TOWN BOARD SPECIAL LEGISLATIVE AGENDA
Wednesday, September 25, 2019, 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I. Call to Order - Pledge of Allegiance - Roll Call
II. Communications and Announcements
III. Public Participation
IV. Additions and Deletions to Agenda
V. Approval of Minutes - None
VI. Petitions
VII. Resolutions by Function

Law and Finance
19T-187 Ordering Demolition of Unsafe Structure and Setting Hearing for Structure Located at 124 Beacon Hills Drive South

Public Works - None

Public Safety - None

Community Services - None

VIII. Old Business
IX. New Business
X. Public Participation
XI. Executive Session
XII. Next Meeting: October 2, 2019
XIII. Adjournment

This meeting will be video recorded and broadcast LIVE via the town's website www.penfield.org and the Town's Government Access Cable Channel 1303. Questions regarding video coverage contact Penfield TV at (585) 340-8661.
The Special Legislative meeting of the Penfield Town Board was held on Wednesday, September 25, 2019 at 7:00 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present:  R. Anthony LaFountain  Supervisor  
          Linda Kohl  Councilwoman  
          Paula Metzler  Councilwoman  
          Andrew Moore  Councilman  
          Robert Quinn  Councilman  

Also present: Lisa Grosser  Deputy Town Clerk  
              Heidi Boehl  Department Head  
                          Building/Zoning/Fire Marshal  

Absent: Richard Horwitz  Town Attorney  

Supervisor LaFountain called the meeting to order – Pledge of Allegiance  

Public Participation – None  

Communications and Announcements – None  

Public Participation – None  

Additions and Deletions to Agenda  

Approval of Minutes – None  

Petitions – None  

Resolutions by Function  

Law and Finance  

#19T-187  Ordering Demolition of Unsafe Structure and Setting Hearing for Structure Located at 124 Beacon Hills Drive South  

By Moore  

WHEREAS, Chapter 97 of the Town Code of the Town of Penfield (the “Town Code”) sets forth the procedures for addressing unsafe structures within the Town of Penfield; and  

WHEREAS, pursuant to Section 97-2 (A) of the Town Code, the Penfield Building and Zoning Administrator, Heidi Boehl, inspected the structure located within the Town of Penfield at 124 Beacon Hills Drive South, Penfield, New York 14526 (S.B.L.#109.05-2-48) (the “Property”); and  

WHEREAS, Ms. Boehl prepared a written report regarding the unsafe condition of the structure located at the Property, and has recommended that the Town Board order the demolition and removal of the unsafe structure(s) located on the Property (the “Report and Recommendation”); and  

WHEREAS, the Town Board reviewed and considered the Report and Recommendation; and  

WHEREAS, the Town Board determines that an order to demolish and remove the unsafe structure(s) located on the Property is a Type II action pursuant to 6 N.Y.C.R.R. §617.5(c)(35) (civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion) and therefore no further review is required pursuant to the New York State Environmental Quality Review Act pursuant to 6 N.Y.C.R.R. §617.5(a).
NOW THEREFORE BE IT RESOLVED, that pursuant to Section 97-3(A), the Town Board of the Town of Penfield finds that the structure located on the Property is unsafe and dangerous and hereby orders that the unsafe structure be and hereby shall be demolished based on the reasons set forth in the Report and Recommendation.

AND BE IT FURTHER RESOLVED, as follows pursuant to Section 97-3(B):

1. A description of the premises: the unsafe structure is the single family residence located on the Property (i.e., 124 Beacon Hills Drive South, Penfield, New York 14526 (S.B.L. #109.05-2-4). The unsafe structure was built in 1981. It is a 2 story, 1500 square feet, 1 family residence that sits on .18 acres. It had 3 bedrooms, 1.5 bathrooms, 1 fireplace, back porch, full basement, 2 car attached garage.

2. A statement of the particulars in which the building is unsafe or dangerous: the structure is unsafe and dangerous and has been previously posted not to be occupied due to its deteriorated condition. The structure has not been maintained, is significantly dilapidated, and was obviously abandoned a long time ago. The structure is not weather-tight and has a deteriorated roof with numerous openings. There are numerous instances of fallen drywall, water intrusion, and significant amount of mold-like substances on the walls, ceiling and floors. There are gaping holes in the garage and dwelling roof allowing water into the structure, which has allowed the structure to continue to deteriorate. The roof soffits are open and exposed to weather and animals/insects. There is evidence of significant water damage, with flooring, insulation, and other materials deteriorated and not properly anchored. The overhead garage doors are damaged and deteriorated exposing the structure to weather, animals and insects; collapsed drywall effecting the nominal strength of any structural member on the interior due to weather conditions of snow and rain entering the roof; visible mold on walls, floors and/or ceilings of the first and second floors of the interior of the structure; exterior front porch and back deck not structurally sound due to boards deteriorated.

3. An Order outlining the manner in which the building is to be made safe and secure, or demolished and removed: The structure shall be demolished and removed in accordance with the following requirements:

- Site Fencing to be placed around demolition area
- Utilities to be confirmed as disconnected and or de-energized
- Demolition of house superstructure
- Collapse foundation walls onto slab and punch slab
- Complete back fill of foundation with select fill, topsoil, and seed

Controlled demolition is accomplished mechanically using a hydraulic excavator. The structure will be demolished from the top down. All debris will be sorted and separated to allow for proper recycling and disposal. When the foundation is clear of debris, the slab will be punched by making multiple holes using a hydraulic excavator which will prevent pooling of water underground. After the slab is punched, the foundation walls will be collapsed into the foundation hole. With the foundation collapsed the hole will be backfilled with select fill with at least six (6) inches topped with topsoil. Topsoil will be seeded.
(Resolution #19T-187 - Continued)

(4) Deadline for commencing demolition and completing work: The demolition and removal shall commence within thirty (30) days of the service of a Notice required to be served herein, and such work shall be completed within sixty (60) days thereafter, unless, for good cause shown, such time may be extended.

(5) A date, time and place for a Hearing before the Town Board in relation to such dangerous or unsafe building, which Hearing shall be scheduled not less than five (5) business days from the date of service of the Notice: A Hearing in relation to such unsafe structure located on the Property will be held before the Town Board on December 4, 2019, at 7:00 p.m., at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526. The date of this Hearing will be not less than five (5) business days from the date of service of this Resolution and Order; and

(6) Neglect or Refusal to Comply: In the event of neglect or refusal to comply with the Order to demolish and remove the structure located on the Property after being so notified, and after the Hearing, the Town Board be and hereby is authorized to provide for demolition and removal of the structure, and shall assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.

AND BE IT FURTHER RESOLVED, that the Town Board orders that a certified copy of this Resolution and Order be served on the persons and in the manner provided for in Section 97-4, filed in the Office of the Monroe County Clerk, and posted at the Property.

Moved: Moore
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

Public Works - None
Public Safety - None
Community Services - None

Old Business - None
New Business - None
Public Participation - None
Executive Session - None
Next Meeting - October 2, 2019
Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:17 PM.

Lisa Grosser, RMC
Deputy Town Clerk