

**CODE COMMITTEE**  
City of Port Jervis  
**MINUTES – Wednesday Jul 3, 2013 7:00pm**  
Common Council Chambers

**Kelly B. Decker**  
Committee Chairman

**Wayne Kidney**  
Building Official

**Laurie Powrie**  
Assistant Building Official

Committee Members  
**Stan Siegel**  
**Carl Hendrick**  
**Gerald Oney Jr.**

- Meeting Called to Order 7:00pm by Mr. Decker
- Pledge of Allegiance
- Present: Councilman Decker, Councilman Oney, Councilman Hendrick, Councilman Belcher, Mr. Kidney, and Angela Castellano.
- Excused: Mr. Siegel – on vacation and out of town
- Approval of the June 2013. Motion Mr. Hendrick Second Mr. Oney Approved
- Building Officials Report:

Mr. Kidney presented board with the Building Department June 2013 Monthly Report

18	Building permits
17	Certificates of Compliance / Occupancy
6	Searches
3	Social Service Inspections
1	Social Service Re-Inspections
3	Pool Permits
1	Sign Permits
2	Multiple Dwelling
26	Building Construction Inspections
40	Violations Notices
47	Other Inspections
5	Appearance Tickets

Total amount collected: \$5,870.00

**100 Pike Street** – The Planning Board public hearing is tentatively planned for July 2013 in hopes that all plans by Ellicot Development are in order and submitted by July 5<sup>th</sup>. A special Planning Board meeting is also an option.

**36 Sullivan Avenue** – Councilman Belcher and Siegel both went with building official Wayne Kidney on the inspection and the property shows a “marked improvement.” The court date was suspended and the building official will monitor the location for compliance. Mr. Belcher questioned as to whether or not the owner was running a business from that location and Mr. Kidney advised him that it was the owner’s way of life.

**11 – 13 River Street** – No action taken (NOTE: Mr. Hendricks expressed concern by 1<sup>st</sup> Ward residents that have asked him about the status and clean-up of the property.)

**Water Street (Former Flo-Jean Restaurant site):** Compliance was made on violations.

**4 Gorden Street:** No action taken

**Niles Residence:** No action taken

**Kal-Port** – There is a marked improvement but the whole pallet pile is not gone yet.

**Port Jarvis Tire** – Mr. Kidney stated that he talked to the owner of the property about the trailer and the owner told him that Schield’s Tire Service had one on their property. No action was taken. Mr. Decker stated that he would talk to the mayor about the situation.

**24-32 Front Street:** It appears that minimal work is being done by the foreclosure bank to protect their interest and make the building sellable.

**9 Cross Street:** No action taken

**143 East Main Street:** No action taken

**131 Hammond Street:** Mr. Kidney stated that he observed siding being delivered to that location in hopes for installation in a short period of time.

**67 Canal Street:** progress has been made but not totally complete.

**188-192 Pike Street:** the dumpster was picked up the day after the June Code meeting.

- Old Business:

**Zoning By Definition for a Wine Bar in the Service Commercial (SC) zone:** Mr. Decker reported speaking with City Attorney Damien Brady who stated that they needed to reduce the long form and need to get help from City Engineer Scott Quinn. Mr. Kidney reports that he spoke with Alex Meloi and Diane Menkin who wanted to put the wine bar in the art gallery. He said they no longer wish to pursue that venture due to a business decision, but Mr. Kidney stated that the gallery owner Debbie Raia is still interested.

**Peddlers Permit:** Mr. Decker stated that he went over each point of the following changes with Mr. Brady and requested that ***a Local Law be presented on or prior to the 1<sup>st</sup> November 2013 Council Meeting.***

1. Vending and Peddler is by permit only renewable on Jan 1<sup>st</sup> of each year
2. Vending and Peddler permit is seasonal from the Friday before Memorial Day until the Tuesday after Columbus Day. There will be no peddling or vendors from the Wednesday after Columbus Day to the Thursday before Memorial Day of the following year except for city permitted/sponsored events and only in the events location.
3. Seasonal Vending and Peddler permit is \$1,500. (No exceptions)
4. Vending and Peddler permit for all city sponsored events for 1 year ONLY - \$500 (city brick and mortar businesses are exempt) any additional fees charged by event sponsor must be paid by the vendor.
5. No city charge for Vending and Peddler permit for street fair events ONLY. Additional fees charged by event sponsor, if applicable, must be paid by vendor.
6. Vending/Peddler permit for Fireman's day parade ONLY - \$100 (city brick and mortar businesses are exempt)
7. Permission for location given by the Common Council on 1st come 1<sup>st</sup> served; but prior year vendor has priority.
8. One seasonal vendor permitted to occupy Observation lookout on Park Avenue must not take up more than 2 parking spaces
9. Seasonal Vendors permitted to occupy Riverside Park parallel to the access road from 4<sup>th</sup> street to the softball field fence.
10. Seasonal Vendors permitted to occupy the tree line of the West End Beach parking area.
11. Stop and Go Vendors/Peddlers – may not stop at one location more than 10 minutes. (e.g. ice cream truck – door to door sales unless invited into the home)
12. Catering permit – Any business that caters to a business or a resident and uses their own mobile unit must pay a yearly fee of \$1,500 (Any Brick and Mortar business along with any Vender that has paid the Seasonal fee are exempt from paying the catering permit.)
13. Caterers must park their mobile unit on or adjacent to their client's property and may NOT sell to any other individual.

**Enclosure for Dumpsters:** Mr. Decker stated that he spoke with Mr. Brady and that Mr. Brady will have this ***local law drawn up by the 1<sup>st</sup> September 2013 Council Meeting*** that states that new businesses must have 3 sided concrete enclosure, 6 ft in height with the front being a privacy swing open fence in which the dumpster is enclosed and no garbage can be seen from the outside. Mr. Kidney suggested that this be written in the screening section of Zoning.

**Underground Utilities:** Nothing new to report about putting utilities underground for the Tri-State corridor project. Mr. Brady had no information on this subject but will continue to look into the viability of making the utility company put all utilities in the city underground when a major project is being completed on a section of roadway.

**LL Conflict 215.80 and 535.30 (Animals allowed in the city)** Mr. Decker stated that he spoke with Mr. Brady regarding these changes and that Mr. Brady will have a Local Law to ***present by the 1<sup>st</sup> Council Meeting in August 2013.*** Mr. Brady answered the concerns and questions of the committee as stated below:

- Define normal pg 15 of 22
  - Mr. Brady stated it is what the state defines as domestic, wild, and ferrel.
- Are snakes allowed?
  - Yes snakes are allowed but they are restricted to certain types of snakes.
- Take animals out of zoning and put in LL 215.80 only
  - ok
- Take kennel out of zoning and prohibit it in the city.
  - Mr. Brady stated that this is already listed as a prohibited use. Mr. Brady stated he will speak with Mr. Kidney regarding this issue.

**Sidewalk Replacement Program:** Although the city has designated \$10,000 out of capital funds to repair sidewalks on city property deemed in need of repair and any curb cuts needed, the CDA director has still not made any headway into getting answers as to how to make this a large funded project through grants.

**Concern for CBD in the area of Hammond/Franklin from Spring to Fowler and Sussex St from Hammond to South Broome :** Although the City Attorney suggested that combining the Riverside area zoning change together with this change that would save some money, the committee has agreed that this should not wait for a possible change in the Riverside area for zoning. There are at least 6 “dead” houses with more on the way. The committee was concerned about how much this would cost the city to rezone this use to RO

**Dead End of New Ball Street:** These violations have been brought into compliance.

**100 Pike Street Plaza:** Mr. Kidney reports that the city is working with the developer on these and other issues.

- New Business

**Advanced Recovery (41 Mechanic Street):** The issue was brought up by Mr. Hendricks and then talked about by Mr. Kidney. There is hard evidence that the business operating at the end of Mechanic Street is in violation of its file plan and zoning. 5 summons were issued to the owner as it appears he is running a junk yard by cutting up vehicles and white goods.

**Charles Street:** Mr. Oney asked Mr. Kidney if he had been advised of the issue that ACO Murray had regarding rodents from trees that were cut down on Lincoln Street. Mr. Kidney said that he was and that the issue was being dealt by ACO Murray.

**Oak Street:** Mr. Oney asked Mr. Kidney about the pool issue he spoke with Mr. Kidney about during the past month in which the owner of a property on Oak Street refused to get a permit for her new pool. Mr. Kidney responded that the issue is not resolved and that the homeowner will possibly be getting a summons now that the 2<sup>nd</sup> letter has gone out.

**Canal Street:** Mr. Kidney reported that the two properties that the city was selling to homeowners on Canal Street have closed. Unfortunately the issue regarding fences has not gone away and that a complaint has been made against another neighbor whose fence is protruding on city property. Mr. Kidney stated that he will be addressing the situation.

**Pike Street:** Mr. Kidney reports that the property to the right as you exit from the underpass into the acre area has been painted. Upon inspection he found some hazardous building violations that must be addressed immediately.

Further up the street at the Orange and Rockland property Mr. Kidney stated that he was in a email campaign with Aileen Sullivan, the local representative of Orange and Rockland, regarding the grass that had not been cut for over 3 ½ weeks. Sullivan maintained that all of the companies properties looked like that because of the deluge of rain in the area and their crews inability to catch up. Mr. Kidney told her that excuse was not valid as area residents have been maintaining their lawns with very little problems and that he was sure that the Orange and Rockland Headquarters property did not look as bad as this property looks. Mr. Kidney stated that the grass was cut a short time later.

**Planning Board Comments:** Mr. Hendricks reports that the local law 535-87 is very clear and stipulates that any changes to section 535 of the local law must go to the Planning Board for their comments in which they are granted 45 days to review prior to the Public Hearing and passage of the bill. Mr. Hendricks stated that this has not happened with some of the past changes to 535 and should be corrected from this point further. All members were in agreement.

**Midas Muffler (29 East Main Street):** Mr. Decker addressed the concern that they owner of the building on East Main Street abruptly ended his relationship with Wayne the proprietor and proposed purchaser of the building. Mr. Decker stated his concern to Mr. Kidney that the building, originally a gas service station (Eckert and Son's) and property if left vacant for over 1 year will lose its non-conforming use and become a RO (residential/office use). In addition, Mr. Decker was concerned about the possibility of contamination of the ground from old fuel tanks. Mr. Kidney stated that the tanks are most probably still in the ground, cleaned, and filled with sand. Mr. Kidney felt that there should be no concern and that this is in acceptance of DEC laws. Mr. Decker stated that his concern that the owner may leave the property after a year vacant and that the city could end up with ownership and responsibility for cleanup was not a concern that Mr. Kidney felt was valid.

- Public Input: NONE
- Next Meeting: **Wednesday August 7, 2013 7:00pm**
- Motion to Adjourn: Motion: Mr. Hendrick Second: Mr. Oney  
Meeting adjourned at 7:51 pm