

Resolution Submission Form

MEETING OF: MARCH 12, 2015 RESOLUTION NO. 2015-0191

MOVED BY COUNCILMEMBER: CONSTANCE KEPERT

REVISION MARCH 23, 2015 3:07 PM

SHORT TITLE: SETTING A PUBLIC HEARING ON THE DETERMINATION OF PREMISES AT 75 MIDDLE COUNTRY RD. MIDDLE ISLAND (SCTM# 0200-431.00-02.00, 010.000 AND 012.001) TO BE UNSAFE AS DEFINED BY CHAPTER 73 PURSUANT TO THE ENGINEER REPORT OF CASHIN ASSOCIATES, P.C.

DEPARTMENT: LAW

REASON: To proceed with the determination of the premises to be unsafe as defined by Chapter 73 pursuant to the attached Engineer Report of Cashin Associates, P.C. And set a public hearing by which the owner or other persons having an interest in the premises may be heard.

Financial Impact:
Approx. \$69,000 plus Town labor and associated fringe. To be paid from B3640.4960 (Building Division, Demolition of Unsafe Structures) and reimbursed to B3640.31571 (Building Division, Demolition of Unsafe Structures).

SEQRA REQUIRED:

PERMISSIVE REFERENDUM:

Present	Absent		Motion	Aye	No	Abstain	Not Voting
		Councilmember Cartright					
		Councilmember Bonner					
		Councilmember LaValle					
		Councilmember Kepert					
		Councilmember Foley					
		Councilmember Panico					
		Supervisor Romaine					

RESOLUTION NO. 2015-0191
MEETING: MARCH 12, 2015

SETTING A PUBLIC HEARING ON THE
DETERMINATION OF PREMISES AT 75
MIDDLE COUNTRY RD. MIDDLE
ISLAND (SCTM# 0200-431.00-02.00,
010.000 AND 012.001) TO BE UNSAFE
AS DEFINED BY CHAPTER 73
PURSUANT TO THE ENGINEER
REPORT OF CASHIN ASSOCIATES, P.C.

WHEREAS, the structure at 75 Middle Country Road, in the Hamlet of Middle Island has been abandoned and at the request of the Brookhaven Town Building Department, on December 5, 2014, Cashin Associates, P.C. inspected the structure and found a one story building comprised of cement block exterior walls with both wood and metal pan roof sections. Said wood framed roofing had collapsed into the structure and exposed the interior of the structure to the elements causing the building elements to become dilapidated and decayed and prolonged exposure to the elements represents a health and safety hazard and should be removed, a copy of the findings are attached hereto; and

WHEREAS, pursuant to Chapter 73 of the Town Code, the Town is desirous of setting a public hearing to provide for owner or some one of the owner's executors, legal representatives, agents, lessees or any other person, including but not limited to lenders, mortgagees, having a secured or vested or contingent interest in the premises where such building or structure is located, by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the records of the Receiver of

Taxes and/or in the office of the County Clerk or County Registrar to be heard; and

WHEREAS, if the Town Board shall find that said building is unsafe, pursuant to Chapter 73, §73-5, §73-6 and §73-7 the Town Board must make an order directing notice together with the report prepared by Cashin Associates, P.C., to be posted upon the premises, and shall be filed in the office of the Suffolk County Clerk in the same manner as a notice of pendency pursuant to article 65 of the Civil Practice Law and Rules, and shall be served upon the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person, including but not limited to lenders, mortgagees, having a secured or vested or contingent interest in the premises where such building or structure is located, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the records of the Receiver of Taxes and/or in the office of the County Clerk or County Registrar, either personally or by registered mail of the Public Hearing.

WHEREAS, if the Town Board shall find that said building is unsafe, pursuant to Chapter 73, §73-5 and 73-6 the Town Board must make an order directing notice to be served upon the owner or other persons having an interest in the structure, either personally or by registered mail of the Public Hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Brookhaven, Suffolk County, New York, that the findings of Cashin Associates P.C. be released for public comment commencing April 6, 2015 and shall be made available for public inspection at the offices of the Brookhaven Town Clerk; and be it

further

RESOLVED, that in accordance with provisions of Chapter 73, a public hearing be held by the Town Board of the Town of Brookhaven, One Independence Hill, Farmingville, NY 11738 on the 16th day of April 2015 at 6:30 PM. at such hearing, the public and the owner or any person having an interest in said building, shall have an opportunity to comment on the Town's findings; and be it further

RESOLVED, that the Town Clerk of the Town of Brookhaven, County of Suffolk, State of New York, is hereby authorized and directed to publish the notice of the time and place of such hearing at least ten (10) days in advance of such time in The Long Island Advance, a newspaper, which has a general circulation in said Town; and be it further

RESOLVED, that the Town Attorney or her designee is hereby authorized and directed to serve notice together with the report prepared by Cashin Associates, P.C., such notice is to be posted upon the premises, and shall be filed in the office of the Suffolk County Clerk in the same manner as a notice of pendency pursuant to article 65 of the Civil Practice Law and Rules, and shall be served upon the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person, including but not limited to lenders, mortgagees, having a secured or vested or contingent interest in the premises where such building or structure is located, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the records of the Receiver of Taxes and/or in the office of the County Clerk or County Registrar, either personally

or by registered mail of the Public Hearing.

RESOLVED, that this resolution shall take effect immediately.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that pursuant to Town Law, a public hearing will be held by the Town Board of the Town of Brookhaven, at Brookhaven Town Hall, One Independence Hill, Farmingville, NY on the 16th day of April, 2015 at 6:30 pm on the findings of Cashin Associates, P.C. that 75 Middle Country Road, Middle Island, NY, (SCTM# 0200-431.00-02.00-010.000 and 012.001) represents a health and safety hazard and should be removed.

DONNA LENT

TOWN CLERK TOWN OF BROOKHAVEN

Dated: March 12, 2015

Farmingville, New York