



CITY OF RYE
CITY HALL • RYE, NEW YORK 10580
TELEPHONE (914) 967-5400

NOTICE OF VIOLATION

April 8, 2009

Kuder Island Colony, Inc.
P.O. Box 766
Rye, NY 10580

Premises: Hen Island
Tax ID#:159.05-1-01
Date of Investigation: April 1, 2008 and continues to this day

VIOLATION:

Piles of branches, limbs and shrubs were placed too close to structures (cottages and sheds) throughout the island. Cottages 29, 30, 32, 26, 27, and 21 were the most notable. This is a violation of the Property Maintenance Code of New York State, Section 307.1.1 - Dry vegetation, combustible waste and refuse. Combustible waste, refuse and large quantities of dry vegetation which by reason of their proximity to buildings or structures would constitute a fire hazard or contribute to the spread of fire shall be removed.

The storage of propane tanks throughout the island needs to be addressed. Cottages 30, 29, 21, 24, 16, 11, sheds behind cottages 10, 11 and 12 are most notable. This is a violation of the Fire Code of New York State – Section 3804.1 - The storage and handling of LP-gas and the installation and maintenance of related equipment shall comply with NFPA 58 and be subject to the approval of the code enforcement official, except as provided in this chapter. Section 3809.12 - Storage outside of buildings, for containers awaiting use, resale or part of a cylinder exchange program shall be located not less than 20 feet (6096 mm) from openings into buildings, 20 feet (6096 mm) from any motor vehicle fuel dispenser and 10 feet (3048 mm) from any combustible material and in accordance with Table 3809.12 and NFPA 58, Chapter 8, Section 8.4.2 .1 – Cylinders at a location open to a public shall be protected by either of the following, (1) An enclosure in accordance with 6.16.5.2 (2) A lockable ventilated metal locker that prevents tampering with valves and pilferage of the cylinders.

Solar panels were installed on sheds and cottages throughout the island. A wind mill was also installed on the island. These installations are subject to a permit and inspection process. This is a violation of the Code of the City of Rye, Chapter 81, and Section 81-2

A. It shall be unlawful for any person, firm or corporation to install electric wiring or equipment, or to alter or extend any existing electrical wiring or equipment, without first having obtained a permit from the City Clerk, who shall issue such a permit upon approval of the Building Inspector, except that no permit shall be required for a replacement of lamps or fuses, the connection of portable devices to suitable permanently wired receptacles or for any maintenance or emergency repair work, nor shall any permit be required for any electrical installation which is an integral part of a system under the control of a public utility in rendering its duly authorized service, nor shall a permit be required for any electrical work costing less than \$500, except that contracts for such work shall not be split to avoid the requirements of this section.

B.

No permit shall be issued except to a licensed master electrician. Except as otherwise provided herein, a master electrician shall have passed an examination conducted by at least one other Westchester or Putnam County municipality, to determine his or her competence to perform the functions of a master electrician properly. In case of a firm or corporation, said organization may be represented by one or more members of said firm or by an officer of the corporation.

C.

An application for a permit shall be made to the Building Inspector on forms supplied by him/her.

The electrical breakers cabinet cover is missing on cottage 19. This is a violation of the Property Maintenance Code of New York State, Section 605.1 - All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

The exterior walls of cottage 18 need to be repaired and /or restored. This is a violation of the Property Maintenance Code of New York State, Section 304.6 - All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Accessory structures (sheds) throughout the island are in need of maintenance. This is a violation of the Property Maintenance Code of New York State, Section 304.6 - All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Wood piles of near cottage 3 and wood piles/leaf compost between cottages 30 and 34 are placed in the wetlands and/or wetlands buffer. This is a violation of the Code of the City of Rye, Chapter 195, and Section 195-4 and 195-4 C. (3) . No regulated activity shall be conducted in a wetland, watercourse or wetland/watercourse buffer without a written permit from the Planning Commission and full compliance with the terms of this chapter and other applicable regulations. All activities that are not permitted as of right or by permit shall be prohibited. The City Planner, City Engineer and City Building Inspector shall, in the course of reviewing any application before them, advise the applicant of the existence of this chapter and refer information regarding such applications to the City Naturalist.

Regulated activities. Except as specified in § 195-4D, the following are regulated activities when within a wetland, watercourse or wetland/watercourse buffer and may be granted a permit upon written application to the Planning Commission:

(3)

Any form of dumping, filling or depositing of material either directly or indirectly.

Cottages 8, 14, 2 and 1 appear to have possible structural questions. The foundations and/or piers appear to be out of plumb. A design professional should inspect the condition. This could be a violation of the Property Maintenance Code of New York State, Section 304.4 - All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads and Section 304.5 - All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

Please be aware that Chapter 108- "Housing Standards", Section 108-40- "Infestation and screening" and 108-43- "Responsibilities of Owners" of the Code of the City of Rye exist and that you are required to conform to them.

You are hereby notified of the above conditions and are directed to correct them immediately. A follow up inspection will be necessary.

It is sincerely hoped that further action by this department will not be necessary and that you will cooperate in correcting these conditions.

Vincenzo Tamburro
Building Inspector