

**TOWN BOARD HEARING  
RE: 1715 LAKE ROAD  
January 11, 2010**

The Hamlin Town Board held a hearing on January 11, 2010 in the Hamlin Town Hall located at 1658 Lake Rd., Hamlin, New York to address Building Code violations at 1715 Lake Road. The hearing was opened at 6 pm by Supervisor Terry who explained the location of the fire exits and defibrillator for those present.

Present: Councilperson Thomas Breslawski, Councilperson Craig Goodrich, Councilperson Paul S. Rath, Councilperson David Rose, Supervisor Peter Terry.

Also present: Code Enforcement Officer Lee Nettnin; Attorney Kenneth Licht; and interested party, John Antoniou.

Building Inspector Lee Nettnin stated: In November of 2009, I was asked by the Supervisor to make an assessment of the building at 1715 Lake Road because it had been vacant for a number of years. At that time, I didn't feel that I could classify it as an unsafe building according to our Hamlin Town Code Chapter 39. However, in late November, things seemed to be escalating and the police were called at least twice to the location on a trespass by some youths that were seen in the building. I did go to the building myself and I noted that one window and one door had very easy access to the building. After informing the Supervisor, I was advised by the Town Board to send a violation to Mr. Brogan, the owner, to seal the building up on December 15, 2009. On December 18, 2009, he was also served with a letter from Supervisor Roach informing Mr. Brogan of the Town Board Hearing scheduled tonight to address the matter. Shortly after, he did secure the building; the building was locked and better boarded.

I have found the following violations under NY State Uniform Prevention Building Code:

- *F311.2.2 Fire alarms shall be operable at all times.*
- *F311.3 Accumulation of combustible material and rubbish.*
- *PM304.2 All exterior surfaces shall be maintained in good condition.*
- *PM304.5 Foundation walls shall be kept in such condition to prevent entry of rodents and other pests.*
- *PM304.6 Exterior shall be free from holes, maintained weatherproof and surface coated.*
- *PM304.13 Every window, door and frame shall be kept in sound condition, good repair and weather tight.*
- *PM304.13.1 All glazing materials shall be maintained free from cracks and holes.*
- *PM307.1 All exterior and interior property shall be free from accumulation of rubbish or garbage.*

At the present time, it is unlivable and is not suitable for any type of occupancy. I recommend that the building should either be repaired or demolished.

Councilperson Rose stated that he should be informed to either repair it or demolish it.

Supervisor Terry stated that he should be cited for all the violations that Lee listed giving him a timeframe.

Attorney Ken Licht said that the notice that was served upon Mr. Brogan, signed by Denny Roach stated: *"If in the opinion of Town Board, your plans are not adequate, appropriate or timely to resolve the unsafe conditions or to make the building fit for its legal purposes, the Board may, by resolution, order its repair or demolition with such repair or removal of the*

*building to commence within fifteen (15) days after the public hearing and to be completed within thirty (30) days thereafter, unless for good cause shown, such time shall be extended. In the event of neglect or refusal to comply with the above, the Town Board is authorized to provide for its demolition and removal...”*

It was decided that there would be a resolution made during the regular Town Board Meeting.

**ADJOURNMENT**

Motion was made by Councilperson Rose, seconded by Councilperson Rath, to adjourn the hearing at 6:15 pm as all business was concluded.

Polled Votes: Councilperson Breslawski aye, Councilperson Goodrich, Councilperson Rath aye, Councilperson Rose aye, Supervisor Terry aye. Motion carried.

Respectfully submitted,

Kathi A. Rickman, MMC  
Hamlin Town Clerk