



CITY OF RYE

1051 BOSTON POST ROAD RYE, NY 10580-2996
TEL: (914) 967-5400 FAX: (914) 967-4604

April 9, 2009

Mr. Leonard S. Meyerson, P.E.
Deputy Commissioner
Division of Environmental Health
County of Westchester
145 Huguenot Street, 8th Floor
New Rochelle, New York 10801

Dear Mr. Meyerson:

I am forwarding for information and action a list of alleged violations of various codes on Hen Island in the City of Rye submitted to us by Mr. Ray Tartaglione on March 29, 2009. The list has been notated by Rye City's Building Inspector identifying the authority believed to have jurisdiction on each item.

The City Building and Fire Inspector conducted an inspection on April 1, 2009. Mr. Tamburro has issued the enclosed notice of violation dated April 8, 2009 for items under the City's jurisdictions.

We respectfully request that your agency undertake a review of these matters under your jurisdiction and take whatever action you deem appropriated.

Please feel free to contact Mr. Tamburro or myself if you need additional information.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Frank J. Culross', written over a horizontal line.

Frank J. Culross, Acting City Manager

Enclosure:

Hen Island Violation List Revised March 2009

Below are the concerns that were provided to the City from Mr. Tartaglione. *The Authority having jurisdiction are in brackets.*

North End

- * No potable water (all cottages) □ [Westchester County Health Department]
- * Sewage privies under homes and along shore in some cases no approvals (all cottages) [Westchester County Health Department]
- * 12 volt and 110 electrical systems (most cottages) □ [City of Rye]
- * Propane lines and improper storage (all cottages) [City of Rye]
- * Water troughs (mosquito breeding sites) (all cottages) [Westchester County Health Department]
- * No backboards or other life saving devises for beach or docks [unknown who is the authority having jurisdiction]

- * No fire extinguishers or ring buoys all docks [unknown who is the authority having jurisdiction]

- * Wood stored rear of North Island [City of Rye]
- * Sewage privy (close to high tide water line) cottage # 3 [Westchester County Health Department]

- * Sewage privies (block wall above ground privies) cottage # 1 [Westchester County Health Department]

- * Steel buried in beach for erosion control cottage # 1 [City of Rye]
- * No domestic water, privy clogged, cottage abandon, cottage # 2 [Westchester County Health Department]

- * Filling in the buffer zone between cottage # 4 and cottage # 3 [City of Rye]
- * Severe mosquito infestation [Westchester County Health Department]

- * Dock damaged attractive nuisance cottage # 7 [City of Rye]
- * Steel stairs leading to beach rotted without rail cottage # 8 [City of Rye]
- * New wall and walkway constructed without permits cottage # 9 [City of Rye]
- * New electrical system and propane piping installation without permits cottage # 9 [City of Rye]
- * Exposed privy, rotted wooden top, emitting odors, cottage # 11 [Westchester County Health Department]
- * Rodent infestation cottage # 11 [Westchester County Health Department]

- * Rodent infestation cottage # 12 □ [Westchester County Health Department]

Hen Island Violation List Revised March 2009

Middle Section □

- * No potable water (all cottages) [*Westchester County Health Department*]
- * Sewage privies under homes in water table less than two feet (all cottages) [*Westchester County Health Department*]
- * 12 volt and 110 electrical systems (all cottages) [*City of Rye*]
- * Water troughs (mosquito breeding sites) (all cottages) [*Westchester County Health Department*]
- * Sewage privy (close to high tide water line) cottage # 20 [*Westchester County Health Department*]
- * Propane lines and improper storage (all cottages) [*City of Rye*]
- * Cottage #19 rebuilt in 1993 (no privy approval from WCDOH as per wetlands permit, no electrical or plumbing inspections since rebuilding) [*Westchester County Health Department and City of Rye*]
- * Severe mosquito infestation especially in path to North Island [*Westchester County Health Department*]
- * No fire extinguishers or ring buoys for dock [*unknown who is the authority having jurisdiction*]
- * No backboards or other life saving devises for beach [*unknown who is the authority having jurisdiction*]
- * Abandon over twelve years, open privy, cottage # 18 [*Westchester County Health Department*]
- * Soil retention wall built below water line on beach no permit cottage # 19 & 20 [*City of Rye*]
- * Exposed electrical wires outside cottage #20 [*City of Rye*]
- * Wood, tires and debris on beach and shoreline [*City of Rye*]

□ South End

Hen Island Violation List Revised March 2009

- * No potable water (all cottages) [*Westchester County Health Department*]

- * Sewage privies under homes (most cottages) [*Westchester County Health Department*]

- * Garbage can in ground used for sewage pit Ederer cottage □ [*Westchester County Health Department*]

- * 12 volt and 110 electrical systems (some cottages) □ propane lines and improper storage (most Cottages) [*City of Rye*]
- * Major fire 2006 cottage # 23 □ [*City of Rye*]

- * Water troughs (mosquito breeding sites) (all cottages) □ [*Westchester County Health Department*]

- * Steel walkway and tires buried on beach [*City of Rye*] □
- * Buried oil tank on shoreline □ [*Westchester County Health Department*]

- * New cottage constructed without health approvals (sewer and domestic water) [*Westchester County Health Department*]

- * Cottage # 27 wood and debris on beach and shoreline [*City of Rye*]
- * □ No backboards or other life saving devises for beach [*unknown who is the authority having jurisdiction*]

- * No fire extinguishers or ring buoys for docks □ [*unknown who is the authority having jurisdiction*]

- * Backfilling in the buffer zone [*City of Rye*]
- * Cottage # 22 □ outhouse in use [*Westchester County Health Department*]

- * Cottage # 32 □ installation of new retaining wall in buffer zone [*City of Rye*]
- * Cottage # 28 □ □ [?]



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