



TOWN BOARD SPECIAL MEETING
SEPTEMBER 27, 2010

A special meeting of the Town Board of the Town of Ballston was held Monday, September 27, 2010 at 2:00 p.m. at the Town Hall on Charlton Road. Members present were Supervisor Patricia Southworth, Councilwoman Mary Beth Hynes and Councilman Jeremy Knight. Also present were Town Attorney Murry Brower and Town Clerk Muriel Swatling. Absent were Councilman Timothy Szczepaniak and Councilwoman Kimberly Ireland.

The purpose of this meeting was to consider a report from Building Inspector Thomas Johnson regarding 1003 Route 50 (SBL #248.-2-7) which was detailing an accident in which an automobile crashed into the southeast corner of the structure located on the property. The bearing wall in the southeast side of the structure sustained major damage.

Due to the apparent extensive damage and pursuant to Section 108 of the Property Maintenance Code of New York, as an emergency measure, Mr. Johnson declared the structure unsafe and placarded the building with the following notice: This structure is unsafe and its occupancy has been prohibited by the Code Enforcement Official.

Section 52-2, Code of the Town of Ballston, calls for the Town Board to consider this report and by resolution determine if said structure or building is unsafe and dangerous and order its removal or repair if the same can be safely repaired and further order that notice shall be given to the owner or owners in the manner provided.

Supervisor Southworth called the meeting to order at 2:00 p.m.

10-121: A motion was made by Jeremy Knight and seconded by Mary Beth Hynes to approve the following resolution regarding the property located at 1003 Route 50. Roll Call: Ayes – all; Noes – none. Carried.

WHEREAS the Building Inspector of the Town of Ballston, New York (the "Town") has reported to the Town Board that he has determined that real property of HB & I LLC who are the owners of public record, which real property is located at 1003 Route 50, Town of Ballston, New York, is designated by property transaction/tax map identification number Tax Map Section 248. Block 2, Lot 7, is not in compliance with Town Law Chapter 52, BUILDINGS, UNSAFE of the Code of the Town of Ballston and the New York State Property and Maintenance Code, 19 NYCRR 1226 as incorporated in the Town Code under Chapter 52 and that he has prepared a written report and pictures dated September 27, 2010 and has presented evidence of the unsafe condition of the structure located at 1003 Route 50 as described in Town Code § 52-1.

WHEREAS it is the determination of the Town of Ballston that the property is not safe as described in the reports of The Building Inspector, Thomas Johnson, it is hereby,

RESOLVED that the Town Board finds the property to be unsafe and dangerous under § 52-2 of the Code of the Town of Ballston and hereby authorizes and instructs the Town Building Inspector to serve upon HB & I LLC, in accordance with local law § 52-3 notice as described in §52-3 and §52-4 informing HB & I LLC to begin repairs within thirty days and that said repairs be completed within 60 days of said notice having been given and it is hereby,

RESOLVED that if the repairs are not commenced within thirty days and completed within sixty days as set forth in the Code of the Town of Ballston at § 52-3 (D) (1), the Board authorizes the Code Enforcement Officer and or the Building Inspector to pursue the remedies described in § 52-3 D (2) –(5), such as retention of the services of CT Male, the Town Engineer, and the making of an application in State Supreme Court for an order declaring



That the structure is unsafe and a public nuisance and directing that the structure be taken down or repaired and/or an order permitting the Town to bring said real property into compliance, charging the cost to the owner(s), and making any unpaid costs a lien against the property as provided by said Property Maintenance Ordinance; and an order that such costs, expenses and attorneys fees incurred by the town in the making said application be a lien against the property as provided by said Property Maintenance Ordinance; and any other fine, penalty or relief provided by §52-8 of the Code of the Town of Ballston and the laws of the State of New York, in the event the illegal conditions set forth in the Notice are not repaired.

A motion was made by Mary Beth Hynes and seconded by Jeremy Knight to adjourn the meeting. Roll Call: Ayes –all; Noes – none. Carried.

Respectfully submitted,

Muriel K. Swatling

Town Clerk