

Village of Webster
Village Board Special Meeting
August 23, 2016

Webster Community Meeting Hall
29 South Avenue
Webster, NY 14580

Present: Mayor Cahill, Trustee Balcaen, Trustee Ippolito Jr. and Attorney Don White
Absent: Trustee Byerts, Trustee Lancy

Village Board Business

Hearing in regards to the disposition of the property located at 104 East Main Street in the Village of Webster with the tax account #265401 080-10-1-57 to determine if it is an unsafe property.

Will Barham, Code Enforcement Officer, presented a timeline to the Board of Trustees in regards to the order of communication and the number of occurrences which were documented involving the property owner, Mr. Delamarter of 104 East Main Street. Mr. Barham said the property has been in dilapidated condition for three years and he has been corresponding with the owner by mail, email, telephone, and in person. Mr. Barham sent the first Notice of Violation on August 14, 2013. On September 9, 2013 Mr. Barham sent a second Notice of Violation and the first letter was returned by the Post Office. Mr. Barham did notice that work had begun on the property but was never finished. A final Notice of Violation was sent on July 22, 2014. It was not until December 9, 2014 that there was a Court appearance. At the Court appearance Mr. Delamarter presented a letter dated December 17, 2014 to the Judge stating that Chase Bank had begun foreclosure on the property. The Court ordered Mr. Delemarter to maintain the grass and weeds on the property.

A final letter was sent on June 27, 2016 to Mr. Delamater and a copy was also sent to Chase Bank documenting the several violations but nothing was done. Mr. Barham also contacted the Property Maintenance Company which Chase Bank had hired to maintain the property and they were also given a copy of the letter listing the many violations which needed to be fixed and brought up to Code. The Bank denied the bid proposal. Mr. Barham stated he personally handed Mr. Delamarter the Notice of Hearing to attend this evening but he was unable to appear. In his absence Mrs. Delamarter was present at the meeting.

Mr. Barham began reading a list A through J of the Code Chapter 30. Building Construction Article I. Administration and Enforcement §30-21. Unsafe buildings and structures. He also presented photos of the property to the Board of Trustees to validate his case.

(1) Buildings or other structures which have any of the following defects:

(a) Those whose interior walls or other vertical structural members list, lean or buckle, to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

Mr. Barham said he could not confirm or deny A.

(b) Those which, exclusive of the foundation, show 33% or more of the damage or deterioration of the supporting member or members or 50% of damage or deterioration of nonsupporting enclosing or outside walls or covering.

Mr. Barham said it is at least 33% based on the exposure of the damage to the outside of the building.

- (c) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

Mr. Barham said not the entire structure but there are structures on the back of the building that are definitely collapsed and falling in. Stairs are missing off the back.

- (d) Those which have been damaged by fire, wind, snow load or other causes so as to have become dangerous to the life, safety and general welfare of the residents of the Village of Webster.

Mr. Barham said this does not apply. Mayor Cahill said what about water deterioration and Mr. Barham said he could not prove eminent danger by collapse because he is not an Engineer.

- (e) Those which have become or are so dilapidated, decayed, unsafe or unsanitary that they are unfit for occupation by humans or animals or for use for storage.

Mr. Barham said this does apply based on the evidence of the photos which he supplied.

- (f) Those buildings intended or used for human occupation that are inadequate to protect the health, safety and general welfare of human residents living therein.

Mr. Barham said this does apply because there is no power to the building. He said was not sure if the smoke detectors are working but the water has been shut off and there is no water meter to the building.

- (g) Those buildings that lack adequate facilities for ingress and egress in case of fire or other emergency or those having insufficient stairways, elevators, fire escapes or other means of escape.

Mr. Barham said this would apply because on the back of the home there is a door on the second floor and the stairs are missing and on the ground.

- (h) Those which have parts thereof which are so attached that they may fall and injure persons on the property or members of the general public or cause damage to other property.

Mr. Barham said he was not sure if this would apply but photos showing the back of the structure show it is in pretty bad shape but he said he was not sure how close to collapse it is.

- (i) Those buildings and structures which violate the provisions of the New York State Uniform Fire Prevention and Building Code, the Zoning Law of the Village of Webster, the Property Maintenance Code of New York State, the Building Code of New York State, the Fire Code of New York State, the Residential Code of New York State, the Plumbing Code of New York State, the Mechanical Code of New York State, the Energy Code of New York State and any other applicable laws of the State of New York, County of Monroe or Village of Webster.

Mr. Barham read a list of current conditions related to the state of the building: Several windows broken/ paint peeling from siding and trim; foundation has structural damage (cracks, concrete missing in several areas); structural damage in siding, soffit and fascia; front porch posts and beams rotted and structurally unsound; front steps missing, concrete broken and chipped; steps missing at second – story rear exit, house not secure, sheathing exposed to elements on front porch area; stone stucco cracked, loose stone, mortar missing, water infiltrating to sheathing; front door missing paint, molding missing; gutter coming away from house in front and rear; holes in siding; chimney has loose bricks, utilities are shut off.

- (j) Any building which remains vacant and unattended continuously for a period of one year or longer, without adequate safeguards to prevent unauthorized entry.

Attorney White asked Mrs. Delamarter if she would like to present any evidence to the Board to prove that the property is not an unsafe building. He also explained she could ask the Board to personally inspect the property.

Mrs. Delamarter explained they have not lived at 104 East Main Street for four or five years and they have had financial problems. She said they had tenant problems where the tenants destroyed the apartments. She said there was one thing after another and Chase Bank made it impossible to come to suitable arrangements concerning the mortgage. She apologized for the current condition of the house. She said Chase did put padlocks on the house.

Attorney White said to the Board of Trustees that they should read the Unsafe Buildings and Structures defects list A through J to determine if they thought the property should be deemed as such.

Mayor Cahill read through the list again and answered the questions.

Motion Trustee Ippolito Jr., and Seconded by Trustee Balcaen to resolve that the building located at 104 East Main Street, Webster, New York with Tax ID # 265401 080.10-1.57 is deemed an unsafe building as defined by Webster Village Code §30-21, B (1) C, E, F, G, H, and I, all were in favor and carried.

Motion Trustee Balcaen and Seconded by Trustee Ippolito Jr., to authorize the Code Enforcement Officer to issue, draw up and serve the order within 30 days to the owner to commence with the repairing and securing of the building or the demolition and removal of the building shall be completed within 60 days thereafter, all were in favor and carried.

Adjournment

Motion Trustee Ippolito Jr., and Seconded by Trustee Balcaen to adjourn the meeting at 7:59 p.m., all were in favor and carried.

Josette Amalfi, Village Clerk

John J. Cahill, Mayor