

Village of Maybrook
111 Schipps Lane
Maybrook, New York 12543

BUILDING DEPARTMENT

NOTICE OF VIOLATION

Date: April 3, 2019

To: JAIS Property LLC
4 Estates Drive
Middletown, New York 10940
(Owner or authorized agent of owner)

BY CERTIFIED AND FIRST
CLASS MAIL

Location: Section 111, Block 3, Lot 8
305 Homestead Avenue, Maybrook, New York

You are hereby notified that the following violation exists on your property:

Village Code § 149-4 ("Exterior and interior maintenance"): "The owner or tenant shall keep all and every part of the premises . . . and exterior property area in attractive condition and good repair, including but not limited to the following . . . [s]teps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions... [t]he owner and other persons . . . shall keep all and every part of the premises which he owns and the steps, walk, driveways and parking areas located in the front, rear and side of said premises from the building line to the nearest public street line in a clean, sanitary and safe condition and free from litter, debris, paper, dirt and garbage and in good repair . . . [g]arbage and rubbish must be placed in a dumpster that is large enough and emptied often enough so it does not overfill and must be placed in an opaque structure with a door in a location that is approved by the Building Inspector[, and] . . . [w]aste, deteriorated machinery or equipment, deteriorated vehicles, upholstered furniture, carpeting, mattresses, box springs, clothing, or any such fabric items, dishwashers, refrigerators, washing machines, dryers, stoves, ovens or any such indoor appliances, lawnmowers or any similar outdoor machine/vehicle, tanks and other containers shall not be located in an exterior property area, yard or yard enclosure or on a porch where they are subject to weather deterioration or exposed to public view."

Village Code § 149-5 ("Control of infestation"): "All grounds, buildings or structures shall be maintained free of insects, vermin, rodents and other pests. Where the potential for rodents or vermin infestation exists, windows and other openings and basements and cellars shall be appropriately screened with wire mesh or other suitable materials."

Village Code § 149-6 ("Responsibilities of owners and occupants"): "Owners of commercial . . . buildings shall be responsible for compliance with this chapter. . . Owners . . . of all structures within the Village shall be responsible for compliance with the following:... [d]isposing, in a clean and sanitary manner, of all garbage, refuse and debris in the provided containers [, and e]xterminating insects, rodents or other pests within that part of the premises which they occupy."

Village Code § 109-4 ("Obligation of property owner and tenant"): "(A) It shall be the obligation of each property owner and occupant to collect, store and dispose of all solid waste in a neat, safe and sanitary manner." Additionally, Village Code § 109-1 defines "solid waste" as "Materials or substances discharged, discarded or rejected as being spent, useless, worthless or in excess by the owner at the time of such discard or rejection, except sewage and other highly diluted water-carried materials or substances and those in gaseous form. Such waste shall include but is not limited to garbage, sludge, rubbish, refuse, trash, ashes, incinerator residue, street cleanings, dead animals, offal, abandoned vehicles, agricultural waste, industrial waste, commercial waste and construction and demolition debris."

The property involved, 305 Homestead Avenue, Maybrook, New York, is private property containing a vacant commercial building owned by JAIS Property LLC, as shown on the current Town of Montgomery assessment roll, in addition to the Orange County Clerk's online database.

On July 27, 2016 and March 29, 2019 at the aforementioned premises, I, Timothy Ippolito, Building Inspector for the Village of Maybrook, observed the property located at 305 Homestead Avenue, Maybrook, New York, which contained numerous articles of garbage and rubbish. These materials were located on the property surrounding the building. I also observed squirrels and birds entering and exiting the building through holes in soffits, a cat entering the building, woodchuck holes and evidence of digging on the parcel, and many hornets, wasps and bees making use of the property. There is structural damage to the front wall from possible vehicle impact with the structure. The roof is in disrepair, and some shingles are missing, damaged and/or curled. The gutters are damaged and missing downspout leaders. The siding is damaged and/or missing in many areas. There are exterior electrical outlets that have no protective covers and are open to the elements. There is evidence of water damage under the metal chimney, and the sheathing is rotted. The paint on the building is peeling, chipping and flaking off. The attic window, with an exhaust fan in it, is missing a screen and is open to the elements. The soffits

are rotted. There are holes in the exterior walls in the back of the building. There is a missing drain waste vent pipe for the plumbing system. There are dried leaves and debris piled against the foundation, causing a fire hazard. There is additional debris piled up/stored near the rear shed. There is poison ivy growing up the exterior walls in places, and there are many areas of water damage and dry rot on the exterior of the building. I observed the failure to collect, store and dispose of all solid waste in a neat, safe, and sanitary manner, and the offense of throwing, dumping, abandoning, discarding, or causing to be thrown, dumped, abandoned or discarded solid waste materials on private property.

Attached hereto as Exhibit "A" are photographs of the property, as it existed on March 29, 2019.

Unless, within 10 days from the service of this notice, a written request is made for a hearing before the Board of Trustees concerning your violations of Chapter 149, this notice shall, at the expiration of such ten-day period, be deemed an order to cease and desist from and to abate the above-described violations of Chapter 149. The reasonable time within which you shall be required to cease and desist from and abate this violation is fourteen (14) days, until **April 17, 2019.**

Any person found guilty of violating Chapter 149 of the Village Code shall be subject to a punishment of a maximum fine of \$500 or imprisonment for not more than 15 days, or both. Village Code § 1-14.

Any person found guilty of violating Chapter 109 of the Village Code shall be subject to a punishment of a maximum fine of \$250 or imprisonment for not more than 15 days, or both. Village Code § 109-16. Each and every day a violation continues to exist shall be deemed a separate offense. *Id.*



TIMOTHY IPPOLITO

Building Inspector, Village of Maybrook

Exhibit A





