

CODE COMMITTEE
City of Port Jervis
MINUTES – Wednesday May 1, 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, Mrs. Powrie, Steven and Donna Castrignano, Angela Castellano – Damian Brady 7:20pm
- Approval of the Apr 2013. Motion Mr. Hendrick Second Mr. Oney Approved
- Building Officials Report:

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

17	Building permits
1	Demolition permits
28	Certificates of Compliance / Occupancy
9	Searches
3	Social Service Inspections
3	Social Service Re-Inspections
2	Zoning Board Applications
1	Electrical License Application
3	Multiple Dwelling
34	Building Construction Inspections
47	Violations Notices
65	Other Inspections

Total amount collected: \$3,814.00

100 Pike Street – Developer/Owner came to planning board with very preliminary information including a free standing Rite Aid building. More detailed information expected at this month's meeting. Owners were advised about dangerous windows and growing graffiti on the strip mall.

36 Sullivan Avenue – Much progress has been made and a good amount of the storage has been removed. A final walkthrough will be before the next court date on 6/13/13.

11 – 13 River Street – Spoke with the owner about the sidewalks and cleanup. The owner advised the building inspector to “go after me and get it done.” Will take action this month.

Water Street (Former Flo-Jean Restaurant site): 5/30/13 for full compliance (really this mostly scraping and painting)

4 Gorden Street: No action taken – building has been re-boarded

188-192 Pike Street: cleared and will be removed off of agenda

Niles Residence: new violations have been issued. If the owner doesn’t correct them summonses will be issued.

Kal-Port – 2nd notice has been sent. (Mr. Siegel inquired to what was in the trailers and was advised that it was probably bulk material that they are storing)

Port Jervis Tire – no action taken

24-32 Front Street: The building has been marketed for sale. No buyer as of this date, but people are looking.

9 Cross Street: no action taken

5 Pennsylvania Avenue: this property is cleaned up and 90% complete it will be removed from this list.

143 East Main Street: Mr. Kidney has heard nothing new from Mr. Drew.

31 Seward Avenue: The garage has been stabilized and it will be removed from this list.

131 Hammond Street: No action taken. Building is boarded up.

21 King Street: No action taken

67 Canal Street: Improvements made

- **Public Input:** Public input was moved up as to not hold Mr. and Mrs. Castrignano at our meeting all night as they wanted to express their concerns about their Peddlers Permit.

Mr. and Mrs. Castrignano was advised that we could not talk about the current litigation that was occurring with the Port Jervis City Court. Further we advised the Castrignano’s that we could not and would not discuss any personnel of the city at this meeting. The Castrignano’s were advised that if they had, which they did, any concerns about any employee of the City of Port Jervis that they must address their concerns to the mayor’s office.

The Castrignano’s were advised by Mr. Decker and then reiterated by Mr. Brady upon his arrival that they can only set the cart up at West End Beach, Riverside Park, the municipal lot between Front Street and Ball Street (known as the Mini Mall Parking Lot)

or the municipal lot at Hammond Street and Pike Street. The Castrignano's were under the belief that they were able to set up their cart on any street to sell and were advised that they were not allowed to set up on the street (or parking spot on a street) and were not allowed to sell from private property.

The Castrignano's were advised that if they wanted to sell their Italian Ice from West End Beach that they would be allowed to place a temporary sign on the top of the hill going into the West End Beach advising people their ice is being sold there. They were also advised that the sign must be removed at the end of the day and replaced only when they are selling from that location. The same applies to the other locations as long as the sign is placed on the property. In addition the Castrignano's were advised that their license allows them to operate at any city sanctioned event and must pay an additional fee if the organization that is hosting the event requires a fee. Otherwise they are free to peddle.

Many board members advised the Castrignano's that they appreciate their giving to the community, especially to the children, but also advised them that when laws are set that they cannot be broken in the name of being charitable.

- Old Business:

Zoning By Definition for a Wine Bar in the Service Commercial (SC) zone: Plan has been submitted to county planning and awaiting comment. It calls for the definition of an Art Gallery and a Museum for LL #2 of 2013 and LL #3 of 2013 allows the use of a wine and beer bar as a Accessory Use in the Downtown Business District and a conditional use in the Service Commercial District with approval from Planning Board.

Removal of and illegal use of multiple Kitchens from Single Family Units: Local Law #5 of 2013 "Nonconforming uses" of Chapter 535 of the Port Jervis City Code entitled "zoning" by adding sub-section 535-55(f) entitled "Removal of Additional Kitchens or Kitchenettes in Nonconforming dwellings" was introduced to the committee and meets their approval as long as building and assessor offices agree. Bill to presented at either May 13, 2013 or May 28, 2013 council meeting.

Peddlers Permit: Another lengthy discussion regarding what to do with the peddlers permit continued regarding whether or not to even continue allowing peddlers in Port Jervis except for city sanctioned events. No decisions have been made at this point except to eliminate the Hammond and Pike Street Municipal Lot along with the Front and Ball Street Mini Mall lot from allowances. Further Riverside Park and West End Beach would be allowed spots for vendors as well as the Observatory lookout parking lot.

Enclosure for Dumpsters: No Action has been taken in the last month on this issue. (Mr. Brady to draw up a new local law 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 This would be added to a site plan approval as a conditional use.)

ACO to carry a weapon: No Action has been taken in the last month on this issue. Chief Worden will discuss the matter with cooperation council and the two will decide where and how to proceed.

Multifamily tenant conversion: Local Law #4 of 2013 “Nonconforming uses” of Chapter 535 of the Port Jervis City Code entitled “zoning” by amending sub-section 535-55(d) to reestablish any property to its original status after 240 day rather than the 365 days currently in the law. This change will encourage vacant property owners to utilize their properties in a manner that will productively benefit themselves and the community.

Underground Utilities: Nothing new to report about putting utilities underground for the Tri-State corridor project. In addition Mr. Brady 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. Brady reports that he should have language the corrects the conflict between Section 215.80 and 535.30 and the definition(s) and interpretations regarding a pet and domestic dogs and cats by Tuesday, May 7th and will email the committee with the proposed changes.

Sidewalk Replacement Program: CDA director will be coming to the next Common Council meeting to address the council about options we might have regarding sidewalk replacements. The problem arises that we will never have enough money, even if split 50-50, to do the entire city so the question remains, How do we decide who gets and who does not?

Establish a Fire Lane: Building Official spoke with police chief on this issue. It is not recommended that the access way be one way, however the police chief will designate this access way as a Fire Lane.

Concern for CBD in the area of Hammond/Franklin from Spring to Fowler and Sussex St from Hammond to South Broome : Mr. Kidney is to make a color shaded map of what changes he and the assessor’s office agrees upon in changes to this zone and give it to Mr. Brady. Mr. Brady stated that upon taking this change to Garling Associates that they may suggest that the city make any decisions regarding other zone changes.

Dilapidated Buildings: This is being addressed with the above Local Law change in the multitenant conversions.

- New Business

Tree Law: Mr. Decker brought up a request by tree commission chairman John Fedorka regarding re-instatement of a 1995 law that he believes was necessary. The board members felt that the homeowner is liable and responsible for their trees and plants and that the city should not dictate to the homeowner. Comments were made that there were a lot of “Drafts” to the current law and they believe that this is sufficient.

Discussion of possible Local Law to require garbage cans to have secured lids in place during pickup: Mr. Decker brought up a concern by a 1st Ward resident regarding garbage and garbage

cans being blown all over Port Jervis on a windy day. Upon a lengthy discussion on keeping garbage contained during a windy day to the DPW workers struggling to take lids off of cans and to make sure that the a placed back on securely led the committee to have Mr. Oney bring the idea to DPW director Mr. Lopez for his input.

- Next Meeting: **Wednesday June 5, 2013 7:00pm**

- Motion to Adjourn: Motion: Mr. Hendrick Second: Mr. Siegel
Meeting adjourned at 8:55 pm