

TOWN OF MARCELLUS
CONDEMNATION HEARING MINUTES
Thursday, March 10, 2016

A hearing was held in the Marcellus Town Hall, 24 E. Main Street, Marcellus, New York, county of Onondaga, State of New York on Thursday, March 10, 2016 at 7:00 p.m. The purpose of this hearing was to review the determination of the CEO that the structure at 4747 North Street Road, Marcellus, NY 13108, is declared unsafe.

Those present at the hearing:

Gerard E. Wickett, Hearing Officer

John Houser, Codes Enforcement Officer

Terance V. Walsh, from Costello, Cooney and Fearon, PLLC

Karen Pollard, Town Supervisor

Ron Schneider

Bill Southern

Joe King

Sandy Taylor, Town Clerk

Mr. Wickett called to order the Hearing at 7:00 pm. At this point Mr. Wickett read the Resolution from the February 8, 2016 Town Board meeting regarding this issue. He then read the Condemnation Notice that was sent to Mr. King on February 18, 2016 from the Town Attorney, James J. Gascon.

John Houser, Codes Enforcement Officer, then stated that to secure the structure a fence went up about 1 year ago to keep access to a minimum.

John Houser, Code Enforcement Officer, had sent Mr. King a Compliance Order dated January 24, 2014 that the building is unsafe, unprotected and unsecured from the public. The Compliance Order says "Demolish the building or correct the violations".

Mr. Wickett then read the Conclusions and Recommendations from TDK Engineering report that was dated October 2, 2015. The following is from the Report.

Conclusions and Recommendations

Based on the information reviewed, it is our opinion that the structural integrity of the building and the multiple retaining wall systems at this property has been compromised and pose a dangerous condition to the public. Therefore, we recommend that the property owner immediately performs the necessary repairs to the building structure, retaining walls and general site improvements in order to remove the hazards associated with these compromised building elements. All required improvements should be performed by a qualified contractor and in accordance with the building permit requirements of the Town of Marcellus as well as the requirements of the New York State building code.

Should the owner decide not to perform the repairs to the building and site related features, it is our recommendation that the Town of Marcellus implement a condemnation of the building and subsequently demolishes the structure and repairs/replaces the failing

retaining walls in the interest of public safety. The demolition activities will also require planning with other regulatory and public utility companies (i.e., New York State Department of Transportation, New York State Department of Environmental conservation, United States Army Corps of Engineers, United States Fish & Wildlife, National Grid, Onondaga County Water Authority, etc) prior to and during the proposed site work.

Additionally, there may be non-structural issues that should be taken into consideration. Given the age of this structure and the prior manufacturing activities that were performed at this site, it is likely that asbestos-containing materials and/or "other" recognized environmental concerns (RECs) may be present within the building and around site. These conditions should be further evaluated as part of the overall repair or condemnation program.

In either case, it is recommended that the public warning program (i.e., temporary fence and placards) remains in place and is maintained until the site work has been completed.

Mr. Joe King, Owner of the Property, stated that he has been in contact with John Houser, Codes Officer, and would like to recycle as much steel and wood as he can from the property at 4747 North Street Road before demolishing it.

John Houser, stated that he would have to receive permission from many agencies before he could demolish it.

Mr. King stated that he wants to do the work himself and that he could start as soon as this coming Monday.

John Houser made the suggestion that you give him thirty days (30) to get all the permits and start on the process.

Mr. Wickett stated that he will have a decision within three (3) business days.

The Public Hearing was closed at 7:30 pm.

Respectfully submitted,

Sandy Taylor, Town Clerk