

MINUTES OF A PUBLIC HEARING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF  
WELLSVILLE HELD ON OCTOBER 14, 2019 AT 5:45 PM AT THE MUNICIPAL BUILDING, TRUSTEES  
BOARD ROOM, 156 NORTH MAIN STREET, ALLEGANY COUNTY, WELLSVILLE, NEW YORK.

PRESENT: Mayor: Randy Shayler  
Deputy Mayor: Jeremy Cole  
Trustees: Ed Fahs, Jeff Monroe, Mike Roeske  
Dir. DPW: Bill Whitfield  
Treasurer: Earl Johnson  
Police Chief: Tim O'Grady  
Fire Chief: Barney Dillie

VISITORS: David Cummins; AJ Scarpa; Eric Welninski; Tiffany Duell; Aaron Duell; Barbara Graves; Cal Graves; Allison Green; Michael Baldwin, Regional News

Mayor Shayler opened the Public Hearing – Unsafe Building Hearing at 5:45pm, with the pledge to the flag led by Trustee Fahs.

Mayor Shayler announced the purpose of this meeting is to hold an Unsafe Building Hearing for SBL# 239.38-1-49, a garage at the address of 23 North Broad Street, to determine if it is an unsafe building. He indicated that Code Enforcement Officer Jo Fenske would next describe the steps of the hearing.

Officer Jo Fenske indicated the location in question is the garage located on the property at 23 North Broad Street and that everyone present today has had an opportunity to look at the pictures and reports. The owner, Mr. David Cummins, is present today, noting that he has been working on clearing out the building already. Officer Fenske noted that the location has been on watch; the garage is located at the rear of the property. It is free-standing building, with no roof, and no occupants, and is in an unsafe status.

Mayor Shayler asked if the building is declared unsafe, what is the timeline? Officer Fenske described that the owners are then notified, given 30 days to remedy. They will need a demolition permit (at a flat fee with the Village), they can take it down themselves and it's already been determined they will not need an asbestos abatement.

Mayor Shayler asked Mr. Cummins what his intentions were, which he replied that he will take down the structure. He indicated he will get the required permit, but wasn't sure what all else he needs to do. Officer Fenske offered assistance in obtaining the required Workers' Compensation exemption form online, as well as any other steps he needs assistance with. Trustee Cole asked Mr. Cummins if he will take down the building himself and Mr. Cummins replied, yes.

Trustee Cole made a motion to declare the 23 North Broad Street garage, owned by David and Amy Cummins, an unsafe building. Trustee Fahs seconded the motion. Carried.

A second location, SBL# 238.8-3-81, 47-49 Martin Street, was also addressed tonight, in an Unsafe Building Hearing, beginning at 5:51pm. This building is in an R-2 zone (rental property) with two apartments, which was a victim of a fire on October 24, 2018.

Officer Fenske noted that the Board has seen the reports and pictures. She began by reading the applicable Local Law. The property is owned by a gentleman who resides in Isreal and the manager, AJ Scarpa, is present tonight. The building was immediately secured after the

damaging fire; however, people have since been inside and have vandalized it, noticeably by breaking out windows that will now need to be boarded up.

Ms. Scarpa spoke on the owners' behalf, requesting information on a contractor who will successfully complete the process of going through the location and giving estimates. They are having bad luck in finding such a contractor thus far, having gone through seven prospects that have backed out, not returning calls. She went on to indicate that the owner – although having his insurance lapse due to an address change – fully intends to take responsibility for the proper handling (i.e. demolition) of the property. Ms. Scarpa noted they have a contact in Olean for the asbestos abatement. Officer Fenske noted they won't be able to move forward until that asbestos abatement is complete.

Ms. Scarpa noted the owner may be interested in replacing the current building with a modular, but isn't sure if it will fit within the required land space. Officer Fenske replied that they could apply for an area variance if that were the case. Still aware that the building will need to be demolished, as reminded by Mayor Shayler, Ms. Scarpa assured the Board that the owner is fully agreeable.

Trustee Cole suggested contacting Greg Gunzburger, who resides in the neighborhood and had a couple other buildings taken down, to see who he used in achieving those demolitions. Ms. Scarpa assured that they are working on it.

Mayor Shayler determined to defer any action until the next Board meeting, on October 28, 2019, also allowing time for movement on the asbestos abatement.

Trustee Cole made a motion to defer for two weeks the decision to make a determination of an Unsafe Building at 47-49 Martin Street. Trustee Roeske seconded the motion. Carried.

On a motion made by Trustee Fahs and seconded by Trustee Monroe, the Public Hearing – Unsafe Building Hearing adjourned at 6:04pm. Carried.

Respectfully submitted,

Wendy Seely  
Village Clerk