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Tuesday, September 30, 2008

Ms. Donna Kabanow
Prudential Hart & Hart
160 Poplar Road
Ananadale, NY 10599

Dear Ms. Roth:

Pursuant to the conversation you had with this office, the following information is provided the abandoned/vacant buildings in the downtown Ananadale area. The most applicable section within the New York State Uniform Fire Prevention and Building Code Act is the Property Maintenance Code of New York State.

The scope and purpose of that Code is as follows:

§PM101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises; and for administration, enforcement and penalties.

§PM101.3 Purpose. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises.

The Duties and Powers of the Code Enforcement Official (§PM104) and dealing with Violations (§PM106) are described as:

§PM104.1 General. A city, town, village or county that is responsible for administration and enforcement of this code shall designate a code enforcement official in accordance with the applicable provisions of local law. A state agency that is responsible for administration and enforcement of this code shall be in compliance with the applicable provisions of state agency regulations.

§PM104.3 Inspections. Property maintenance inspections conducted by a city, town, village or county shall be in accordance with the applicable provisions of local law.

§PM104.7 Department records. A city, town, village or county that is responsible for administration and enforcement of this code shall establish and maintain records in accordance with the applicable provisions of local law.

§PM106.1 Unlawful acts. Violations of this code shall be dealt with in a manner appropriate to the applicable provisions of a city, town, village or county and shall be in accordance with the applicable provisions of local law.

The Code is quite clear regarding responsibilities of parties for general maintenance, adherence to the Fire Code of New York State and a variety of issues dealing with environmental impact. The Code also relates back to all of the Codes within the New York State Uniform Fire Prevention and Building Code Act.

At a minimum, it should be determined if any structure should be deemed structurally unsound and the possible impact of that condition on the public. It is not uncommon for property owners to be compelled to either repair the structural flaws or to remove/demolish the structure in a safe manner.

Also, the question of environmental impact is at issue if a property usage indicates that special provisions should be taken. Exposure to lead paint, asbestos and/or other toxins may be of concern as well as the presence of Underground Storage Tanks. It is not uncommon for a Phase I Environmental Site Assessment to be conducted on vacated commercial properties when the public relies on groundwater for consumption.

If you have any further questions, please contact me at the number listed herein.

Sincerely,



Lawrence D. Danner, P.E.

License #056546

