

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----x
VILLAGE OF AMITYVILLE

Petitioner

Index #

607231/2022

AMITY SHORES LLC and
ELJAN REALTY CORP.

Respondents

For the purpose of securing, repairing, demolishing or
removing an unsafe structure by the Village of
Amityville, which structure is situated at 292 Merrick Rd,
Amityville, NY

-----x
RESOLUTION
No 22-04-11-13

Resolution Determining Unsafe Building at 292 Merrick Road, Amityville, NY

WHEREAS, Chapter 51 of the Code of the Village of Amityville establishes a procedure for the securing, repairing, demolition or removal of unsafe buildings within the Village, and

WHEREAS The Code Enforcement Officer and N&P Engineering, Architecture and Land Surveying, PLLC have made an inspection of the commercial building located at 292 Merrick Road, Amityville, NY, and have submitted a written report to the Board of Trustees that said dwelling is unsafe in accordance with §51-3 of such Code, and

WHEREAS, the Board of Trustees is authorized by §51-4 of said Code to determine by Resolution based on such report that said building is unsafe, and to order the necessary corrective action, and to further order that a Notice of such determination be served upon the owner of record and any other person having a vested interest in the premises, together with a filing of said Notice with proof of service with the Suffolk County Clerk, and

WHEREAS, said Notice shall also set a time and place for a public hearing where the owner, and any other occupant or interested person shall have an opportunity to be heard, as to why such building shall not be determined to be unsafe and whether it should be secured, repaired, demolished or removed,

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1) The Board of Trustees hereby determines based on the report of the Code Enforcement Officer dated March 28, 2022 and the report of N&P Engineering, Architecture and Land Surveying, PLLC dated March 9, 2022, that the commercial building located at 292 Merrick Road, Amityville, NY is unsafe pursuant to §51-2.1 of the Code of the Village of Amityville.

2) The Board of Trustees hereby orders Amity Shores LLC the owners of record of said premises, to secure, board up and repair said dwelling, in accordance with such Reports, or to demolish and remove such dwelling.

3) The Board of Trustees hereby orders that a Notice in accordance with §51-4 of said Code be prepared, served by personal service or registered mail upon Amity Shores LLC and filed with proof of service with the Suffolk County Clerk pursuant to §51-6 of such Code.

4) The Board of Trustees further orders that a copy of said Notice be posted at the subject premises.

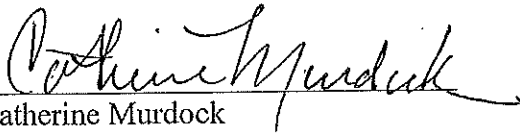
5) The Board of Trustees further orders that a public hearing be scheduled for April 25, 2022 at 7:30 pm at Village Hall, 21 Ireland Place, Amityville, NY at which time the owner of record, any occupant of the subject premises and any other interested person will have the right to be heard as to why said building shall not be declared to be unsafe, and an order issued that said structure be secured, boarded up, repaired, demolished or removed.

This Resolution shall be effective immediately.

On Motion by Trustee Whalen, seconded by Deputy Mayor Smith, the Resolution was adopted by the following vote:

Mayor Siry	Aye
Deputy Mayor Smith	Aye
Trustee Brooks	Aye
Trustee O'Neill	Aye
Trustee Whalen	Aye

I Catherine M. Murdock, Village Clerk of the Village of Amityville, hereby certify that the foregoing Resolution was duly adopted by the Board of Trustees at a public meeting held on April 11, 2022


Catherine Murdock
Village Clerk

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

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In the matter of the application of the
VILLAGE OF AMITYVILLE

Petitioner

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607231/2022

AMITY SHORES LLC and ELJAN REALTY CORP. Respondents

For the purpose of securing, repairing, demolishing
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Amityville, N.Y.

NOTICE OF
PENDENCY

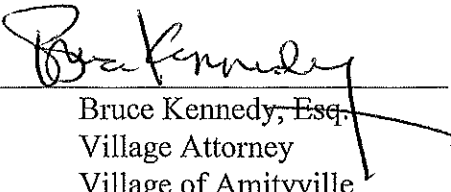
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NOTICE IS HEREBY GIVEN that a proceeding is being commenced in this Court upon the
Notice of the above named Petitioner for securing, repairing, demolishing or removing an unsafe
structure pursuant to Chapter 51 of the Code of the Village of Amityville.

The real property affected by said proceeding is set forth in the Schedule of Real Property
annexed hereto and made a part hereof and otherwise known as 292 Merrick Road, Amityville,
New York 11701 (SCTM # 101 - 8-1-20). The names of the owners of the real property herein,
and those having an interest therein, as far as the same have been ascertained, are:

Amity Shores LLC, record owner
Eljan Realty Corp., mortgagee

The object of the proceeding herein is to provide notice of said unsafe structure and to
schedule a public hearing pursuant to Chapter 51 of such Code to allow any interested person to
be heard as to why such structure should not be ordered to be secured, repaired, demolished or
removed by the Village of Amityville.

Dated: April 14, 2022



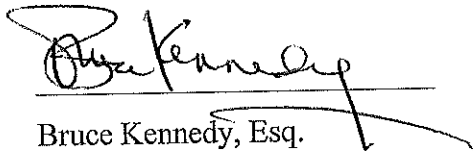
Bruce Kennedy, Esq.
Village Attorney
Village of Amityville
31 Greene Avenue
Amityville, New York 11701
631-691-0100

TO THE CLERK OF THE COUNTY OF SUFFOLK:

You are hereby directed to index the within Notice to the following names:

Amity Shores LLC
Eljan Realty Corp.

Dated: Amityville, New York
April 14, 2022

A handwritten signature in black ink, appearing to read "Bruce Kennedy", written over a horizontal line. The signature is stylized and includes a long, sweeping underline that extends to the right.

Bruce Kennedy, Esq.
Village Attorney
Village of Amityville
31 Greene Avenue
Amityville, New York 11701
631-691-0100

SCHEDULE A

METES AND BOUNDS DESCRIPTION

All that certain plot, piece or parcel of land, situate lying and being in the Village of Amityville, Town of Babylon, County of Suffolk and State of New York on the North side of Main Street (sometimes called South County Road) and bounded and described as follows:

BEGINNING at the Southeast corner of the premises to be described at a point distant 238.38 feet Westerly from the point of the intersection of the Northerly line of Montauk Highway and the Westerly line for Bayview Avenue, as measured along the Northerly line of Montauk Highway;

RUNNING THENCE North 71 degrees 43 minutes 30 seconds West, 150.00 feet along the Northerly line of Montauk Highway;

THENCE North 06 degrees 12 minutes 20 seconds East, 271.18 feet along land now or formerly of Hofman to a point ;

THENCE South 81 degrees 46 minutes 10 seconds East, a distance of 150.03 feet along lands formerly of Munkert, now of Clement, to a point;

THENCE South 06 degrees 49 minutes 30 seconds West, 297.22 feet along land now or formerly of Munkert and Heins, the point or place of BEGINNING.

SCHEDULE OF REAL PROPERTY

292 Merrick Road
Amityville, New York 11701
SCTM # 101-8-1-20

Attached:

- Metes and Bounds Description
- Notice of Public Hearing
- Affidavits of Postin/Mailing
- Report of Code Enforcement Officer and
N&P Engineering, Architecture and Land Surveying, PLLC
- Certified Copy of Resolution Setting Hearing

NOTICE OF UNSAFE BUILDING AND HEARING

PREMISES: 292 MERRICK ROAD, AMITYVILLE, NEW YORK

1. This Notice concerns the structure located at 292 Merrick Road, Amityville, New York 11701. Suffolk County Tax Map (SCTM) Number 101-8-1-20
2. The structure on this site is unsafe and dangerous because:
 - a. Various openings throughout the structure are unsecured allowing access to unauthorized persons, vermin and rodents;
 - b. Rodent infestation;
 - c. Unrepaired flood and fire damage;
 - d. Significant physical deterioration;
 - e. Stairways, doors and other means of ingress and egress do not conform to the Uniform Code;
 - f. The structure lacks operable plumbing, heating, electrical and fire protection systems.
3. In order to eliminate said dangerous conditions and potential fire hazards, and achieve compliance with Chapter 51 of the Code of the Village of Amityville, those having an interest shall:
 - a. Secure the building to deny public access. Board up all openings in the exterior where animals and vermin are entering;
 - b. Contact the local utility companies and ascertain that all utility services (i.e. electric, gas, water, etc.) are shut off and terminated;

- c. Demolish and remove the existing dwelling;
- d. Demolish and remove the existing foundation;
- e. Remove all debris resulting from demolition of the structure from the property;
- f. Fill all voids with clean fill compacted to avoid future sink holes; or
- g. Alternately, fully repair the premises by addressing every unsafe and dangerous condition recited in ¶ 2(a) through (f) above.

4. All persons served with this Notice shall immediately commence the itemized repairs and shall secure the premises, or the removal of the buildings, to protect the life, safety and health of any persons or property.

5. The Board of Trustees of the Village of Amityville will hold a Public Hearing on April 25, 2022 at 7:30 pm at Village Hall located at 21 Ireland Place, Amityville, New York 11701 at which time any person(s) having an interest in the premises may be heard with respect to the condition of the building and grounds and the actions necessary to secure, repair, demolish or remove same.

6. TAKE NOTICE THAT at the conclusion of said Hearing, the Board of Trustees may order that said structure be secured, repaired, demolished or removed by the owner or other persons having a vested interest in such premises, and may further order that the Village take said action if such owner or interested persons fail to do so within the time provided in §51-9 of such Code, and that the cost be assessed against said premises pursuant to §51-10 of such Code.

Dated: April 11, 2022

BY ORDER OF THE
BOARD OF TRUSTEES
VILLAGE OF AMITYVILLE

Village of Amityville

Mayor

Dennis M. Siry

Trustees

**Kevin P. Smith
Thomas Whalen
Michael O'Neill
Owen E. Brooks, Jr.**

Village Attorney

Bruce Kennedy



Clerk/Treasurer

Catherine Murdock

Building Inspector

Michael Breitweg

Assessor

Thomas Donato

Superintendent of Public Works

Bruce S. Hopper

March 28, 2022

Board of Trustees
Village of Amityville
21 Ireland Place
Amityville, NY 11701

Re: Inspection Report
292 Merrick Road, Amityville, NY

Gentlemen:

Please be advised that in accordance with Resolution No22-01-24-02, N&P Engineering, Architecture and Land Surveying, PLLC made an inspection and report dated March 9, 2022 regarding the captioned premises.

Said Report concludes that the existing structure should be demolished as it has created an unsafe condition for the general safety and well-being of the public. A copy of such Report is attached hereto.

Please be further advised that I have reviewed said Report and agree with its conclusions, and hereby submit such inspection and Report to the Board of Trustees pursuant to Section 51-3 of the Code of the Village of Amityville for further action in accordance with Chapter 51 of said Code.

Very truly yours,

Gregg Doerner
Code Enforcement Officer

21 Ireland Place • Amityville, New York 11701 Tel • (631) 264-6000 • Fax (631) 598-0363

KEEP YOUR DOWNTOWN STRONG, SUPPORT YOUR LOCAL MERCHANTS



March 9, 2022

Honorable Mayor Dennis M. Siry
Village of Amityville
21 Ireland Place
Amityville, NY 11701

**RE: Former Bulldog Grille Building Structural Evaluation
292 Merrick Road
Amityville, NY 11701**

Dear Mayor Siry:

1.0 Objective

Nelson & Pope Engineers and Surveyors (N&P) was retained by The Village to conduct an engineering evaluation of the existing condition of the former Bulldog Grille located at 292 Merrick Road in Amityville, NY 11701. The main purpose of our site investigation was to assess the buildings' overall condition and make a recommendation to the Village regarding the existing structural condition. For the purpose of this report, all directions are given from the perspective of an individual standing in front of the subject structure along Merrick Road. No material testing or destructive testing was performed for the purpose of this report. Observations made during this site inspection followed (but were not limited to) recommendations described in the American Society of Civil Engineers (ASCE) Guidelines for Structural Condition Assessment of Existing Buildings, Standard SEI/ASCE 11-99.

2.0 Building Data

2.0 Building Use

The existing building is a wood framed two story building with a partial basement. The front portion of the building is single story, and is supported by a slab on grade foundation, while the rear portion of the building is two story with a full basement.

2.2 Building History

A search of historical aerial imagery indicate that this building burned in 2018. It is alleged that new ownership took over the building and began rebuilding it just before COVID-19 hit in early 2020. Since COVID-19 set in the owners have stopped working on the building. Village officials have indicated that since then the building has become a blighted structure, which is often left open allowing homeless and other people to hang out within.

3.0 Findings

3.1 Foundation Observations

We were unable to access the majority of the foundation as the stairs providing access to the basement area were unsafe, as 2 of the 3 stair stringers were loose, and not connected to anything at the top of the stair at the 1st floor. Due to this condition our inspection of the basement was limited to a visual inspection by lifting up a portion of 1st floor subfloor to view the basement foundation walls.

3.2 General Exterior Observations

At the time of our observation, it was noted there were many exterior deficiencies. The exterior of the building remains untouched from the initial fire event and is therefore in poor condition.

3.3 Structural Deficiencies

At the time of our observation, there were many structural deficiencies and structural vulnerabilities noted as the existing wood framing was supersaturated and would require significant efforts to dry it out. The roof of the building was still in extremely poor condition, with several openings within the roof still from when the fire had occurred at the building.

4.0 ANALYSIS

The overall condition of the building is very poor. There are many signs of significant structural vulnerabilities and concerns throughout the structure. Many of the roof joists are structurally compromised, rotten, and soaked with water. There appears to have been squatters occupying the structure recently as there were remnants of people living within the 2nd floor area. This structure is not safe for human occupancy and should be demolished for the general well-being and safety of the public.

5.0 CONCLUSIONS

Based on my investigation and analysis, and to a reasonable degree of engineering certainty, and consideration of ASTM E678-07 (Reapproved 2013) and ASTM E2713-18, the following are my opinions and conclusions:

1. The existing structure has not had a roof capable of keeping the interior of the structure watertight since the fire broke out in 2018. For several years every time it rains the entirety of the interior gets wet, as it was raining the day of our inspection. The interior wood framing components are supersaturated, and severely deteriorated. A mold-like substance was noted throughout the interior of the structure.

2. The existing structure in its current state is a danger to the health and general well-being of the public and should be demolished as soon as possible.

In conclusion, the Village has requested an unbiased professional opinion regarding the structural integrity of the existing building. Based upon our evaluation, research, and overall observations the existing structure should be demolished as it has created an unsafe condition for the general safety and well-being of the public.

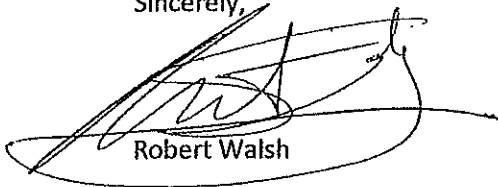
6.0 Limitations

Nelson Pope and JPCE, their respective officers and employees have no present or contemplated interest in the property. Our employment and compensation for preparing this report are not contingent upon our observations or conclusions. Information in this report, condition of spaces and concealed areas not observed or viewable and for the disclosure of known problems, if any, is from sources deemed to be reliable, such as personnel; however, no representation or warranty is made as to the accuracy thereof. A user should only rely on the assessment for the point in time at which the consultant's observations and research were conducted. No assessment can eliminate the uncertainty regarding the presence of physical deficiencies and the performance of a subject property's building systems.

I reserve the right to supplement or amend the findings and/or opinions of this report should new information become available.

Thank you for the opportunity to be of service.

Sincerely,



Robert Walsh

Director of Construction Administration

Appendix A



Photograph # 1 – Rear elevation of the subject building



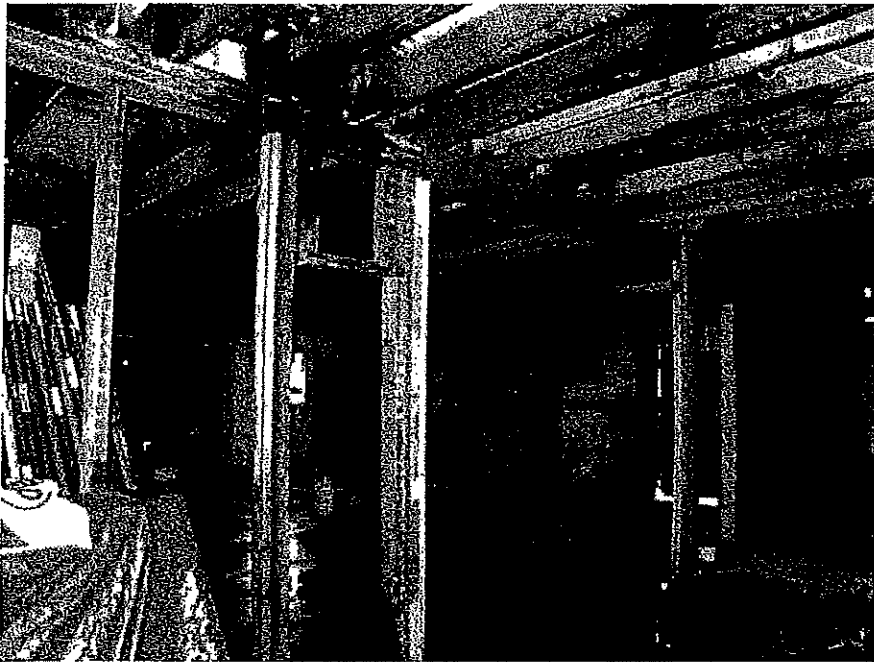
Photograph # 2 – East building elevation of the subject residence



Photograph # 3 – Interior photograph of the building in the area that is slab on grade. Rotten wood joists, and girders were observed



Photograph # 4 – Plywood sub-floor severely warped due to continuous water infiltration. This area contains a basement



Photograph # 5 – Rear interior of the subject building



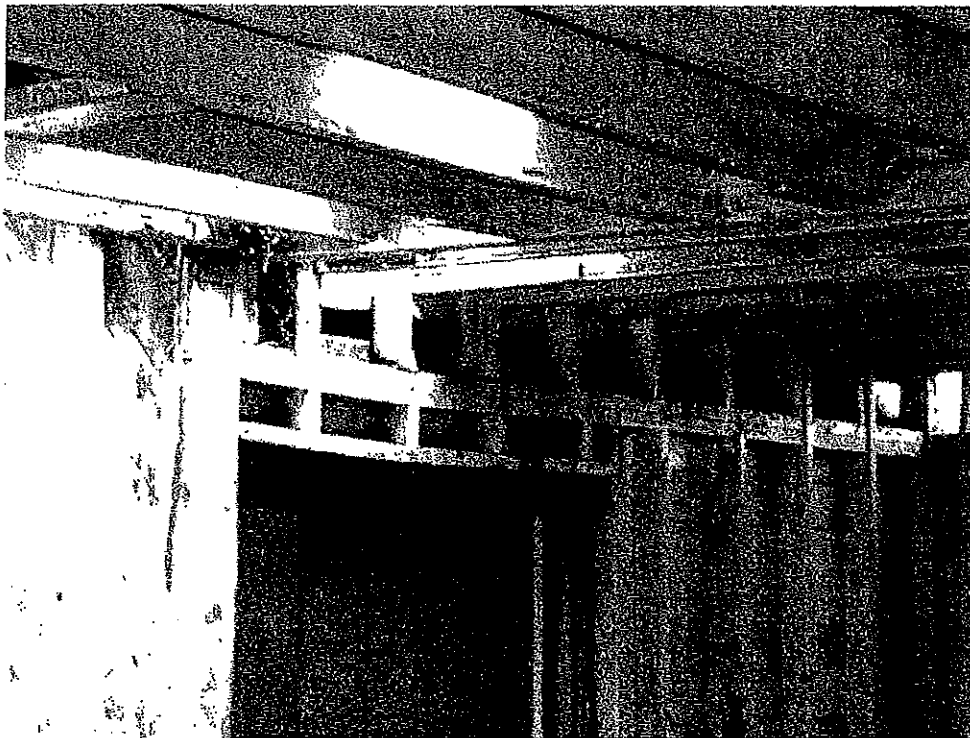
Photograph # 6 – Interior roof framing over the slab on grade section of the building at the front of the building



Photograph # 7 – Rear of the subject building. No subfloor in place. Someone could fall through to the basement area



Photograph # 8 – Roof with large openings within it



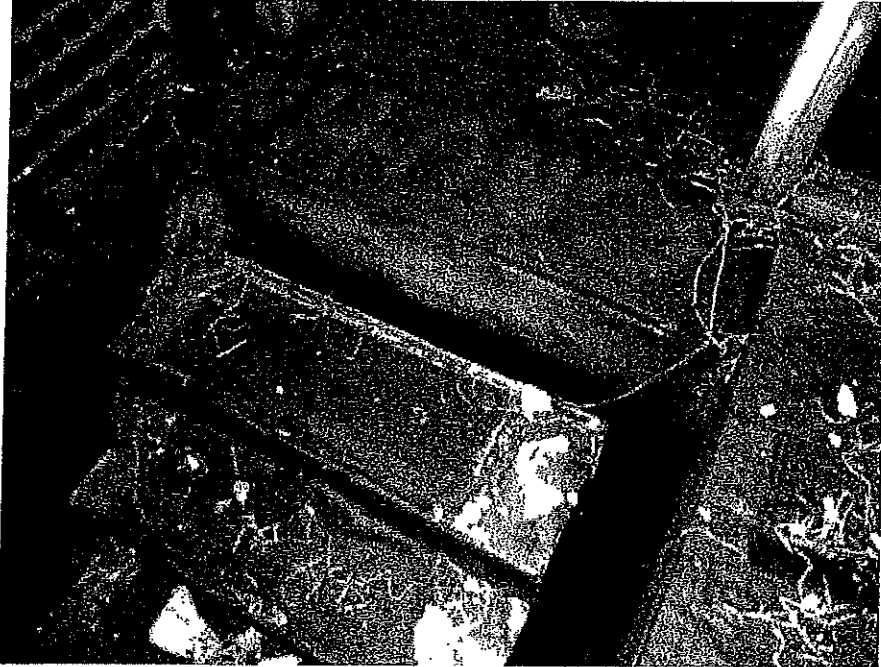
Photograph # 9 – Header over an existing door at the 2nd floor with significant deflection



Photograph # 10 – Existing roof sheathing severely charred from the fire several years ago



Photograph # 11 – 2nd floor of the subject building in severely deteriorated condition



Photograph # 12 – Stair stringers were rotten, which made the stair to the basement inaccessible

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

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AFFIDAVIT
OF POSTING

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STATE OF NEW YORK

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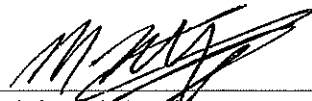
COUNTY OF SUFFOLK

MICHAEL J. BREITWEG being duly sworn, deposes and says that:

In compliance with the Code of the Village of Amityville the deponent has posted upon the property a Resolution Determining Unsafe Building at 292 Merrick Road, Amityville, NY with attachments which is the subject of this Proceeding.

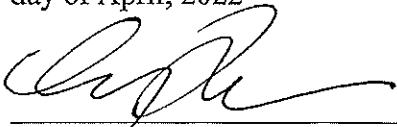
That said Resolution with attachments was posted on the subject property on the 19th day of April, 2022.

That the deponent makes this affidavit knowing full well that the truth of the statements herein will be relied upon.



Michael J. Breitweg
Building Inspector
Village of Amityville

Sworn to before me this 19
day of April, 2022



Notary Public

NANCY WALTERS
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01WA5081368
Qualified in Suffolk County
Commission Expires June 30, 2023

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

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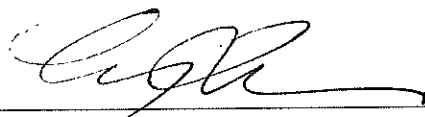
NANCY WALTERS, being duly sworn, deposes and says:

She is not a party to the within action, is over 18 years of age and resides at
Amityville, New York.

On April *14*, 2022 deponent served the within

NOTICE OF UNSAFE BUILDING AND HEARING

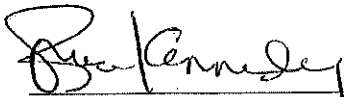
By depositing a true copy thereof via registered mail, in a postpaid properly addressed wrapper, in
an official depository under the exclusive care and custody of the U.S. Postal Service, within the
State of New York, to the following persons at the addresses shown:



Nancy Walters

To:
Amity Shores, LLC
179 Division Avenue
Massapequa, NY 11758

Sworn to before me this
14th day of April, 2022



Notary Public

BRUCE KENNEDY
Notary Public, State of New York
No. 02KE4503483
Qualified in Suffolk County *2023*
Commission Expires May 31, *2023*

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

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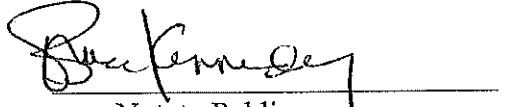
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Nancy Walters

To:
Eljan Realty Corp
21 Windsor Drive
Old Westbury, NY 11568

Sworn to before me this
14th day of April, 2022



Notary Public

BRUCE KENNEDY
Notary Public, State of New York
No. 02KE4503483
Qualified in Suffolk County 2023
Commission Expires May 31, 2023