

At the special meeting of the Town Board of the Town of Elmira, Chemung County, New York held Monday, April 22, 2019 at 7:00 PM at 1255 West Water Street, Elmira, NY, there were present:

Supervisor: David Sullivan
Councilmember: Thomas Milliken
Councilmember: Scott Bush
Councilmember: Ron Allison
Councilmember: Karen Krusen

Others present

Town Clerk- Jo Ann Sherwood
Assigned Attorney- Kim Middaugh
Code Enforcement Officer – Eric Crandall
Retired Code Enforcement Officer- Chip LeValley

At 7:00 P.M. Supervisor David Sullivan read proof of publication of April 8, 2019 of notice of public hearing to determine whether or not condemnation and demolition should take place at 408 Wall Street and the code enforcement officer shall provide notice, pursuant to Section 82-6 and 82-7 of the Elmira Code. Assigned Attorney Kim Middaugh gave a review of the proceedings that led up to this public hearing. Code Enforcement Officer Chip LeValley gave a brief review of his work timeline with the permit process for this project along with his report regarding the unsafe condition of the property. Mr. LeValley explained that the homeowner was given his first permit in May of 2015. An extension of this permit was given in 2016. When no further work was performed according to the Town code officer a notice of demolition was sent in August of 2018. Code officer, Eric Crandall, presented current photographs of the property and explained the current code violations which created an unsafe condition.

The homeowner was then allowed to speak regarding this permit process. Mr. Stephen Waters questioned this whole process. He stated he never received any notice of violation from 2015 through 2018. He stated he does not understand why it came to this. He stated he was under the impression there was no urgency from the Code office to get the work done. He had some health issues which set him back and he stated he was told by Mr. LeValley that he needed to work on his mother's home and bring that up to code. He stated he was trying to find someone to install the block foundation as that is something he does not do, but could not find anyone to do the job. He then bought polyfoam blocks but it was too wet to install them. He stated he has the structure now secured and the foundation is poured. He also reported that the structure is wrapped and the windows are installed with the exception of the front windows.

Board questioned Mr. Waters if ninety days would be enough time to complete the work to make the building safe which included completing the foundation, installing all windows and doors, and siding the house. He stated if he did not complete the work within ninety days, the town could demolish the structure. Mr. Waters also agreed that he would grade and landscape the yard with the same time period. Board advised him that he needed to come in and apply for another permit and complete the agreed upon work as conditions of the permit within ninety days. Mr. Waters agreed.

Resolution 85-19

Determination of condemnation and demolition of 408 Wall Street

By Mrs. Krusen

Seconded by Mr. Bush

WHEREAS, the Town Board of the Town of Elmira held a hearing pursuant to Chapter 82 of the Town of Elmira Code for the purpose of determining whether the building located at 408 Wall Street, Elmira, New York 14905 is unsafe and if found unsafe, should the building be repaired or demolished; and

WHEREAS, the owner of the subject property Stephen Waters was heard regarding his efforts and plans to renovate the property and the town code enforcement officers, Chip LeValley and Eric Crandall presented testimony and photographs exhibiting the unsafe condition of the structure in current violation of the state property code; and

THEREFORE, BE IT RESOLVED after due deliberation the Town of Elmira Town Board made the following determination regarding the condition of the building located at 408 Wall Street, Elmira, New York 14905 pursuant to Chapter 82 of the Town of Elmira Code:

1. The Town Board determined that the building located at 408 Wall Street, Elmira, New York, 14905 is unsafe.
2. The Town Board ordered and Stephen Waters agreed to obtain a building permit subject to the following conditions:
 - a. The building permit would be issued for a 90-day period.
 - b. During the 90 days Mr. Waters shall:
 - Place siding on the dwelling, including fascia, trim and gutters
 - Install NYS Energy code compliant windows and doors.
 - Attach stairs to entrances.
 - Grade and Landscape.
3. The Town Board ordered and Mr. Waters agreed to maintain contact with the code enforcement office and coordinate required inspections at each step of the process.
4. The Town Board ordered that if Mr. Waters fails to complete the agreed upon repairs and improvements, no further building permits will be issued and Mr. Waters agreed that he would allow the Town to proceed with the demolition of the building.

Aye- Bush, Milliken, Allison, Krusen, Sullivan

No- None

On a motion by Mrs. Krusen and seconded by Mr. Milliken the meeting was adjourned at 7:48 P.M.

JoAnn Sherwood, Town Clerk