

September 6, 2007

A special meeting of the Town Board was held at the Town Hall on Thursday, September 6<sup>th</sup>, 2007 with the following members present: Albert Janik, Supervisor; Carol Osborne, Daniel Pemrick, Peter Coseo and Thomas Kinsella, Councilman. Also present were Highway Supt. Walter Barss and 10 residents.

At 7:05 PM an Unsafe Building Hearing was held on an unsafe building located at 16 Medbury Road. The property owner, Robert Belon, was present along with his son, daughter and brother. Supervisor Janik reviewed the report from the Code Enforcement Officer dated 9/6/2007. He felt that the mobile home had deteriorated to a point where the roof was sagging and appears on the verge of collapse. The exterior walls are rotted and showing signs of failure. The electrical meter has been removed which leaves the power lugs exposed for contact. The windows that were broken have been secured, as well as the front door. The rear shed and rear porch roof had been demolished and pushed in a large pile. The left shed has also been demolished and pushed into a large pile. The roof of the addition to the mobile home has collapsed and the foundation of this addition has several large cracks and is failing. The right side shed has collapsed and must be removed. The Code Enforcement Officer stated that it was his opinion that this mobile home/property was unsafe for human habitation and constitutes a serious health and safety risk in its present condition. Mr. Belon stated that when he originally spoke with Supervisor Janik he was in disagreement with the Code Enforcement Officer. He has stated that the roof was collapsing on the trailer. Mr. Belon stated that the roof on the trailer itself was not collapsing. The roof on the extensions was what was collapsing. They intended to take them down anyway. The tool shed and the chicken coop have been taking down. They have stopped any more work on the property until they had the opportunity to speak with the Board to find out what can or cannot be done and he could explain what he would like to do. Mr. Belon stated that he had an independent inspector come and do an inspection of the property. He stated that the trailer is fine. The two extensions are in poor condition and should be removed. Mr. Belon stated that he was in agreement with that. Mr. Belon stated that it was his intention to move up here after he retired. However, 3 months after he retired he fell and injured his spine. He has spent the last 3 years learning to walk again. He would still like to be able to move up here. Mr. Belon stated that what he would like to do is to continue with removing the violations. He has asked Mr. McKenna for a list of what specifically needed to be done, which is something that the Code states that he is supposed to give him. He has called 4 or 5 times and has never received an answer from him. In addition, he stated that he spoke with the Town Supervisor 2 or 3 times and was not able to get the list. Mr. Belon stated that he also saw in the Code that a demolition permit was required, so they stopped all work until they could speak with someone and find out exactly what needed to be done. Mr. Belon stated that it was his intention to rehabilitate the property and move up here. If he can not, he would like to replace the mobile home. Supervisor Janik stated that if he chose to replace the mobile home, he would have to apply for a permit. A septic system would also have to be installed. There is a well on the property. Mr. Belon stated that they have made some progress. He stated that he would bring in a dumpster to remove all the debris as soon as everything had been taken down. Supervisor Janik noted that the Notice of Unsafe Building was dated August 13<sup>th</sup>. Mr.

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Belon would have 60 days or until around October 12<sup>th</sup> to bring the property into compliance. He stated that if at that point he believed he could rehab the mobile home, then he should contact the Code Enforcement Officer and have him come back out and do a reinspection. Supervisor Janik stated that the Code Enforcement Officer has never been in the mobile home. He does not have access to enter into the home. Mr. Belon stated that he would provide the Town with a copy of the report from the independent inspector. The trailer and the foundation were structurally sound. The peaked roof over the mobile home was constructed by his father many years ago. That roof may be in question, however the flat roof of the trailer was sound and just needed to be seal coated. The plumbing, wiring, etc. would have to be redone when they were getting to a point where they wanted to stay there. Mr. Belon's daughter asked if the letter they received would be considered a list of the deficiencies. They needed to know what the Town wanted in order to continue working. Coseo, C. stated that the notice contained a list of 3 or 4 deficiencies. One of the deficiencies was the rear shed and rear porch, which have already been demolished and needed to be removed. Mr. Belon did not have a problem with that. Coseo, C. stated that Mr. Belon has given the Town an engineering report that states that the mobile home itself was structurally sound. He asked Mr. Belon if he was in agreement that the peaked roof over the mobile home needed to be removed. Mr. Belon was in agreement to take that down. Coseo, C. stated that the Code Enforcement Officer also mentioned a potential dangerous condition with the electric power source and asked if Mr. Belon was willing to contact Niagara Mohawk to have the power turned off. Mr. Belon stated that he did not believe that there was any power to that. Niagara Mohawk have removed the meter and he did not believe that they would leave the power turned on. He would check with them to be sure that the power was turned off. Coseo, C. stated that Mr. Belon still had an additional 30 days to complete the necessary work. Mr. Belon's daughter felt that the time should start as of this meeting since they never received a list of the deficiencies that they had requested on several occasions. Coseo, C. asked if they felt that it would take them longer than 30 days to complete the remainder of the work. Mr. Belon believed that it would take longer. Supervisor Janik stated that if substantial progress has been made by that time, Mr. Belon could come back to the Board and ask for additional time. Mr. Belon asked if he needed a permit to demolish the last remaining items. Supervisor Janik stated that the Unsafe Building Notice would serve as permission to remove the structures. The Unsafe Building hearing was closed at 7:30 PM.

At 7:31 PM an Unsafe Building Hearing was held on an unsafe building located at 19 Coombs Roadway. The property owners, Francis & Deborah Halturewicz, were not present. No action was taken. The property owners still had approximately 30 days to take the necessary action to make the property safe.

At 7:32 PM an Unsafe Building hearing was held on an unsafe building located at 21 Coombs Roadway. The property owner, Marian Gonseth, was not present. No action was taken.

At 7:33 PM a hearing was held regarding the application of Paul and Aida Gordon for a Variance of Section #105-114, Lake Desolation Overlay District. Supervisor Janik stated that the Board had received an application from Mr. & Mrs.

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Gordon for a variance regarding septic system requirements. The Town had also received a copy of the report from Stephen Dean, engineer for Mr. & Mrs. Gordon. The Town Engineer has reviewed the report and submitted his comment letter dated 9/5/2007. Supervisor Janik reviewed the comment letter. The Town Engineer stated that upon review of the application, it appears that the existing septic system would not meet separation distances to the building structure, etc. The same situation would apply to the neighboring property as well. Their engineer has completed a site inspection of the property and has performed a dye test of the Gordon's system. Based on his observation, he did not find any evidence of existing septic system failure. The Town Engineer stated that since the applicant is not proposing an increase in the gross floor area of the existing structure and there is no evidence of a septic system failure, he would suggest that the Town consider the existing system to be satisfactory at this time. The Town Engineer suggested that the Town consider requiring the applicant to agree voluntarily to complete yearly testing of their well water for total Coliform and installation of a disinfection system should it be required. Mr. Gordon stated that he did not have any objection to having his well tested. Mr. Gordon stated that 1 of the existing exit doors that you can use is in the kitchen and you have to walk past the stove to get out the back door. As it exists now, the front door and back door are shear drops since the old deck has been removed. It was a safety concern to him since both he and his wife are disabled. Supervisor Janik stated that the only thing that had prevented the Town from granting a building permit was the issue with the septic design. The Town Engineer has indicated to the Town Board that it appears that they concur with Mr. Dean's evaluation of the septic system. There being no further comments, the hearing was closed at 7:35 PM.

RESOLUTION # 144 – Grant Variance to Paul & Aida Gordon

Motion: Coseo, C.

Seconded: Kinsella, C.

RESOLVED, That in view of the hardship that has been demonstrated and the reports of the applicants engineer and the Town Engineer, the Town Board hereby grants a variance to Section 105-114 of the Lake Desolation Overlay District to Paul & Aida Gordon, and

FURTHER RESOLVED, that the Town Board strongly suggests that Mr. & Mrs. Gordon voluntarily have their water tested on an annual basis.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

Town Hall Renovation – Supervisor Janik stated that as instructed by the Board at the last meeting, he sent a certified letter to Petersen Construction and he has not received any response. He was in contact with Catalfamo Construction and they are in agreement to perform the renovation work as per their bid for \$45,395.00. They have already provided a certificate of insurance and have signed the renovation agreement. Mr. Catalfamo has indicated that they are ready to begin work and that they would be able to complete the job by December 31<sup>st</sup>.

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RESOLUTION # 145 – Rescind Bid Award to Petersen Construction &  
Award Bid to Catalfamo Construction

Motion: Kinsella, C.

Seconded: Osborne, C.

RESOLVED, That the Town Board hereby rescinds the prior bid award to Petersen Construction, and

FURTHER RESOLVED, that the bid for Town Hall Renovations be awarded to A. J. Catalfamo Construction Co., Inc. for the amount of \$45,395.00.

VOTE: Ayes: Janik, Osborne, Pemrick, Coseo, Kinsella

Noes: None

On motion of Osborne, C. and seconded by Pemrick, C., the special meeting was adjourned at 7:40 PM.

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Town Clerk