

CODE COMMITTEE
City of Port Jervis
MINUTES – Tuesday February 11, 2014 7:00pm
Common Council Chambers

Stan Siegel
Committee Chairman

Laurie Powrie
Building Official

Committee Members
David Bavoso
Carl Hendrick
Gerald Oney Jr.

Michael Reilly
Fire Inspector

- Meeting Called to Order 7:00pm by Mr. Siegel
- Pledge of Allegiance
- Present: Mayor Decker, Councilman Oney, Councilman Siegel, Councilman Hendrick, Councilman Cunningham, Mrs. Powrie, Mr. Reilly
- Reading of the Minutes- Mr. Siegel; Motion by Mr. Hendrick to approve the January 8, 2014 Minutes, 2nd by Mr. Oney
- Building Officials Report:

Mrs. Powrie presented board with the Building Department January 2014 Monthly Report

12	Building permits
1	Demo Permit – garage at 143 East Main Street
1	Social Service Inspections
1	Zoning Board Application
1	Plumbing License Application
1	Plumbing License Issued
1	Electrical License Application
2	Electrical Licenses Issued
27	Multiple Dwelling
18	Appearance Tickets- Yielding \$1,200 in court in fees

Total amount collected: \$5,935 (month of January 2014)

- Fire Inspector's Report:

Kolmar: continuing to monitor.

Taste of Sicily: approved, have CO but not open yet.

Rite Aid: continuing to monitor, been in contact with Fire Alarm Company.

174 Pike Street: concern with studio apartments on 2nd & 3rd floor. Code requires smoke detector in each sleeping space, asked for interpretations of state and awaiting answer on using battery powered smoke detector and a heat detector.

Dunkin Donuts: awaiting information on changes before speaking with project engineer.

Sahara Project (KFC Property): had multiple conversations with owner, everything clear. Fire lane issue needs to wait to be addressed until the three properties are combined and make the traffic flow.

Mad Dog Liquor: contacted by fire alarm submission- report not near ready, spoke with project engineer and informed.

Call boxes: in good order, eventually need to start looking to budget replacement call boxes. If replaced, look into building roof (enclosure) over call box to protect from elements.

Fire Hydrants: recommended conducting a public education on matter of law of clearing fire hydrants in front of your property before issuing summons. Also, a first offense warning was suggested through use of an informational flyer on regulations.

- Updates on Following Locations Reported Last Month:

100 Pike Street: Rite Aid, construction slow due to weather.

Kolmar Laboratories Renovation: gutted area that they are renovating, getting ready to start work, owner has questions for his design professional about the plans.

155 East Main Street: Dr. Horn, permit issued.

291 East Main Street: Mad Dog Liquors – waiting for fire alarm plan review to be approved so a permit can be issued.

33-39 East Main Street: Zara Realty Project (KFC Property), in the Planning Board, public hearing left open while they get Zoning Board Variance for Parking spaces. Mayor Decker added that this is now at the public hearing stage.

29 Front Street: Ruby Group, has not seen Planning Board Application yet.

29 East Main Street: (Midas Property) Mayor Decker stated that the two gentlemen have been inside painting who are interested in opening property as motor vehicle repair shop. Mayor Decker also stated that they had a sign issue and informed Mrs. Powrie to make sure they install sign properly.

74 Kingston Avenue: Rea Used Car Property- Mrs. Powrie stated that she may be getting a Planning Board Application for April meeting from party interested in opening up Laundromat.

Dunkin Donuts: Mrs. Powrie is about to issue permits for their renovations, and have a Planning Board presubmission in for a lot line change and a new exit.

92 Front Street: Mrs. Powrie stated that she has heard nothing new from Owner of Fort Knox who was interested in opening up a Pawn Shop there.

4 Gordon Street: Mrs. Powrie suggested the City look into getting Asbestos survey and abatement done, and rebid the demo. Mayor Decker stated that he will have Vince Lopez check into it.

Niles Residence: Sold in tax sale. Mrs. Powrie will be addressing issues with new owner as soon as they have a Deed.

143 East Main Street: Demo permit for garage issued. Appears to Mrs. Powrie that they have it demolished or at least started. She also stated that their court date for compliance is 03/06/2014.

131 Hammond Street: Nothing new, Siding work still being done, but slow.

- Old Business:

Zoning By Definition for a Wine Bar in the Service Commercial (SC) zone: Waiting for Damian Brady. Mayor Decker stated that he will follow up with Corporation Counsel on matter.

Zoning Map Change: Orchard Street Properties – Local law #1. No further action required.

Zone Change for CBD in the area of Hammond/Franklin from Spring to Fowler and Sussex St from Hammond to South Broome : Local law #1, Will be at Public Hearing on 02/24/2014. No further action required.

Film Industry Local Law: Waiting for Damian Brady. Mayor Decker informed that Corporation Counsel will handle.

Orange & Rockland: Granted extension. No further action required.

- New Business

Vacant Property Assessment Fee: Mrs. Powrie is currently researching ideas for implementing a local law. Mrs. Powrie stated that there is an issue currently with going after the listed property owner in her records. Mrs. Powrie suggested a local law from Hillsboro County Florida, which was worded to state that as soon as a bank forecloses on a property, they have to take the title. This would help in determining the owner of the property to charge the vacant property assessment fee to. Mrs. Powrie reported that there are approximately 78 Vacant Foreclosed properties in the City, in which 4 are bank owned. Of these properties, in the 1st Ward there are 32 vacant properties; 9 of which are rentals, 19 are owner occupied, 3 bought for investments to flip, and 1 owned by Orange & Rockland. In the 2nd Ward, there are 35 vacant properties; 11 of which are rentals and 23 are owner occupied. In the 3rd Ward, there are 29 vacant properties; 10 of which are rentals, 18 are owner occupied, and 1 bought for flip. In the 4th Ward, there are 28 vacant properties; 10 of which are rentals, 13 are owner occupied and 4 are City owned. Mayor Decker added that there are 40 vacant rental properties. Mrs. Powrie stated that there are 180 vacant residential properties.

New Construction: Underground Utilities Requirement: Mayor Decker stated that he will be discussing the issue with the Orange and Rockland President at his meeting in March.

Discussion of Revisions to Codes; Section 464: Mrs. Powrie suggested that Mr. Siegel alter his revisions in regard to motorized wheel chairs. Mayor Decker suggested that the matter be sent to Chief Worden for his opinion. Mrs. Powrie added that the issue of riding motorized wheel chairs on the sidewalk also be presented to the ADA Committee. Mrs. Powrie also suggested revising changes made to Section 464.13- Placement of Merchandise on Sidewalk. Mr. Siegel took out the part that stated no more than 18 inches from building. Mrs. Powrie recommends maintaining that it has to be against the building and that it must keep a clear walkway. Mr. Reilly suggested that adding no smoking allowed to this outside space. This would keep the smoke from interfering with people walking by.

Flat Roof Construction: Mrs. Powrie stated that this is allowed under New York State Code, so for this change to stop flat roof construction, a more restrictive local standard law may have to be filed. Mayor Decker said he will discuss matter with Corporation Counsel.

Changing Water Fee to “Water Tax”: Mr. Siegel suggested changing the name of the water fee to water tax so that residents could use this as a write off for income tax. Mayor Decker stated that the only objective with this is to get the word out that it is not a new tax and that the wording is simply being changed from fee to tax so that one can use it as a write off on their income tax.

- Public Input:

Residents of Port Jervis, NY Betsy Gardner and her son Alex Gardner from Gardner Abstract, LLC (Title Search Company) gave opinions and suggestions on benefits of tax sale foreclosure vs tax sale. Mrs. Gardner stated that tax sale foreclosure would be more profitable for the City vs tax sale. With tax sale foreclosure, one would own a fee interest in the property. One would own the entire interest and cut off the creditors. This can be insured by title companies, and the auction would not just be for taxes, but for close to market value of house. In doing tax sale, one owns a 99% tax interest in the home, which means they are not the owner. The 1% fee interest is not owned. A good deed would not be given in a tax sale. Mrs. Gardner suggested looking at the New York State Real Property Actions and Proceedings Law (NYSRPAPL) to reference a Bar Claim Action-Article 15 Proceeding which refers to gaining a fee interest. Mrs. Gardner also suggested to contact the County of Orange Finance Director for additional information and to reach out to the City of Newburgh for information as they have been conducting tax sale foreclosures successfully for over forty years. Mr. Hendrick suggested that we present this to our Corporation Counsel for his input and opinions on the matter.

- Next Meeting: **Wednesday March 5, 2014 7:00pm**

- Motion to Adjourn: Motion: Mr. Hendrick Second: Mr. Oney
Meeting adjourned at 9:05 pm: Mr. Siegel