



TOWN OF WILTON
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April 22, 2020

Jamie Gagne & Leslie Paddock
363 Ruggles Rd.
Gansevoort, New York 12831

Dear Mr. Gagne,

This letter is to inform you that all work on your property located at 363 Ruggles Road shall immediately Cease and Desist. To include any business type functions that are taking place on this property. There shall be no construction activity of any type at all on this property. The permit #9985 for the construction of a detached garage is hereby revoked on the basis that the work that has been performed to date is not in compliance with the adopted Uniform Code of New York State or in general compliance with the approved plans submitted for construction of said project and that the applicant misrepresented facts in the original plans. Occupancy in whole or part of this structure is a violation of both Local and State Laws. It has become apparent that there is an illegal business operation on site whereas materials and fabrication processes are taking place both day and night on the, above mentioned property and no site plan approvals or special permits have been issued that would allow this use of the property. Your work functions have taken place after 9:00 PM consistently and have continually impacted the peace and quiet of neighboring property owners, in direct violation of the Town of Wilton's Noise Ordinance. Listed Below are the specific violations:

Local Law: §43-11. Revocation of Building Permits.

The Building Inspector may revoke a building permit therefore issued and approved in the following instances:

- A. Where the Building Inspector finds that has been a false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was issued.
- B. Where he finds that the building permit was issued in error and should not have been issued in accordance with applicable law.
- C. Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications.
- D. Where the person to whom a building permit has been issued fails to comply with a stop order issued by the Building Inspector.

Building Permit #9985 as noted a misrepresentation of fact in that the floor truss being used to support the second floor was not designed by the truss manufacture and/or approved by the design engineer of said truss to be used in this fashion.

Wherein the applicant has not followed said approved plans at all through the project and made structural changes thereto causing concern for the structural safety of the building. Wherein the applicant did not provide the opportunity for structural inspections required under the Adopted Uniform Code of New York State.

Wherein after the issuance of the stop work order the applicant continued to perform work on the property.

Thereby the permit issued on June 7, 2019, permit #9985 is hereby revoked this day April 22, 2020.

§43-14. Certificates of Occupancy.

- A. New construction. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the building inspector.

The applicant has begun using the structure and occupied it with various equipment and materials for use without the issuance of the Certificate of occupancy.

§43-22. Unlawful acts.

It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provision of this chapter or to fail in any manner to comply with a notice, directive or order of the Building Inspector or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

Each of the above mentioned sections of the code constitutes a separate offense and each days continuation constitutes a separate offense and is punishable by not less than \$1000.00 per day per offense or up to one year in jail or both.

Chapter 57. Dumps and Dumping

§57-1 Intent.

The Town Board of the Town of Wilton intends to regulate, control and prohibit the dumping, storing or placing of certain kinds of solid or liquid waste materials within the boundaries of the Town of Wilton and to preclude the creation of a private dump or dumping ground for such materials within the Town. This chapter is enacted by the Town Board of the Town of Wilton pursuant to § 130, Subdivisions 6 and 15, of the Town Law of the State of New York.

§ 57-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DUMP or DUMPING GROUNDS

Includes any place used for the disposal or leaving of solid or liquid waste material by the public or any person.

PERSON

Includes any individual, firm, partnership, corporation, municipality or association of individuals.

SOLID OR LIQUID WASTE MATERIAL

Includes all putrescible and non-putrescible solid wastes, including but not limited to garbage; rubbish; ashes; incinerator residue; street cleanings; demolition and construction debris; abandoned vehicles; offal; commercial, hospital and industrial wastes; and hazardous and toxic wastes.

§ 57-3 Unlawful acts.

- A. The dumping, storing or placing of any kind of solid or liquid waste materials within the Town of Wilton which originates either within or outside the Town of Wilton is prohibited.

§ 57-5 Penalties for offenses.

Any person violating any of the provisions of this chapter will be guilty of a misdemeanor and, upon conviction, be punished by a fine not to exceed \$1,000 for each offense, or by imprisonment in the County jail for not more than one year, or both. The Town Board may also bring a civil action to restrain any violation of this chapter in a court of competent jurisdiction. When a violation of this chapter is continuous, each 24 hours thereof will constitute a separate and distinct offense.

The owner has strewn construction debris and parts from stripped machinery throughout the property including within the Town of Wilton's right-of-way. He has made no effort to correct this violation in fact he has placed more debris on the property it appears that he has created a dump by the dumping of solid wastes throughout the property. The property and all construction debris and parts and trash shall be removed from the property.

Chapter 79 Noise and Nuisances

§ 79-3 Unlawful acts.

- A. The creation of any unreasonably loud, disturbing and unnecessary noise is prohibited. Said noise shall be prohibited when it is of such character, intensity and duration or of any type or volume that a reasonable person would not tolerate under the circumstances and that is detrimental to the life, health or welfare of any individual or would cause or create a risk of public inconvenience, annoyance or alarm.

- B. The following acts and the causing thereof are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but the enumeration herein shall not be deemed to be exclusive:

(5) Construction, demolition and excavation: the erection, including excavating; demolition; alteration; or repair of any building other than between 7:00 a.m. and 9:00 p.m., except in case of an urgent necessity in the interest of public safety.

(7) Loading and unloading: the creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(13) Noise from tools, machinery and heavy equipment in the construction, repair or alteration of property. The use of domestic or industrial tools, machinery and equipment of any kind in construction, repair or alteration of property, resulting in loud grinding, hammering, sawing and similar noise, shall be prohibited if said noise is unnecessary or unreasonable under the circumstances.

The Town has received complaints on several occasions from neighboring properties within the vicinity of 363 Ruggles Rd about the amount of noise that takes place on the property all day and night. This is a residential area and no work with machinery or equipment that would cause noise that is detrimental to the peace and tranquility of the neighboring properties should take place between the hours of 9:00 PM and 7:00 AM. Also Since a stop work order has been issued for this property and there are no approvals for any type of commercial use on this property no loading unloading or construction activities should be taking place on the property.

§ 79-5 Penalties for offenses.

[Amended 10-3-1991 by L.L. No. 3-1991]

If any party shall knowingly violate the provisions of this chapter or engage in conduct in violation of this chapter, he shall be punished by a fine of not less than \$25 and not to exceed \$250 or by imprisonment for not more than 15 days, or both. Each incidence of any violation of a provision herein shall constitute a separate offense.

§ 129-25 Descriptive purpose; permitted uses.

A. The R-2 Residential District is limited to agriculture, rural residential and certain other non-intensive land uses. Industrial activities are prohibited.

B. Uses permitted in the R-2 Residential District shall be as follows: See Schedule B.

The owner has clearly changed the character of the neighborhood with the various intensive uses being performed on the property these uses are disturbing to the neighboring property owners and a direct violation of the above mentioned code.

§ 129-172 Obstructions on Town rights-of-way prohibited; exemptions.

No fencing, shrubbery or other type of obstruction shall be placed in the Town right-of-way, that portion of land between the front property line and the paved portion of the roadway. Mailboxes are exempted from this section.

The property owner has placed various construction materials and debris within the Town Right of Way and continues to do so even after continued warnings to stop and the issuance of an appearance ticket. This act poses an inherent danger to the public using the road.

Any person who violates or causes to violate any provision of this chapter (129, Zoning) shall be guilty of an offense and be punishable by a fine of not less than \$250.00 and not to exceed \$1000.00 or imprisonment for a period not to exceed six months or both. Each day's continued violation shall constitute a separate additional violation.

Violations New York State Uniform Code:

Title 19-CRR-1203

(a) Building permits.

(7) When a building permit has been issued in error because of incorrect, inaccurate or incomplete information, or the work for which the permit was issued violates the Uniform Code, such permit shall be revoked or suspended until such time as the permit holder demonstrates that all work completed and all work proposed shall be in compliance with applicable provisions of the code.

Permit is hereby revoked as of April 4, 2020 based on the following circumstances:

Building Permit #9985 as noted a misrepresentation of fact in that the floor truss being used to support the second floor was not designed by the truss manufacture and/or approved by the design engineer of said truss to be used in this fashion.

Wherein the applicant has not followed said approved plans at all through the project and made structural change thereto causing concern for the structural safety of the building. Wherein the applicant did not provide the opportunity for structural inspections required under the Adopted Uniform Code of New York State.

Wherein after the issuance of the stop work order the applicant continued to perform work on the property.

Title 19-CRR-1203.3

(b) Construction inspections.

(1) Permitted work shall be required to remain accessible and exposed until inspected and accepted by the government or agency enforcing the Uniform Code. Permit holders shall be required to notify the government or agency when construction work is ready for inspection.

The Applicant failed to call for the necessary inspections called out on the permit card for footings, foundation applicant placed those both at edge of top of slope and covered up without inspection. The footings are placed too close to the top of slope and are not in compliance the Uniform Code of New York State specifically R403.1.7.2 Footing setback from descending slopes. Which requires that the footing be setback the height of slope from toe to top divided by 3. The slope has already begun to erode, and the owner has placed debris adjacent to the structure it appears to be an attempt to prevent further erosion. The proper inspection would have prevented this from occurring.

2015 ICC Building Code shall be referred to from her forward as 2015 IBC (adopted Uniform Building Code)

Steel web truss was designed to be used in supported of a floor system placed upon the top cord in relation to additional similar trusses on a different project. The truss is now being used to support an entire floor system off the bottom cord. This change in design would have required the approval of the original design professional the architect can not sign-off on the use of the truss not specifically designed for the intended purpose. 2015 BC Chapter 22 Subsections 2211.3 Truss Design 2211.3.1 Truss Design Drawings

A tree was used in place of a structural column. 2015 IBC Structural Log Members the tree (log) Shall be identified by a grade mark of an approved lumber grading or inspection agency.

The Column sits feet away from the steel floor truss it is supposed to be supporting and is tied by an unapproved collar connected at the top and further braced against the side of the column creating an opposing lateral force against the side of the column instead of a continuous load path from the top of

the column to the footing. 2015 IBC 1604.4 Load Analysis Section 1606 Dead Loads, Section 1607 Live Loads. Columns 1615.3.2.1 Columns.

IBC chapter 23 section 2304.10.3 Joist Hangers and Framing Anchors. Connections depending on joist hangers or framing anchors, ties and other mechanical fastenings not otherwise covered are permitted where approved. The vertical load-bearing capacity, torsional moment capacity and deflection characteristics shall be determined in accordance with ASTM D7147. IBC 2304.10.6 Load Path.

Connections used in the support of the structural elements of this building are not conventional and therefore require structural engineer design in accordance with ASTM D7147 and testing. They are not manufactured of non-corrosive metals and there was no inspection of structural field applied welds required under Chapter 17 of 2015 IBC.

A fire escape was added to the exterior of the building it was not part of the original design and is not properly attached or supported. It is required to be designed to support a uniform load of 100 psf per table 1607.1. no footings or landings present bolts present are 2 inches plus away from dead end.

Since seeing the above mentioned violations of the 2015 International Building Code during an informal inspection a Stop Work Order was placed on the construction of the detached garage structure. Ample time was provided to the owner/contractor to comply since the Stop work order of October 4, 2019 and present. A meeting between the design professional of record, revealed that none of the above mentioned concerns were properly addressed and that no calculations or structural engineering design/calculations were used in the design of this structure. Based on the above considerations we feel at this time that the structure has not been constructed in accordance with the approved plans or in compliance with the adopted Uniform Fire and Building Codes of New York State and poses a danger not only to the occupants but the public and should be removed back to the foundation and new plans and application should be provided for the future construction a building that meet the requirements of the code.

Sincerely,



Mark E. Mykins

Supervising Building Inspector
