

TOWN OF MANLIUS

COUNTY OF ONONDAGA

IN THE MATTER
OF

NOTICE PURSUANT TO TOWN
OF MANLIUS CODE 63-3,4

PROCEEDINGS PURSUANT TO CHAPTER 63 OF
THE OF MANLIUS CODE RELATIVE TO
PREMISES ALLEGED TO BE UNSAFE REPUTEDLY
OWNED BY TIMOTHY A. GORDON AND LOCATED
AT 136 WILSON DRIVE TOWN OF MANLIUS,
NEW YORK 13057 (TAX MAP NO. 063-02-25.0)

To: TIMOTHY A. GORDON

PLEASE TAKE NOTICE that the Codes Enforcement Officer of the Town of Manlius, Onondaga County, has filed a written report ("Report") with the Town Board of the Town of Manlius pursuant to the provisions of Chapter 63 of the Code of the Town Manlius regarding the unsafe building or structure (the "Structure" or "Building") situate on premises reputedly owned by you at 136 Wilson Drive, in the Town of Manlius, New York 13057 designated as Onondaga County Tax Map Parcel No. 063-02-25.0 (the "Premises"). A copy of the Report is attached hereto as Exhibit "A".

The Town Board of the Town of Manlius, pursuant to the provisions of said Chapter 63, specifically 563-3, by resolution duly adopted at its February 27, 2019 regular meeting, determined from the Report there is grounds to believe that such building or structure situate on the Premises is dangerous or unsafe to the public, and as such ordered the repair, removal and/or demolition of same for the reasons stated therein. A copy of the Resolution is attached as Exhibit "B".

ACCORDINGLY, PLEASE TAKE NOTICE YOU ARE HEREBY ORDERED TO PLACE THE PREMISES AND STRUCTURE IN SAFE CONDITION BY REPAIR OR BY DEMOLITION AND REMOVAL OR OTHERWISE, ALL WHICH MUST BE COMMENCED WITHIN THIRTY (30) DAYS OF THE SERVICE UPON YOU OF THIS NOTICE AND BE COMPLETED WITHIN SIXTY (60) DAYS THEREAFTER, UNLESS SUCH TIME SHALL BE EXTENDED BY THE TOWN BOARD OR ORDER OF A COURT OF COMPETENT JURISDICTION.


PLEASE TAKE FURTHER NOTICE if you fail to comply with the provisions of this Notice, that the Town of Manlius will conduct a public hearing on the 10th day of April, 2019 at 6:35 p.m. at 301 Brooklea Drive, Fayetteville, New York 13066, in relation to such unsafe building or structure, and that you are hereby required to appear before the Town Board on the date, and at the time and place set forth in this Notice to show cause why the building or structure reported to be unsafe should not be repaired, demolished and removed or otherwise dealt with pursuant to Chapter 63 of the Town Code.

PLEASE TAKE FURTHER NOTICE that in the event that neither you nor any person having an interest appears at the hearing, or is unsuccessful in proving the building or structure is not unsafe and/or fails to comply with any Order of the Town Board, the Town Board shall have the right to order such building or structure to be vacated and made safe and secure by the demolition and removal of such structure or by such other measures which may be reasonably necessary, and you as the owner shall be liable to the Town for all costs and expenses so incurred by the Town, including in connection with this proceeding, and the Town may assess all costs and expenses incurred by the Town in connection with such repair or removal against the real property on which the structure is located and to institute a special proceeding to collect the costs of demolition, including legal expenses, and the Town may otherwise proceed all in accordance with the provisions of Chapter 63 of the Code of the Town of Manlius.

Any resident of the Town of Manlius is entitled to be heard at the hearing.

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF MANLIUS.

Dated: February 27, 2019


Allison A. Weber, Town Clerk
Town of Manlius

IN THE MATTER
Of

RESOLUTION AUTHORIZING
ADOPTING CODE ENFORCEMENT
OFFICER'S REPORT AND SETTING A
DATE FOR A PUBLIC HEARING

PROCEEDINGS PURSUANT TO CHAPTER 63
OF THE TOWN OF MANLIUS CODE RELATIVE
TO PREMISES ALLEGED TO BE UNSAFE THAT
ARE OWNED BY TIMOTHY A. GORDON AND
LOCATED AT 136 WILSON DRIVE, TOWN OF
MANLIUS, NEW YORK 13057 (TAX MAP 062-02-25.0)

The TOWN BOARD OF THE TOWN OF MANLIUS, in the County of Onondaga, state of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, on the 27th of February, 2019, at 6:30 p.m.

The meeting was called to order by Edmond J. Theobald, Supervisor, and the following were present, namely:

Edmond J. Theobald	Supervisor
Vincent Giordano	Councilor
Karen Green	Councilor
John R. Loeffler	Councilor
Nicolas J. Marzola	Councilor
Richard Rossetti	Councilor
Sara Wall-Bollinger	Councilor

The following resolution was moved, seconded and adopted:

WHEREAS, the Town Board, at its February 27, 2019 regular meeting, reviewed the Inspection Report of the Code Enforcement Officer regarding the single-family home (the "Structure") situated at 136 Wilson Drive, East Syracuse, New York (the "Premises"), which Report found that the Structure to be unsafe and a hazard requiring remediation or demolition;

WHEREAS, the Code Enforcement Officer was present at the February 27, 2019 meeting and explained his opinion as to the unsafe nature of the Structure and Premises and assisted the Board in reviewing the Report;

WHEREAS, there have been numerous complaints about the Structure and the Premises from neighbors, who have stated to the Town Code Enforcement Officer that the Structure has been abandoned for at least seven (7) years;

WHEREAS, Shell Point Mortgage Services has stated to the Code Enforcement Officer that it has a mortgage on the Premises and has sent agents to secure the Structure and those agents partially fell through the floor of the Structure and would like the Structure to be secured or demolished;

WHEREAS, the Town Board agrees with the Report and the need for the Structure and the Premises to be secured and repaired or demolished;

WHEREAS, the Town Board has been presented with a Notice Pursuant to Town Code §63 (the "Notice") to the Owner of the Premises that it has thirty (30) days to begin repairing or demolishing the Structure and that such repair or demolition shall be completed within sixty (60) days of service of the Notice;

NOW, TOWN BOARD HEREBY FINDS AND DETERMINES:

1. The Report is accurate and that the Structure at the Premises is unsafe and unsecured and presents a safety hazard to the residents of the Town of Manlius;

2. Work on repairing or demolishing the Structure shall begin within thirty (30) days of the Notice being served on the Owner;

3. In the event the work does not begin within thirty (30) days of the Notice being served, the Town Board shall hold a public hearing at which time the Owner shall show cause as to why work has not begun to secure and repair or demolish the Structure and bring the Premises into compliance with the Manlius Town Code and the New York State Building and Fire Code;

4. The Notice shall be posted at the Premises pursuant to Chapter 63 of the Town Code;

5. The Notice shall be published in the Eagle Bulletin at least 5 days before the Public Hearing;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts the Report in its entirety; and be it

FURTHER RESOLVED, that the Code Enforcement Officer shall serve the Notice pursuant to Chapter 63 of the Town Code; and be it

FURTHER RESOLVED, that a public hearing shall be scheduled for the 10th day of April, 2019 at which time the Owner, if he has not begun to secure and repair or demolish the Structure, shall show cause why the Town Board should not Order its demolition; and be it

FURTHER RESOLVED, that the Clerk of the Town shall publish notice for the public hearing at least five (5) days before it is scheduled; and be it

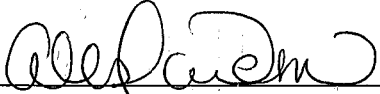
FURTHER RESOLVED, that the Attorney for the Town and the Code Enforcement Officer are authorized to take any and all necessary steps to proceed with the foregoing Determinations and Orders and this Resolution.

I, ALISON WEBER, Town Clerk of the Town of Manlius, DO HEREBY CERTIFY that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 27th day of February, 2019; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Manlius, this 27th day of February, 2019.

DATED: February 27, 2019
Fayetteville, New York



Town Clerk of the Town of Manlius
Onondaga County, New York

IN THE MATTER

OF

INSPECTION REPORT OF CODES
ENFORCEMENT OFFICER
PURSUANT TO TOWN OF
MANLIUS CODE CHAPTER 63

PROCEEDINGS PURSUANT TO CHAPTER 63 OF
THE TOWN OF MANLIUS CODE RELATIVE TO
PREMISES ALLEGED TO BE UNSAFE REPUTEDLY
OWNED BY TIMOTHY A. GORDON
LOCATED AT 136 WILSON DRIVE,
TOWN OF MANLIUS, NEW YORK 13057
(TAX MAP NO. 063-02-25.0)

STATE OF NEW YORK
COUNTY OF ONONDAGA) ss.:

RANDY CAPRIOTTI, being duly sworn, deposes and says:

1. I am Codes Enforcement Officer for the Town of Manlius and am making this affidavit and report (the "Report") pursuant to Town of Manlius Code Chapter 63 relative to unsafe buildings;

2. On February 19, 2019, I investigated reports of an unsafe structure at the premises reputedly owned by Timothy A. Gordon ("Owner") and located at 136 Wilson Drive, East Syracuse, New York 13057 (Tax Map No. 063-02-25.0) (the "Premises"). Located on the Premises is a single-family dwelling (the "Structure") which according to personal observation of the neighbors and Town Officials has been vacant for at least seven (7) years. Upon initial viewing it appears, the overall condition of the dwelling is unstable — the Structure was unsecured (open) and unsafe in violation of Sections 107 and 301 of the New York State Property Maintenance Code, Section 3 1 1 of the New York State Fire Prevention and Building Code, and Chapter 63 of the Town Code;

3. By letter, dated August 10, 2018, Owner was notified by the Town of Manlius Code Enforcement Office that the Premises were in violation of same, and were ordered to remediate same by August 17, 2018 and September 6, 2018. Attached as Exhibit "A" is a copy of the foregoing notice and as Exhibit "B" consisting of 10 pages are photographs of the Premises taken

from August 8, 2018 through September 25, 2018. The condition of the Premises is at minimum as shown on same and has very likely worsened;

4. On or about August 10, 2018 and through to date, I observed and continue to observe the Premises as being unsafe, unsecured (open) and unfit for human occupancy in violation of Chapter 63 of the Town Code, Sections 107.3 and 107.5 of the New York State Property Maintenance Code, and in addition, the Premises is not in a clean, safe and sanitary condition, and as such is causing a blighting problem and adversely affecting the public health and safety of Town residents, all in violation of Section 301.3 of the Property Maintenance Code of New York State:

5. More specifically, I observed the following violations of the New York State Building and Fire Code:

(i) The roof, ceilings and floors are collapsed in some locations, the utilities have long been terminated, with both cosmetic and apparent structural and systematic issues affecting the Premises;

(ii) In addition to the unsafe Structure, the overall condition of the land also appears hazardous due to accumulated debris, an unmaintained swimming pool, consistent overgrowth of grass, shrubs and trees.

(iii) The Structure appears to be in need of new plumbing;

(iv) The Structure appears to be in need of new electrical wiring and lighting;

(v) The Structure appears to be in need of new heating and cooling systems;

(vi) Environmental concerns such as mold and asbestos require attention;

(vii) Maintenance is required on the Premises to ensure environmental hygiene and deter vector nuisances for animals and organisms that can spread disease to humans (i.e. West Nile Virus, Plague, Lyme Disease, Eastern Equine Encephalitis etc.);

(viii) Unmaintained swimming pool requires attention;

(ix) Observations indicate possible vagrant trespassing inside the Structure;

(x) Observation indicated evidence of fire damage to the Structure.

6. The above conditions are in violation of at least the following provisions of the New York State Building and Fire Code and the Town of Manlius Code:

(i) The exterior of the building shall be maintained in good repair, structurally sound and sanitary as not to pose a threat to public health, safety and welfare;

(ii) All exterior surfaces including but not limited to doors, windows, door and window frames, cornices, porches, trim, decks and fences shall be maintained and in good condition;

(iii) All buildings shall have approved address numbers in a position to be plainly legible from the street;

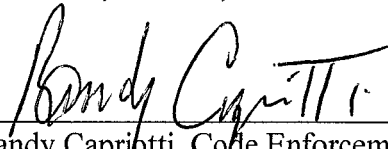
(iv) All structural members shall be maintained free from deterioration and shall be capable of supporting all imposed loads;

(v) All foundations shall be maintained plumb and free from holes, cracks and breaks and shall be maintained in a condition so as to prevent the entry of rodents and other pests;

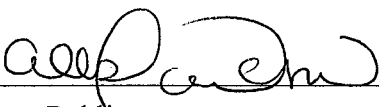
(vi) All exterior walls shall be maintained free of holes, breaks and loose or rotten boards;

(vii) All exterior doors and door assemblies shall be maintained in good condition with doors tightly locked.

7. Based on the foregoing conditions observed as generally described herein, I believe the Structure is unsafe and illegal as provided under Town Code Chapter 63 in the New York State Fire Prevention and Building Code Sections 107.3 and 107.5 Section 301.3 of the Property Maintenance Code of New York State, and must be abated by repair and rehabilitation, including such measures as may reasonably be necessary to prevent unauthorized access thereto by children and other persons, or by demolition and removal in accordance with the procedures set forth in Chapter 63 of the Town of Manlius Code. In addition, conditions existing on the land of said Premises which are unsafe, unsanitary and which create danger or hazard to human life or constitute a hazard to the safety, health or welfare of person or property are unsafe conditions and as such are illegal and must be abated by repair, rehabilitation, removal, demolition or otherwise.


Randy Capriotti, Code Enforcement Officer

Sworn before me this 28th day of
February, 2019.


Notary Public

Allison A. Weber
Notary Public, State of New York
No. 01WE6191206
Qualified in Onondaga County
Commission Expires August 04, 2020