

LEGAL NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, the Building Department of the Town of Poughkeepsie has pursuant to Town Code §71-5 submitted an Unsafe Building Investigation Report dated April 15, 2015, to the Town Board of the Town of Poughkeepsie regarding buildings located at 798-802 Dutchess Turnpike, Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6262-04-571014 ("the Premises"), and the current Building Inspector has reiterated the prior status of the structures and complaint, the owner of record being Malabar Realty, LLC 96 Oregon Road, Cortland Manor, New York 10507, showing that they are dangerous, unsafe and dilapidated and an imminent threat to the general public; and a Public Hearing was held on this matter June 3, 2015 and by correspondence to the Town Board dated January 27, 2016, the Building Department informed the Town Board that the only dangerous condition in the premises that had been minimally corrected was the filling of a large hole in front of the primary structure and none of the remaining conditions that make the site dangerous have been addressed and the owner of record has since failed to take any other remedial action to commence or complete the repair or demolition of the buildings; so

PLEASE TAKE FURTHER NOTICE, that a Public Hearing on the Order and Notice, including the recovery, levy and collection of Town expenses as an ad valorem levy will be held before the Town Board on December 6, 2023 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overrocker Road, Poughkeepsie, NY. At which time the Town Board in accordance with Chapter 71-10 authorizes and directs the Building Department to demolish and remove the Building

Felicia Salvatore, Town Clerk
Town of Poughkeepsie
November 17, 2023

RESOLUTION 11:15 - # 8 OF 2023

WHEREAS, by Resolution 5:20 - #4 of 2015 adopted on May 20, 2015, the Town Board of the Town of Poughkeepsie has determined that the Premises and the buildings located at 798-802 Dutchess Turnpike, Poughkeepsie, County of Dutchess, State of New York, bearing Grid No. 6262-04-571014 (the "Premises"), the owner of record being Malabar Realty, LLC, 96 Oregon road, Cortland Manor, NY 10507, are dangerous, unsafe and dilapidated, and an imminent threat to the general public; and

WHEREAS, the Town Board has adopted the Building Department's Unsafe Building Investigation Report dated April 15, 2015 regarding the Premises and directed the issuance of an Order and Notice requiring the demolition or repair of the Premises and the setting of a Public Hearing regarding the Order and Notice; and

WHEREAS, a Legal Notice of Public Hearing was posted on May 21, 2015 and published in the Poughkeepsie Journal on May 25, 2015; and

WHEREAS, a Public Hearing for this matter was held on June 3, 2015; and

WHEREAS, by Resolution 6:3-#1 of 2015 adopted on June 3, 2015, the Town Board of the Town of Poughkeepsie authorized and directed the Building Department to demolish and remove the Building in accordance with Town Code § 71-10, and to thereafter assess against the Premises and levy and collect the expenses of same as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy in the event that the owner has not timely commenced or completed the repair or demolition of the Building; and

WHEREAS, by correspondence to the Town Board of the Town of Poughkeepsie dated January 27, 2016, the Building Department informed the Town Board that the only dangerous condition on the Premises that has been minimally corrected was the filling of a large hole in front of the primary structure, and none of the remaining conditions that make the site dangerous, unsafe and dilapidated have been addressed; and

WHEREAS, the owner has since failed to take any remedial action to commence or complete the repair or demolition the Building; and

WHEREAS, as reflected in the annexed affidavit of the Building Inspector, the Premises remains dangerous, unsafe and dilapidated, and an imminent threat to the general public; and

WHEREAS, in order to assure that any unpaid expenses incurred by the Town to demolish the Premises, which must be performed at prevailing wage rates, may be added to the

tax rolls, the Town Board of the Town of Poughkeepsie in accordance with § 71-10 authorizes and directs the Building Department to demolish and remove the Building in accordance with § 71-10 of the Town Code; and

WHEREAS, the Town Board has authorized bids which are being provisionally procured in accordance with Chapter 71.

NOW THEREFORE BE IT RESOLVED, that a Public Hearing on the Order and Notice, including the recovery, levy and collection of Town expenses as an ad valorem levy will be held before the Town Board on December 6, 2023 at 7:00 p.m. at the Town Hall, Town of Poughkeepsie, One Overocker Road, Poughkeepsie, NY.

BE IT FURTHER RESOLVED, that this work is an enforcement proceeding and is therefore a Type II Action which is exempt from environmental review under 6 NYCRR 617.5(c)(29).

Dated: November 15, 2023

Moved: Jon Jay Baisley

Seconded: Anne Burger

Motion passes/ fails: Ayes 7 Nays 0

MC/mem
t-11/9/2023
m-11/15/2023

		AYE	NAY	ABSTAIN
<u>PRESENT</u> /ABSENT	Councilman Renihan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT	Councilman Carlos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT	Councilwoman Burger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT	Councilman Cifone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT	Councilman Krakower	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT	Councilwoman Shershin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>PRESENT</u> /ABSENT	Supervisor Baisley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>