

**HOUSING CODE BOARD OF APPEALS MEETING
MEETING MINUTES
November 15, 2016**

The Housing Code Board of Appeals held a meeting on Thursday, November 15, 2016.

1. Call to Order

Chairman Charland called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

Chairman Charland asked all in attend to rise for the Pledge of Allegiance

3. Roll Call

Commissioners present: Noe Charland, Chairman, Joel Baldwin, James McMellon, and Richard Merly, Jr.

Staff present: Deepa Joseph, Director of Health; Laura Miller, RS, Environmental Health Officer; and Paul Scholz, RS

Others present: Andrew Czubytyj, Appellant

4. Approval of August 23, 2016 Minutes.

Mr. McMellon and Mr. Baldwin made and seconded a motion to approve the minutes of the August 23, 2016 meet. Motion carried unanimously.

5. Appeal of Andrew Czubytyj regarding a Notice of Violation issued by the City of Milford Health Department on August 29, 2016, for the premises located at 5 Lester Street, Milford, Connecticut. Several violations of the City of Milford Anti-Blight Ordinance are noted: Vacant house in a state of disrepair as evidenced by overgrown vegetation, piles of cut vegetation in rear yard, damaged/broken siding, gutters and windows and an inoperable vehicle parking on the side of the house.

Mr. Czubytyj stated the residence was he parents who are both deceased. His father passed away January 2014 and he acquired the property via probate. He further stated that while the property was in probate he was under the impression he could not work on the property. Mr. Czubytyj stated he acquired the property on April 2, 2015 and received the violation letter on August 26, 2016. He further stated he attempted to work on the violation items many times but had difficulty due to work related injuries. Mr. Czubytyj stated the vehicle was his father's van and was removed from the premises on October 11, 2016. He again stated because of probate the work has taken time and he had to deal with his brother. Mr. Czubytyj further stated in September he was cutting brush on the property and ran into posion sumac. He hired landscaper who has been working on the property. Mr. Czubytyj stated he feels there has been a vast improvement which has been noted by the neighbors.

Mrs. Joseph stated that the Health Department received a complaint in May 2016 and an investigation was completed. Blight violations were noted and an order was issued in June. She further stated Paul Scholz spoke with Mr. Czubytyj who agreed to work on the violation. During further inspections no improvement was noted and a blight order was issued the end of August. Mrs. Joseph stated that Mr.

Czubatyi contacted the Health Department and requested an extension to December 2, 2016 which extension was granted.

Mr. Scholz indicated he inspected the property on November 14 and the van was in fact gone however the other items listed in the order continue to exist. Mr. Scholz provided pictures showing the violations.

Mr. Baldwin asked if growth had been on the siding as the pictures appeared to be different on the side of the house. Mr. Czubatyi indicated there had been growth which was removed. He further commented that the piles in the back are in progress of being removed and the awning is gone. Mr. Czubatyi stated that once he removed the awning he discovered dry rot on the fascia board.

Mr. Scholz stated the earlier picture shows a pile of brush from his first visit. He cannot say if that pile was removed. There currently is a pile that must be removed.

Chairman Charland asked for comments from the public.

Bruce Kolwicz, 180 Meadow Street, stated he is a neighbor of 5 Lester Street. The property has been neglected for sometimes. Mr. Kolwicz stated he always had a good relationship with Mr. Czubatyi's parents and would help out with cutting the grass and shoveling snow. Mr. Kolwicz state the pile shown in the pictures is the same pile that is currently on the property. He stated the pile is items that came out of the house and he doesn't understand if the house couldn't be touched how could items be brought from inside the house and piled up outside. He further stated that windows were removed and birds were going in and out. Plywood was placed on the house where a door had been removed from the garage. Mr. Kolwicz stated that nothing is being done and he can smell the mildew. There is standing water in the house. Roofing is now starting to come off the house. He stated the property is getting worse, not better. He is asking that it be cleaned up and not the eyesore it has become.

Chairman Charland asked if the appellant would like to rebut.

Mr. Czubatyi stated Mr. Kolwicz has had 37 years to take care of his home where he's only had since April 2015. He lost his parents and acquired the property through probate and needs time to correct the violations. Mr. Czubatyi stated the van is gone. He tried to have his dad get rid of the van, but he would not. He further stated the house is vacant and he is in the process of selling the property. He feels this is unfair.

Chairman Charland asked if the electricity is shut off. Mr. Czubatyi stated it was and the water also.

Mr. Baldwin stated all the Board can deal with is the property not neighbor issues. He stated some issues are more important than others such as broken windows and access to the house. He asked what could be done to secure the property.

Mr. Czubatyi stated the front window had been removed to clear out and let the house breath. The back door was rotted and was removed to replace but he then became injured at work. He would like to adhere to the order.

Mr. Baldwin asked what Mr. Czubatyi was proposing for a solution to the problems. Mr Czubatyi stated he needed more time. Mr. Baldwin asked how much time he was looking for. Mr. Czubatyi inquired as

to how much time he would be allowed. Mr. Baldwin stated winter is coming and cleaning up the brush should be easy.

Mrs. Joseph stated the timeline has already been extended and that when issues occur they work with individuals, but need to see progress. The vegetation needs to be cut back and maintained. If progress is being made the Health Department is not opposed to working with owners.

Mr. Czubyti stated the door is next to be installed and he will buy and install the front window. He stated he could find nowhere that gutters are required.

Mrs. Miller stated that the ordinance contributes to the overall condition of the property and the Health Department looks at the property overall to see what are the issues and the contributing factors.

Mr. Czubyti stated the problem was the gutters were full of leaves and rotted out causing the fascia board to rot.

Mr. McMellon asked when Mr. Czubyti returned to work. Mr. Czubyti responded a month and a half ago.

Mr. Baldwin inquired about not being able to work on the house while in probate. Mr. Czubyti stated that was his understanding. Mrs. Joseph commented Mr. Czubyti has owned the property since April 2015.

Mr. Merly stated the vehicles are gone, the overgrowth and shrubs are easy to deal with and he plans to work on the door and window. Mr. Czubyti asked if a timeline could be set. He would work on the vegetation, door and window next.

Mrs. Joseph reminded the Board that the order sets the compliance date to December 2, 2016. The Health Department has requested a timeline and plan from Mr. Czubyti and to date has not received one.

Mr. Baldwin asked about a timeline. Mr. Czubyti stated he would be working tomorrow and expected 1 to 2 weeks.

Mrs. Miller reminded Mr. Czubyti he had a compliance date of December 2, 2016. She further explained what a timeline and plan should look like. The information requested by the Health Department was never received. She further explained they understand hardships, but the regulations must be enforced.

Mrs. Joseph indicated the reason for the December 2 deadline is because winter is coming. Mr. Merly asked if steady progress is shown and a timeline is submitted is that sufficient. Mrs. Joseph stated they do not want a situation where constantly extending the timeline. She is not sure about an extension with only a few weeks before winter. It's been several months since the order was issued and there has been little or no progress. If progress is shown there usually is no issue with providing extensions. That has not been the situation here.

Mr. Merly indicated there were personal issues that factored in. Mr. Czubyti stated he shared pictures showing he contracted poison sumac. Chairman Charland stated Mr. Czubyti could have hired contractors to do work he was unable to complete.

Mr. Baldwin asked Mr. Czubyti what he was suggesting for a resolution. Mr. Czubyti stated he would begin working tomorrow. Chairman Charland stated Mr. Czubyti would need to provide the Health Department with a timeline. Mr. Czubyti stated he would do so and call for an inspection once the work was completed. Mr. McMellon reminded Mr. Czubyti that if he does not meet the deadline the penalty will commence to accrue.

Mrs. Joseph reminded the Board that they need to either approve or deny the appeal. Chairman Charland agreed and stated that he will be deciding in favor of the Health Department.

Mr. Baldwin and Mr. McMellon made and seconded a motion to close the public hearing. Motion carried unanimously.

Mr. Baldwin and Mr. McMellon made and seconded a motion to uphold the order of the Health Department. Motion carried unanimously.

6. Adoption of By-Laws

Chairman Charland discussed the revision of the by-laws. Mr. Baldwin made revisions to Section 5.3 allowing Chairman to make and second motions.

Mr. Baldwin and Chairman Charland made and seconded a motion to approve the by-laws as amended. Motion carried unanimously.

There being no further business to discuss, Chairman Charland and Mr. Merly made and seconded a motion to adjourn. Motion carried unanimously. The Board adjourned at 8:40 p.m.


Respectfully submitted,
Toni Jo Weeks
Board Secretary