



## Cashin Spinelli & Ferretti, LLC

SURETY CONSULTING • MUNICIPAL PLANNING • CONSTRUCTION MANAGEMENT

New York • Connecticut • Pennsylvania • Illinois

August 12, 2020

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

Re: 6 Burney Boulevard, Mastic, NY 11950  
Parcel ID: 0200-749.00-03.00-027.000  
CSF No.: 106:2001.015

Dear Mr. Incagliato:

On behalf of Cashin Spinelli & Ferretti, LLC (“CSF”), Bruce Strum, AIA conducted a visual inspection on July 27, 2020 of the exterior and interior of the vacant residential building located in the Town of Brookhaven (“Town”) at 6 Burney Boulevard, Mastic, 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 45’ wood frame, two story, high ranch style, residential structure on a concrete foundation and slab. It is clad with wood and asbestos shingle siding and an asphalt shingle roof. This building is in extremely poor condition. The roof is old and worn and has multiple large holes through to the interior. The siding and fascia on the building are dilapidated. Soffits are missing around the entire perimeter leaving the top of the exterior walls open to the interior. The gutters are broken, missing and hanging in areas. The chimney has missing and hanging bricks at the top. The concrete supports for the trellis at the front appear to be compromised. The exterior property appears to be reasonably maintained, however, there is trash and debris in areas.

The interior of the main building is in extremely poor condition. Most of the ceilings have been removed exposing the many holes through the roof. Trash, debris, suspect mold and unsanitary conditions are found throughout the interior. The wood flooring is water damaged in many areas due to prolonged exposure to moisture. There is peeling paint throughout. Extensive amounts of animal feces (suspect raccoon) are found on the upper level and stairs. The heating unit on the lower level does not appear to be in serviceable condition.

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

Numerous Violations of the 2020 Property Maintenance Code of New York State, 2020 Fire Code of New York State, 2020 Building Code of New York State, and the Town Code of the Town of Brookhaven (“Town Code”) were observed. Violations were specifically pertaining to the following:

## **2020 PROPERTY MAINTENANCE CODE OF NEW YORK STATE**

### **CHAPTER 1 SCOPE AND ADMINISTRATION**

#### **SECTION 101 TITLE, SCOPE AND PURPOSE**

##### **101.1 Title.**

*This publication shall be known as the 2020 edition of the Property Maintenance Code of New York State (PMCNYS) 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 107 UNSAFE STRUCTURE AND EQUIPMENT**

##### **107.1 General.**

*If the authority having jurisdiction determines, during the inspection or otherwise, that a premises, building or structure, or any building system or equipment, in whole or in part, constitutes a clear and imminent threat to human life, safety or health, the authority having jurisdiction shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of threat to human life, safety, or health.*

##### **107.1.1 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.*

**107.1.3 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 July 27, 2020, this structure is unsafe and unfit for human occupancy. This structure is in a state of extreme disrepair and lacks any signs of maintenance.

\* \* \*

**2020 PROPERTY MAINTENANCE CODE OF NEW YORK STATE**

**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 premises, structures and portions thereof, or vacant land shall be maintained by the owner 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 does not comply and is 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**

*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.

\* \* \*

**302.5 Rodent harborage.**

*Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.*

The extent of fecal matter (suspect raccoon) is indicative of rodent infestation.

\* \* \*

**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 the premises are not sanitary. 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 watertight 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. Areas of the exterior walls are rotting and deteriorating. This structure is deteriorating at a rapid rate.

**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 is old and worn and has multiple holes through to the interior. The gutters are missing and broken in areas.

\* \* \*

**2020 FIRE CODE OF NEW YORK STATE**

**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.*

\* \* \*

**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 and interior openings open 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 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.*
- 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.*

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.*
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. [Emphasis Added]*
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, lacks maintenance, is in an advanced state of disrepair, is unsanitary, 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.

Based on our inspection of July 27, 2020, 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.

Mr. Robert N. Incagliato  
August 12, 2020  
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Per Industrial Code Rule 56 Asbestos, Department of Labor, subpart 56-5, paragraph 56-5.1 Asbestos Survey Requirements, if a building/structure is certified to be unsound or slated for contracted demolition, the building/structure shall be assumed to contain asbestos unless the building/structure is adequately certified to be free of asbestos containing material (ACM). If the building/structure is not certified to be ACM-free, demolition should be performed assuming asbestos containing materials are present and in accordance with such procedures as published by the United States Environmental Protection Agency.

Very truly yours,

**CASHIN SPINELLI & FERRETTI, LLC**



Bruce Strum, AIA

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

**Photo Log**  
**6 Burney Boulevard**  
**Mastic, NY 11950**

**Photographic Documentation taken on July 27, 2020**



**Front (east) view – Siding, fascia, soffits and roof are deteriorating.**



**East side – Damaged roof edge. Gutter is detached and sagging.**



**SE corner – Roof is severely damaged.**



**South side – Fascia, soffit and roof damaged.**



**South side – Close-up of damaged roof. Siding, fascia and soffit damaged.**



**SW corner – Siding, fascia, soffits and roof are dilapidated.**



**Rear (west) view – Siding, fascia, soffits, roof and gutter are damaged.**



**West side – Roof damage adjacent to chimney.**



**West side – Chimney bricks are loose, missing and hanging.**



**NW corner – Siding, fascia, soffits and Gutters are deteriorating.**



**North side – Soffits are open to the attic.**



**NE corner – Gutter sagging. Soffit open.**



**East side – Trellis support appears unstable. Concrete rubble on ground.**



**East side – Concrete column is broken.**



**East side – Soffit is open. Gutter is hanging.**



**East side – Siding is missing.**

**Interior – Upper Level**



**Large amounts of animal feces (suspect raccoon) on stairs.**



**Filth and animal feces on landing at top of stairs.**



**Roof edge is open in kitchen.**



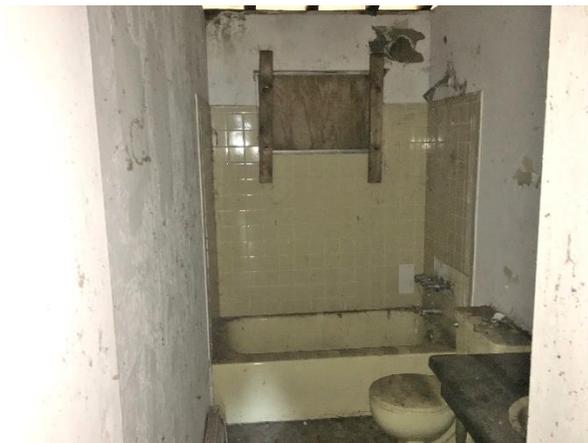
**Kitchen is unsanitary. Trash, debris and suspect mold is present.**



**Paint is peeling throughout interior. Roof edge is open.**



**Extensive animal feces (suspect raccoon) throughout upper level.**



**Bathroom is unsanitary. Suspect mold is present.**



**Floor is water damaged and has suspect mold.**



**Hole through roof. Roof edge open.**



**Wood flooring destroyed by water infiltration.**



**Holes in exterior wall. Peeling paint and suspect mold.**



**Suspect mold is present. Top of wall is open.**



**Large hole through roof.**



**Large hole through roof.**



**Water damage from hole in roof above.**



**Large area of open roof.**

**Interior – Lower Level**



**Trash and construction debris throughout.**



**Walls are damaged.**



**Heating unit is not in serviceable condition.**



**Severe suspect mold in garage.**