

**LEGAL NOTICE**

City of Oneida  
Public Hearing

**PLEASE TAKE NOTICE**, that a **PUBLIC HEARING** will be held by the City of Oneida Common Council at 6:30 p.m. on Tuesday, March 20, 2018 in the Common Council Chambers, 109 N. Main St., Oneida, NY 13421 on the Report of Unsafe Structures, as per Oneida City Code Chapter 34, Article III, Unsafe Buildings and Collapsed Structures, from Dennis J. Fields Jr., City of Oneida Assistant Fire Marshall, for property located at 409 Genesee Street, Tax Map No. 38.70-1-2.

**PLEASE TAKE FURTHER NOTICE**, that said Public Hearing will afford the Common Council the opportunity to issue an order deeming the property to be a "Public Nuisance" and to order corrective action be taken on the property located at 409 Genesee Street, Tax Map No. 38.70-1-2.

**PLEASE TAKE FURTHER NOTICE**, that the complete text of said report may be viewed at the City Clerk's office during regular business hours and on the City's website [www.oneidacity.com](http://www.oneidacity.com).

**PLEASE TAKE FURTHER NOTICE**, that any persons with special needs should contact the City Clerk one week prior to the hearing.

# CITY OF ONEIDA FIRE DEPARTMENT



DEPARTMENT OF PUBLIC SAFETY  
BUREAU OF FIRE

Dennis J Fields Jr, Assistant Fire Chief  
Assistant Fire Marshal

109 North Main Street  
Oneida, New York 13421  
TEL: 315-363-1910  
FAX: 315-363-3437  
dfields@oneidacity.com

To: City of Oneida Common Council

From: Asst. Fire Marshal Dennis Fields

Date: January 5, 2018

Re: Unsafe Buildings

**Please Take Notice** that the building situated upon the real property located at 409 Genesee Street in the City of Oneida, Tax Map No. 38.70-1-2 (the "Property") must be repaired or removed.

On May 18, 2016, a Notice of Violation was issued and sent via U.S. Mail and Certified Mail service, notifying Capozzi Realty, LLC, the Property's owner, that the building was in violation of the Code of the City of Oneida, Section 34-6, titled "Abandoned Structures."

On June 23, 2016, a Final Order to Remedy was issued and sent via U.S. Mail and Certified Mail service, requesting compliance with the Oneida City Code, Section 34-6, titled "Abandoned Structures".

On June 28, 2016 I spoke with Mr. Francis D. Stinziano, Attorney representing Capozzi Realty, LLC, stating that a party was interested in purchasing the property, but needed time to Close on the property. I advised Mr. Stinziano, I needed the request in writing.

On June 28, 2016, via email, a correspondent was received from Francis D. Stinziano, of Gilberti Stinziano Heintz & Smith, P.C. requesting an extension of time until a June, 2017.

On December 27, 2017, a Final Order to Remedy was re-issued and sent via U.S. Mail and Certified Mail service, requesting compliance with the Oneida City Code, Section 34-6, titled "Abandoned Structures".

On January 16, 2018, received telephone call from Mr. Stinziano stating another prospective buyer was at the property, as recent as January 15, 2018, and was in process of getting Board approval for a purchase offer. Mr. Stinziano was advised that an extension would be granted until February 6, 2018, for the process. If we did not receive a copy of a

Purchase Agreement by February 6, 2018, the file would be sent to the Common Council for further enforcement.

No further correspondence from Mr. Stinziano or the property owner.

Based upon my inspection of the Property and my knowledge of the Oneida City Code, the International Fire Code (“FC”), and International Property Maintenance Code (“PMC”), I have determined that the Property is in an unsafe condition and is dangerous to the health, safety and general welfare of the public. More specifically, the roof continues to leak and is not water tight. Ceiling material has fallen to the floor and is water soaked. Mold has formed on the interior of the building. A section of the North wall, approximately 8 feet by 10 feet has collapsed and is open to the weather.

The preceding are violations of the following:

- International Property Maintenance Code, Section 108.1.5(3), Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or become detached or dislodged.
- PMC Section 108.1.5(7), “Dangerous structure or premises”, The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals, or immoral persons or enables persons to resort to the building or structure for committing a nuisance or unlawful act.
- PMC Section 302.1, “Sanitation”; Exterior properties and premises shall be maintained in a clean, safe, and sanitary condition.
- PMC Section 302.3, “Sidewalks and Driveways”; Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
- PMC Section 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.
- PMC Section 304.1.1(7), Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

The following regulation and local law also applies:

- **International Fire Code Section 110, “Unsafe Buildings” (Updated October 2016):** Pursuant to the Fire Code, the Property is an “unsafe building, “that is, a building that “in whole or in part, constitutes a clear and inimical threat to human life, safety or health.” The unsecure, partially collapsed building, with its many

crevices and dangerous materials, is an attractive nuisance that is dangerous to the life, health, property or safety of the public and appealing to rodents and animals.

- **Code of the City of Oneida, Chapter 34, Article III titled “Unsafe Buildings and Collapsed Structures,” Sections 34-9 and 34-10.** In accordance with Section 34-9, the owner of any building or structure which has become, for any reason, unsafe, dangerous, unsightly, or in any way endangers the health, safety or welfare of the public, must either repair or remove same upon order of the Common Council. An order requiring the repair or removal of an unsafe, dangerous, or unsightly structure is commenced pursuant to Section 34-10 (A) which provides, in part, that “[w]hensoever any wall, building or other structure has in any manner become unfit for occupancy or shall be unsafe, detrimental or dangerous to the public health, safety or general welfare, upon inspection and report by the office of the Fire Marshal to the Common Council and hearing held thereon as hereinafter set forth, the Common Council may declare the premises a public nuisance and order the owner, or person or persons having an interest therein, to repair or remove the wall, building, structure or foundation and to clear away any and all debris caused thereby and to fill in the excavation to the lot level, requiring the same to be made safe and secure.”

In light of the foregoing, I hereby request that the Common Council hold a hearing pursuant to Section 34-10 of the Oneida City Code to determine and declare that the Property is a public nuisance, and to order the repair to or removal of the building.