



Cashin Spinelli & Ferretti, LLC

SURETY CONSULTING • MUNICIPAL PLANNING • CONSTRUCTION MANAGEMENT

New York • Connecticut • Pennsylvania • Illinois

February 13, 2019

Mr. Robert N. Incagliato
Senior Building & Zoning Inspector
Town of Brookhaven
Legal Department
One Independence Hill
Farmingville, NY 11738

Re: 38 Parkside Avenue, Miller Place, NY 11764
Parcel ID: 0200-099.00-02.00-015.000
CSF No.: 106:1901.008

Dear Mr. Incagliato:

On behalf of Cashin Spinelli & Ferretti, LLC (“CSF”), Bruce Strum, AIA conducted a visual inspection on February 5, 2019 of the exterior and interior of the vacant residential building located in the Town of Brookhaven (“Town”) at 38 Parkside Avenue, Miller Place, New York. During CSF’s inspection, numerous building code violations and dangerous conditions were observed. This report is intended to address CSF’s observations and recommendations with regard to the subject premises.

The subject building is a 30’ x 44’ wood frame, single story residential structure with basement resting on a concrete block foundation. It is clad with wood siding and an asphalt shingle roof. This building is in extremely poor condition. A large tree at the rear of the property has fallen directly on the building with the trunk and large branches crushing all sections of the roof. The roof and exterior wall structure is destroyed in these areas. The exterior wall on the west side is seriously leaning towards the interior. Gutters, fascia and soffits are crushed in areas. In general, the wood siding on the building is old and deteriorating. A basement window and an attic vent are open to the elements. There is a large shed on the south side of the property which is in acceptable condition. There is some broken fencing on the property.

The interior of this building is in extremely poor condition. Due to the structural collapse of the roof in various areas, the interior of this house is open to the elements. Ceilings are open with splintered structural members hanging down. An exterior wall is severely leaning in and appears to be in danger of collapse. Areas of the wood flooring are wet from water entering the building. The impact of the fallen tree has caused shifting of the wall structure in areas away from the point of contact. Damage to the foundation is also possible but could not be observed as the basement is flooded with approximately six inches of water. Fuel oil spills are observed floating on top of the flood water in the basement. This presents a hazardous condition.

This building is not boarded up and the site is not secured constituting a public safety hazard, especially due to the severely damaged state of the building.

Numerous Violations of the 2015 International Property Maintenance Code, 2015 International Fire Code, New York State 2016 Uniform Code Supplement, and the Town Code of the Town of Brookhaven (“Town Code”) were observed. Violations were specifically pertaining to the following:

2015 INTERNATIONAL PROPERTY MAINTENANCE CODE

CHAPTER 1 SCOPE AND ADMINISTRATION

SECTION 101 GENERAL

101.1 Title.

These regulations shall be known as the International Property Maintenance Code, hereinafter referred to as “this code.”

101.2 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, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner’s authorized agent, operators and occupants; the occupancy of existing structures and premises and for administration, enforcement and penalties.

101.3 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. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

* * *

SECTION 108 UNSAFE STRUCTURE AND EQUIPMENT

108.1 General.

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.3 Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Based on the conditions observed on February 5, 2019, this structure is unsafe and unfit for human occupancy. This structure is in a state of extreme disrepair and lacks any signs of maintenance or restoration.

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2015 INTERNATIONAL PROPERTY MAINTENANCE CODE

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility.

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land.

Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

The structure and property do not comply and are in extremely poor condition, causing a blighting problem to the surrounding area and posing a threat to the public health, safety, and welfare.

* * *

**SECTION 302
EXTERIOR PROPERTY AREAS**

302.1 Sanitation

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

This property does not comply and is not maintained in a clean, safe and sanitary condition.

* * *

SECTION 304 EXTERIOR STRUCTURE

304.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

This structure is not maintained in good repair and is not structurally sound. These conditions pose a threat to the public health, safety and welfare.

304.2 Protective treatment.

Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

The exterior surfaces of this structure are not maintained in good condition and are not protected from the elements and decay. The structure must be weather resistant and water tight to prevent any further deterioration.

* * *

304.6 Exterior walls.

Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

This structure does not comply. Exterior walls are severely damaged in areas.

304.7 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

The roof structure is severely damaged in areas and open to the interior. The gutters are broken and detached in areas. Roof water is not being discharged in a proper manner.

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2015 INTERNATIONAL FIRE CODE

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope.

The provisions of this chapter shall govern the occupancy and maintenance of all structures and premises for precautions against fire and the spread of fire and general requirements of fire safety.

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SECTION 311 VACANT PREMISES

311.1 General.

Temporarily unoccupied buildings, structures, premises or portions thereof, including tenant spaces, shall be safeguarded and maintained in accordance with Sections 311.1.1 through 311.6.

311.2 Safeguarding vacant premises.

Temporarily unoccupied buildings, structures, premises or portions thereof shall be secured and protected in accordance with Sections 311.2.1 through 311.2.3.

311.2.1 Security.

Exterior openings and interior openings accessible to other tenants or unauthorized persons shall be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals. The fire code official is authorized to placard, post signs, erect barrier tape or take similar measures as necessary to secure public safety.

This building is not boarded up and the site is not secured and protected. These premises are not secure and not in compliance with the safeguarding of vacant premises.

CODE OF THE TOWN OF BROOKHAVEN

Chapter 49: Property Maintenance

§49-1 Conformance Required

It is hereby declared by the Town Board of the Town of Brookhaven that all properties shall be maintained in conformity with the provisions of this chapter so as to assure the desirable character of the property, to prevent blight and the spread thereof and to prevent hazards to the public health, safety and welfare.

It is evident that the owner has not taken any of the required steps to perform repairs and maintenance as is required to ensure the entire site is safe and secure and does not present a hazard to the adjoining property owners and to the general public. This building is clearly in violation of the Town of Brookhaven Property Maintenance Code.

CODE OF THE TOWN OF BROOKHAVEN

Chapter 73: Unsafe Buildings and Excavated Lands

§73-1 Intent and purpose

The purpose of this article is to provide administration and enforcement of that part of the Fire Prevention and Building Code of the State of New York, as such code relates to unsafe structures and equipment, and to establish procedures to address threats to public safety and general welfare posed by the existence of unsafe buildings and structures within the Town of Brookhaven.

* * *

§73-3 Unsafe structure and equipment

General. When a structure or equipment is found to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

A. *Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible. Structures which may be unsafe include but are not limited to the following:*

- 1. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base. [Emphasis Added]*
- 2. Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members or 50% of damage or deterioration of the non-supporting enclosing or outside walls or covering. [Emphasis Added]*

3. *Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used. [Emphasis Added]*
4. *Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the people of this Town. [Emphasis Added]*
5. *Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.*
6. *Those having inadequate facilities for egress in cases of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.*
7. *Those which have parts thereof which are so attached that they may fall and injure members of the public or property. [Emphasis Added]*
8. *Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this Town. [Emphasis Added]*

* * *

- C. **Structure unfit for human occupancy.** *A structure is unfit for human occupancy whenever such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. [Emphasis Added]*

Pursuant to the above definitions, this building is considered to be unsafe, is not structurally sound, is in an advanced state of disrepair, and is unfit for human occupancy. Due to its extremely poor condition and rapid deterioration, CSF believes this site poses a threat to the health, safety and general welfare of the public.

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Based on our inspection of February 5, 2019, the owner has not corrected the existing defects nor made required repairs to the structure. Due to the dilapidated and unsafe condition of the building, the rate of deterioration from lack of maintenance, and the numerous violations of New York State and Town of Brookhaven Codes, it is CSF's recommendation that this structure be demolished.

Very truly yours,

CASHIN SPINELLI & FERRETTI, LLC

A handwritten signature in blue ink, appearing to read "Bruce Strum", with a long horizontal flourish extending to the right.

Bruce Strum, AIA

Enc: Photographic documentation
cc: Stephen P. Ferretti, Principal, CSF

Photo Log
38 Parkside Avenue
Miller Place, NY 11764

Photographic Documentation taken on February 5, 2019



Front (east) view – Fallen tree in rear yard has severely damaged all sections of roof.



East side – Wood siding is deteriorating.



East side – Roof is crushed above front door.



East side – Roof is crushed above window.



Southeast corner – Siding is deteriorating.



North side – Basement stairwell is full of trash.



Rear (west) view – Roof has collapsed due to impact and weight of fallen tree.



West side – Fallen tree has crushed roof.



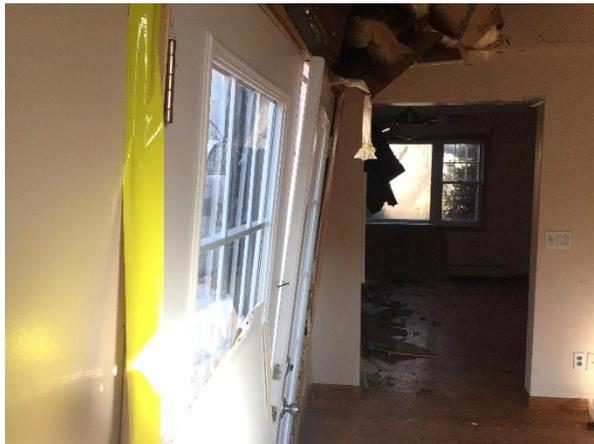
North side – Basement window and attic vent are open to the elements.



South side – Large shed is in decent condition. Fencing is broken.



Area of roof collapse. Ceiling is open.



Exterior wall is leaning dangerously.



Second area of roof collapse. Roof and wall structural members are crushed.



Splintered structural members.



Standing water on wood floor. Building is open to the elements.



Evidence of shifting wall structure.



Basement is flooded with approximately six inches of water.



Fuel oil is observed floating on the surface of flooded basement.