well, since then the owner of the property has knocked the building down. So now we just ask that the owner clean up the property. The owner of the property is present."

Laury Dowd: "What's the status of the debris at this time?"

Richard Podlas: "All of the debris is just in a big pile in the middle of the property."

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

Richard Podlas: "No. That's it."

Laury Dowd: "All right. Is there anybody here to speak on this matter? Is the property owner-- "

Stanley Woodson: "I'm here. I did what they told me to do so, you know, as far as I'm concerned, it's done."

Laury Dowd: "Just let me have your name for the record."

Stanley Woodson: "Stanley Woodson."

Laury Dowd: "All right, Mr. Woodson. Just step us so we can get this information on the tape recorder."

Stanley Woodson: "Okay."

Laury Dowd: "So, Mr. Woodson, are you planning on taking any steps regarding removal of the debris?"

Stanley Woodson: "By all means. Yes."

Laury Dowd: "What's your time frame?"

Stanley Woodson: "That I can't give you right off this point because, you know, I plan to get it up. Don't worry; I'll definitely take care of it. I can't give you a time limit but I'll definitely have it done."

Richard Podlas: "Stanley, tell her that you had spoken to the fire chief and also to the fire marshal prior to-- "

Stanley Woodson: "Yes, right. I talked to the fire marshal in reference to possibly having it burned or whatever and getting it done so I'm going to go over and talk to him and he's going to let me know what we can do."

Laury Dowd: "And then you're going to get back to the building department and work out an arrangement with them?"

Stanley Woodson: "Oh, yes, definitely, sure. Yes, I sure will."

Laury Dowd: "All right. Thanks. Anything else you want to add?"

Stanley Woodson: "Not really, you know what I mean."

Laury Dowd: "Okay. All right. Thanks very much."

Stanley Woodson: "Okay, no problem."

Laury Dowd: "Anybody else here to speak on that matter? If not, the public hearing is closed."

Public Hearing closed: 1:25 p.m.

Public Hearing opened: 1:26 p.m.

Barbara Grattan: "Let the record show the hour of 1:26 has arrived. I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York at 1:20 p.m. on February 25, 1999 to hear all interested persons who wish to be heard regarding Chapter 54 Unsafe Buildings and Collapsed Structures, property owned by Estate of Harry Rambo, 51 Oak Drive, Riverhead, New York."

Laury Dowd: "All right. First I'd like to swear you in on this particular matter. So would you raise your right hand, please? Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?"

Richard Gadzinski: "I do."

Laury Dowd: "And would you state your name and position with the Town for the record, please?"

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

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

Richard Gadzinski: "Can I repeat the same that was given on the last testimony?"

Laury Dowd: "I would like to be able to do that. The problem of that is that if there is anybody not here or they don't necessarily know it, I think it would be better if you just went over it briefly again, I'm sorry."

Richard Gadzinski: "I've worked in code enforcement for over 13 years. I've worked for the Town of Riverhead since 1988. I've been a New York State certified Code Enforcement Officer since 1997."

Laury Dowd: "All right. Now, did you inspect the property owned by the Estate of Harry Rambo at 51 Oak Drive?"

Richard Gadzinski: "Yes, I did."

Laury Dowd: "And what date did you do that inspection?"

Richard Gadzinski: "January 13, 1999."

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

Richard Gadzinski: "It was an abandoned residential structure, had been abandoned for quite some number of years, has no utilities hooked up to it, rot, disrepair, open and accessible, cracks in the foundation, roof sagging, uninhabitable."

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

Richard Gadzinski: "My recommendation is to have the building demolished, have the foundation removed, have the lot filled. I have been advised that Mr. Rambo has come in, has acquired a demolition permit. As of yesterday, the building is down, most of the rubble is picked up. There is some rubble left in the foundation and as soon as the weather breaks again, Mr. Rambo will remove the foundation and complete the demo."

Laury Dowd: "Okay. So, is there anything else you'd like to add?"

Richard Gadzinski: "Thank Mr. Rambo for his cooperation."

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

Public Hearing closed: 1:28 p.m.

Public Hearing opened: 1:28 p.m.

Barbara Grattan: "Let the record show that the hour of 1:28 has arrived. I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York, at 1:25 p.m. on February 25, 1999 to hear all interested persons who wish to be heard regarding Chapter 54 Unsafe Buildings and Collapsed Structures, property owned by Wickham C. Tyte, Carol & Eugene Ferguson, located at 18 Hubbard Avenue, Riverhead, New York."

Laury Dowd: "I believe that the building department has a-- some information regarding whether or not notice was properly or adequately delivered?"

Leroy Barnes: "We had sent certified mail and I believe in discussions with the Town Clerk yesterday that there was unclaimed certified mail which was returned to the Town Clerk on February 5th I believe it was. And we also have our own return on the package that we had sent out and we had a return date of 1/30. I would-- what I would like to do is keep the hearing open and continued and we will attempt renotification to the property owner and hold the hearing open

until March 25th, if possible."

Laury Dowd: "So then we'll hold-- we'll adjourn this hearing until the 25th at which time we will present the Town's evidence and we'll, hopefully, have had an opportunity to notify the owner by mail as opposed to what we've already done in terms of posting and publishing and get the matter resolved then. Anybody here to comment on that proposal? Hearing none, then the hearing will be adjourned until March 25th at the same time, 1:00."

Public Hearing adjourned: 1:30 p.m.

Public Hearing opened: 1:31 p.m.

Barbara Grattan: "Let the record show the hour of 1:31 has arrived. I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York at 1:30 p.m. on February 25, 1999 to hear all interested persons who wish to be heard regarding Chapter 54 Unsafe Buildings and Collapsed Structures, property owned by Michael and Dorothy Esposito, located at 1023 Middle Road, Centereach, New York."

Laury Dowd: "I'd like to start this public hearing by swearing in the Inspector. Would you hold up your right hand, please? Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?"

Bruce Johnson: "Yes, I do."

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

Bruce Johnson: "My name is Bruce Johnson. I'm the Town Fire Marshal."

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

Bruce Johnson: "With permission of the Town Clerk, I'd like to submit a written statement of qualifications given at the previous hearing today."

Laury Dowd: "All right. Is there anybody that would like further information about what the statements provide? Hearing none, we'll proceed."

Did you inspect property owned by Michael & Dorothy Esposito at 1023 Middle Road?"

Bruce Johnson: "Yes, I did. And that inspection occurred on January 14, 1999 at 2:40 p.m."

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

Bruce Johnson: "Okay. On that site, we had the mobile home that we determined was structurally unsafe, structurally dangerous, not provided with adequate egress, suffering from inadequate maintenance. Specifically noted was a broken window, structural leaks, the structure was rotten, in need of repair. We had a hole in the floor, holes and cracks in the ceiling, sheetrock or plaster damage inside the building, interior needed painting, exterior in need of paint, ceiling sagging and cracked, broken plumbing fixtures, shower was inoperable, insufficient heat, faulty wiring. There was an unsafe electric service outside with improper and unsafe wiring. Inside the trailer the use of extension cords, there was a light fixture not properly supported, exposed wiring, and some part of the building, particularly because of the roof leaks, was exposed to the exterior."

In addition particularly because of the faulty wiring and the unsafe electric service was observed at this location, the Building Department issued an order to vacate for the tenants of this trailer for their safety. We contacted the power company and ordered a service disconnect.

Subsequent to that, an electrical permit was filed with the Town and the electrical repairs to correct the unsafe situation were made. We did a preliminary inspection and authorized the power company to turn on the service again. There was noted at that time, that some of the other repairs to the building were made but not all of the work that needs to be done has been completed at this time."

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

Bruce Johnson: "What we would recommend is that we've been

working with the owner, Mr. Esposito, and he has been cooperative in making some of the necessary repairs but, again, additional repairs are needed to bring this fully into compliance. We would request that Mr. Esposito submit a written plan with a time frame for completing all of the items noted in the Chapter 54 and the rental inspection and submit that to the Building Department and to the Town Board for approval."

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

Bruce Johnson: "Not at this time."

Laury Dowd: "All right. So is there anybody in the public that would like to address us on this matter?"

Natalie Williams: "Yes. My name is Natalie Williams. I live at 1023 Middle Road. I'm the tenant."

Barbara Grattan: "Name?"

Laury Dowd: "Williams."

Natalie Williams: "Williams. W-I-L-L-I-A-M-S."

Laury Dowd: "Ms. Williams, what would you like to state about this-- "

Natalie Williams: "Well, this is what I want to state. All Mr. Esposito did was did the electrical work. The roofing my husband did and everything else that was repaired in the house my husband did. We did on our own, it came out of our pockets and the boarding around the trailer, dressing, that was our material that he had used to set the board around the trailer."

Laury Dowd: "Is there any further information you think the Town Board should be aware of regarding this?"

Natalie Williams: "Well, there's just a lot of violations that he had not, you know, set forth to come and fix anything."

Laury Dowd: "Is there anybody else here to address us on this matter? Hearing none, then this public hearing is closed."

Public Hearing closed: 1:37 p.m.

Laury Dowd: "And I believe that concludes the hearings for today."

Leroy Barnes: "Leroy Barnes, Building Department Administrator. I would like to add to the record that for counsel for Mr. Alfred Campbell submitted in writing requesting extension from the open hearing from the prior January 28th hearing to the February 28th hearing. Mr. Kosakiewicz has been in contact with the Community Development Agency concerning this property which is 79 Lewis Street in Riverhead. He is working with the Community Development Agency to acquire those premises and that he requests that this hearing continued to be held open until March 25th and I would recommend that we do that."

Laury Dowd: "So noted for the record."

Barbara Lathan
Crown Clerk