

Jon Dogar-Marinesco & Manuela Mihailescu  
5858 Route 209, Kerhonkson, NY 12446  
Tax Lot #76.2-2-39.1 & 76.2-2-39.12

RECEIVED  
NOV 23 2021  
BY: *Kym D. Bay*

November 23, 2021

Town Supervisor Mike Baden,  
Councilmembers Erin Enouen, Bea Haugen-Depuy, Chris Hewitt, Adam Paddock  
cc — Chief Enforcement Officer Jerry Davis

We're writing again to the Town Board, copying now CEO Jerry Davis and including the three key documents related to the Fire Inspection Fee issue, in order for all to be on the same page and able to analyze and correct the problem. Misinterpretations have to be clarified in 2021, when they appeared.

**1. ISSUE HAS TO BE SOLVED IN 2021 because...**

- a) the Fire Inspection Notice (*attachment 1*) is dated May 26, 2021 and our first letter to the Town Board was dated June 28, 2021
- b) the changes regarding Fire Inspection Fee and frequency are based on Town Board's decisions taken as of January 2021 (*attachment 2*)
- c) the members of THIS Town Board voted for those decisions in January 2021

**2. RESIDENTIAL / COMMERCIAL STATUS**

For over 10 years the information regarding our building's residential / commercial status was NOT conveyed from the Planning Board to the Chief Enforcement Officer's office. As stressed in Manuela's monthly comments in front of the Town Board starting in August 2021, this is not OUR fault — it's just an unacceptable lack of communication between two offices which are a few feet apart.

Attached now is the December 21, 2010 Planning Board decision representing approval for "Special Use Permit for a Mixed Use at existing Antiques Store, Route 209, Tax Map ##76.2-2-39.1 and 39.12" (*attachment 3*).

*Mr. Davis, please note the correct Tax Lot numbers and make sure the CEO's records are updated and corrected once and for all.*

Our building is NOT a "commercial (non-residential)" establishment as stated in the Notice, but primarily residential, being our only home. When able to open the Antiques store area (which is about 40% of the entire building area, not empty floor area!), our business is limited — seasonal, weekends only. For the last two years we could not open at all because of the pandemic — and this makes even more unfair a fire inspection fee increased 5 times compared to the fee we paid in the past (please remember that residential buildings do not pay anything).

### 3. LOCAL (not STATE) LAW

The very first line of the Notice is extremely clear — “In accordance to Local Law 2 of 2007, Section 111-11...” (see attachment 1)

There was no change until 2021; the fee was \$50 in 2020 and inspection was every other year for the almost 15 years we had the building and the business; changes were made in January 2021.

What the Town Board established at the January 4, 2021 Organizational Meeting regarding the frequency of the fire inspections is also very clear: establishments “MEANT for public assembly for less than 50 persons,” as ours, should have the fire inspection every two years! (see attachment 2)

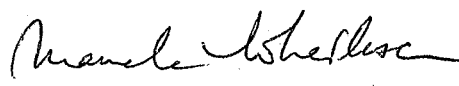
The Fire Inspector divided the entire area of the building by 15, and wrongfully told Manuela that we’re “allowed” to have 160 persons in our house/store, which is absurd.  
**MEANT does not mean ALLOWED.**

**We stress one more time that in over 10 years we never had more than 6 persons simultaneously inside the store.**

We ask again the Town Board to approve our request to have the old fire inspection fee of \$50 every two years grandfathered-in for our residential/commercial building, and to communicate the decision to the CEO’s office.

Thank you for your consideration,

  
Jon Dogar/Marinesco

  
Manuela Mihailescu

**Enclosures:**

1. Notice
2. Excerpts from the Organizational meeting of January 4, 2021
3. Planning Board Decision from December 21, 2010 —  
“Special Use Permit for a Mixed Use at existing Antiques Store”

1.

## TOWN OF ROCHESTER

50 Scenic Drive • P.O. Box 65 • Accord, NY 12404  
Area Code 845

Town Clerk 626-7384  
Supervisor 626-3043  
Highway Dept 626-7221  
Assessor 626-0920  
Transfer Station 626-5273



Code Enforcement 626-2433  
Planning Board 626-2434  
Zoning Board 626-2434  
Court House 626-2522  
Youth Commission 626-2115

Jon Dogar- Marinesco  
5858 Route 209  
Kerhonkson, NY 12446

May 26, 2021

### NOTICE

RE: Fire & Safety Property Maintenance Inspection  
Antique Store  
Tax Map #: 76.2-2-39.120

To whom it may concern:

In accordance with Local Law 2 of 2007, Section 111-11, fire safety and property maintenance inspections are required for all non-residential, (commercial) buildings at least once every twelve (12) months.

The last inspection was conducted on September 23<sup>rd</sup>, 2020

Kindly contact the Code Enforcement Office to schedule an appointment for this New York State required inspection. A fee of \$125.00 for each establishment must be paid at the time of inspection. Payment shall be check, money order, or online only and made payable to the Town of Rochester.

**\*PLEASE RESPOND WITHIN 2 WEEKS UPON RECEIPT\***

Thank you,

*William R. Farrell, CEC*

William R. Farrell, cec  
Town of Rochester  
Fire Safety Inspector

Town of Rochester Town Board Organizational/Regular Meeting was held on January 4, 2021 at 6:30pm via Livestream Broadcast on YouTube <https://www.youtube.com/channel/UCg7ykop50cWmqPFUgDjRSQ> Listening Dial in Number +1 929 205 6099 Meeting ID: 835 4118 5271 Password: 985685

**PRESENT:**

- |                          |                               |
|--------------------------|-------------------------------|
| Councilwoman Erin Enouen | Councilwoman Bea Haugen-Depuy |
| Councilman Chris Hewitt  | Councilman Adam Paddock       |
| Supervisor Michael Baden | Town Clerk Kathleen Gundberg  |

Pledge to the Flag – Moment of Remembrance to all those that passed in 2020

**Organizational Meeting**



**2021 BUILDING AND CODE ENFORCEMENT OFFICE FEES:**

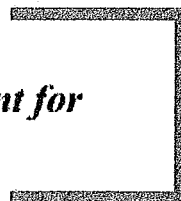
**Resolution # 55-2021:**

A Motion was made by Councilwoman Enouen, upon advisement of the Building and Code Enforcement Department, that the Town Board establishes the 2021 Fee Schedule, effective Jan. 1, 2021, as presented. Second: Councilman Paddock



**1540 – Public Safety, Fire Inspections**

- *All Fire Safety Inspections include the 1<sup>st</sup> reinspection at no charge.*
  - *Any additional reinspection that are required will be at an additional \$50.00 fee per inspection.*
- *Once every two years:*
  - *All commercial buildings that contain an area meant for public assembly for less than 50 persons.*
- *Once every year:*
  - *Buildings that contain 3 or more dwellings*
  - *Buildings that contain an area meant for public assembly for more than 50 persons*
  - *Buildings that contain sleeping quarters*



**PLANNING BOARD  
TOWN OF ROCHESTER**  
ULSTER COUNTY  
ACCORD, NEW YORK  
(845) 626-2434  
torpbzba@hvc.rr.com

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**DECISION**

**JON DOGAR-MARINESCO & MANUELA MIHAILESCU (cont'd)**- Special Use Permit for a Mixed Use at existing Antique Store, Route 209, Tax Map#76.2-2-39.1 & 39.12, 'B' District-

**Mr. Ricks motioned to grant approval for a Special Use Permit for a Mixed Use at the existing Antique Store with the following conditions. Seconded by Mr. Rominger.**

1. Applicant shall comply with all State and Local Building Codes and Fire Codes as well as all applicable sections of the Town of Rochester Zoning and Land Use Control Laws and Local Laws of the Town of Rochester.
2. The interior of the building shall be constructed as indicated on layout received dated October 14, 2010 (attached) and on the Site Plan received dated November 12, 2010 as received by the TORPB.

**Vote:**

<b>Ricks-</b>	<b>Yes</b>	<b>Baden-</b>	<b>Absent</b>
<b>Ullman-</b>	<b>Absent</b>	<b>Rominger-</b>	<b>Yes</b>
<b>Smith-</b>	<b>Yes</b>	<b>Tapper-</b>	<b>Yes</b>
<b>O'Donnell-</b>	<b>Yes</b>		

**Motion carried.**