

NOTICE OF HEARING

To Robert Nowak, or the estate thereof and any party with an ownership or financial interest in 81 4th Avenue, Lancaster, New York.

Be advised that as further particularized in a notice to remedy dated January 2, 2025 by the Village of Lancaster Code Enforcement Officer served upon Robert Nowak, or the estate thereof, a hearing pursuant to §115-7 of the Chapter 115 "Buildings, Unsafe" of the Lancaster Village Code will be conducted on March 10th, 2025 at 7:15 PM in the Council Chambers of the Lancaster Municipal Building, 5423 Broadway, Lancaster, NY.

The purpose of the hearing, to be conducted by the Lancaster Village Board, is to determine whether the premises at 81 4th Ave., Lancaster, NY is unsafe to the public as reported by the Village Code Enforcement Officer and, if so, whether the unsafe condition has been corrected as demanded in the Code Enforcement Officer's notice to remedy.

At said hearing Robert Nowak, or the estate thereof and any party with an ownership or financial interest in 81 4th Avenue, Lancaster, NY shall be afforded the opportunity to question witnesses, be represented by counsel, offer proof and arrange in advance a stenographic record of the hearing.

Upon a finding that the premises at 81 4th Ave., Lancaster NY is unsafe to the public and that there has not been compliance with the Code Enforcement Officer's notice to remedy, the Village of Lancaster Board of Trustees may direct that the property be razed, or otherwise remediated and made safe to the public with the resulting expense to the Village assessed as an added tax upon the subject premises.

Robert Nowak, or the estate thereof and any party with an ownership or financial interest in 81 4th Ave., Lancaster, NY may arrange to obtain a copy of the referenced notice to remedy by contacting the office of the Lancaster Village Clerk, Lancaster Municipal Building, 5423 Broadway, Lancaster, NY (Phone (716) 683-2105).

Michael E. Stegmeier
Lancaster Village Clerk

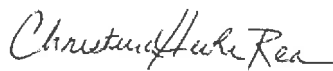
AFFIDAVIT OF PUBLICATION
Lancaster/Depew Bee

State of New York,
County of, Erie County,

The undersigned is the authorized designee of Lancaster/Depew Bee, a Weekly Newspaper published in Erie County, New York. I certify that the public notice, a printed copy of which is attached hereto, was printed and published in this newspaper on the following dates:

02/27/2025

This newspaper has been designated by the County Clerk of Erie County, as a newspaper of record in this county, and as such, is eligible to publish such notices.



Signature

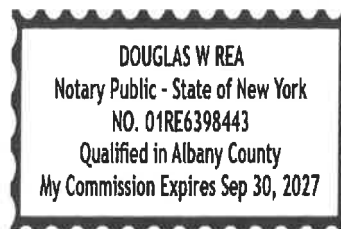
Christina Henke Rea

Printed Name

Subscribed and sworn to before me,

This 03 day of March 2025

Digitally signed
by douglas w rea
Date: 2025.03.03
19:56:13 +00:00



**COUNTY OF ERIE
LEGAL NOTICE
NOTICE OF HEARING**

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Michael E. Stegmeier
Lancaster Village Clerk



Town of Lancaster

BUILDING AND ZONING DEPARTMENT

21 Central Avenue

Lancaster, New York 14086

716-684-4171

Fax 685-5317

12/18/2024

Lancaster Village Board of Trustees
5425 Broadway St.
Lancaster, NY 14086

RE: 81 4th Ave. Unsafe Conditions

Honorable Village Board Members,

On December 15, 2024, the Lancaster Police Department dispatched a Code Enforcement Officer to respond to the scene of a Hoarding Condition where the owner was found deceased on site.

Upon investigation and follow up discussion with the owner's acquaintance, it was discovered the condition of the building is unsanitary and unlivable. Per Complaint #2024-0829, the building has been placarded to not occupy at this time. Rodent infestation and Fire Hazard warrants filing for next of kin or mortgage lender, if applicable.

Should there be further information required to complete the prescribed policy in the Village Code, Chapter 115 Unsafe Buildings, please do not hesitate to contact our offices.

Sincerely,

Matt Fischione, Code Enforcement Officer/ZEO/CFM/SMO
Town of Lancaster Building and Zoning Department

MF
enc

Town of Lancaster
Complaint Action Summary
Complaint Number: 2024-0829

Complaint #: 2024-0829

Type: Fire Call Out

Status: Open

Location: 81 4th Ave

Identifier: 115.11-8-25

Open Date: 12/15/24

Owner: Robert Nowak

Complainant:

Nature Of Complaint: Reporting conditions called out by Lancaster Police Department

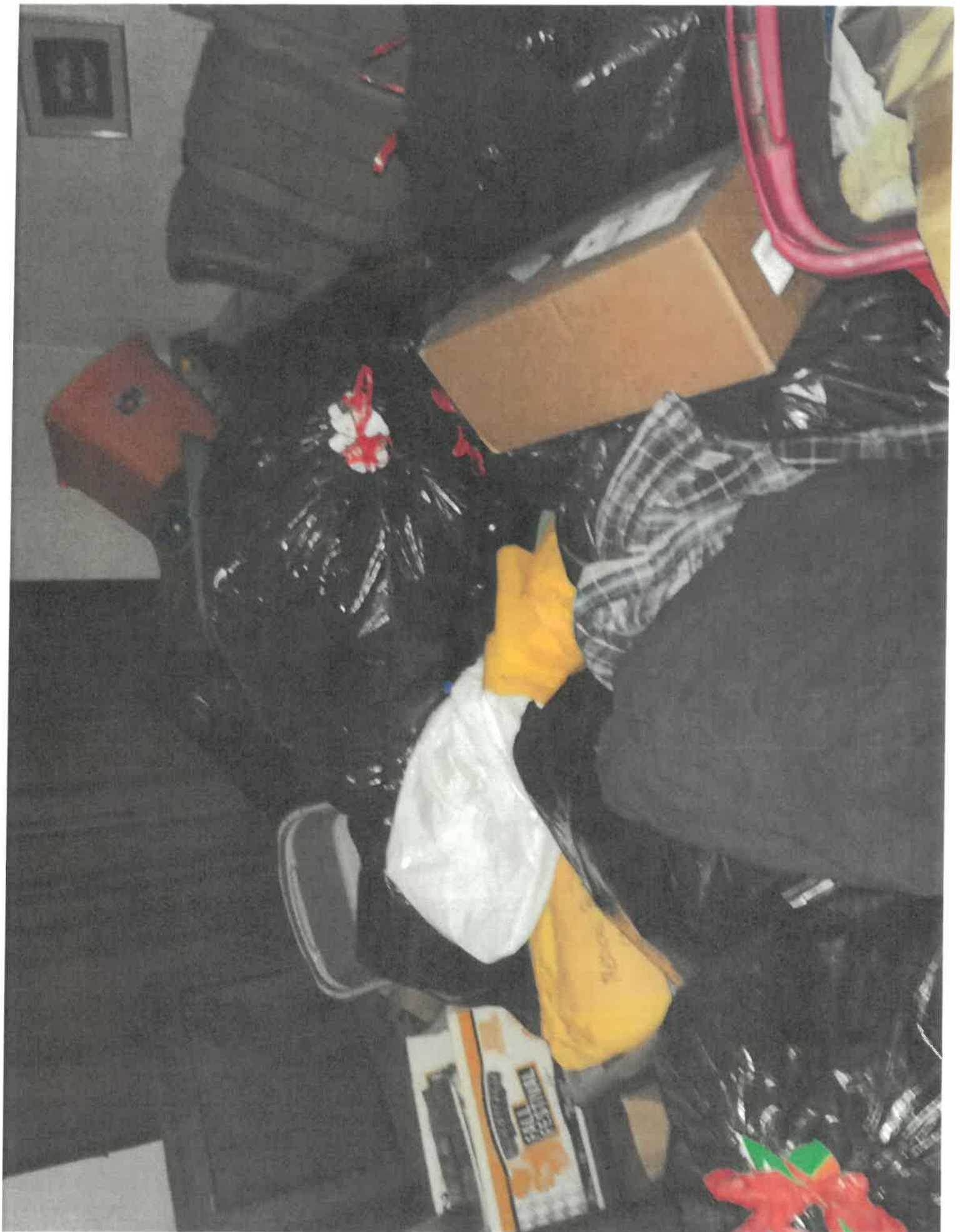
Action Type	Action Date	Action Information	Inspector
Inspection	12/15/24	Type: Site Visit Result: In Progress Notes: Call was called in by Paul Rickard 716-336-6770	Rob Rendon
Violation	12/16/24	Code: [F] 702.1 General Status: Open Comply By: 01/15/25	Rob Rendon
Violation	12/16/24	Code: 301.2 Responsibility Status: Open Comply By: 01/15/25	Rob Rendon
Violation	12/16/24	Code: 308.1 Accumulation of Rubbish or Garbage Status: Open Comply By: 01/15/25	Rob Rendon
Violation	12/16/24	Code: 308.2 Disposal of Rubbish Status: Open Comply By: 01/15/25	Rob Rendon
Do Not Occupy Posted	12/16/24	Contact: Robert Nowak	Rob Rendon
Inspection	12/16/24	Type: Site Visit Result: Fail Notes: Donot occupy posted	Rob Rendon
Phone Call Received	12/17/24	Call Notes: Paul Rickard called. He is the best friend of Robert Nowark who passed. Mr. Nowack has no next of kin, cousins, parents, only his best friend Paul Rickard. He would like to get in the house to get phone contacts to call people, check for a will, insurance, make sure payments of any knid stop etc. BC	Rob Rendon
Meeting	12/18/24	Contact: <None> Meeting Notes: meeting friend at the house at 1030 am	Rob Rendon
Inspection	12/18/24	Type: Site Visit Result: In Progress Notes: meeting with friend of owner to gather contact info and discuss boarding up the house	Rob Rendon

Friend does not want to be in charge of the property nor does he want to be responsible for locking up doors he only wants to help close out account information for his friend. the door is not able to be locked without a key , therefore an enclosure company will need to be dispatched out.













7018 1630 0000 6404 2684

quadrant
FIRST CLASS MAIL
IMI
\$007.72
01/02/2025 ZIP 14086
043M31255546



TOWN OF LANCASTER
BUILDING DEPT.
21 CENTRAL AVENUE
LANCASTER, NY 14086-2176

Robert Nowak
Or The Estate Thereof
81 4th Avenue
Lancaster, NY 14086



The Certificate of Mailing provides addressee that mail has been presented to U.S. Mail.
This form may be used for domestic and international mail.
Form 3849

TOWN OF LANCASTER BLDG. DEPT.
21 CENTRAL AVENUE
LANCASTER, NY 14086

TO: ROBERT NOWAK
OR THE ESTATE THEREOF
814TH AVE
LANCASTER NY 14086

quadrant
CORRECTION
IMI
\$002.20
01/02/2025 ZIP 14086
043M31255546





Cert

This Certificate of Mailing provides evidence that mail has been presented to U.S. Postal Service.
This form may be used for domestic and international mail.

From:

TOWN OF LANCASTER BLDG. DEPT. 2
21 CENTRAL AVENUE
LANCASTER, NY 14086

To:

ROBERTA NOWAK
or the Estate Trust of
814th Ave
Lancaster NY 14086

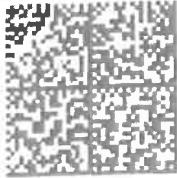
US POSTAGE

quadrant

CORRECTION

IM \$002.20

01/02/2025 ZIP 14086
043M31255546



7018 1830 0000 6404 2884

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CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ 7.72
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postmark
Here

Postage

Total Postage and Fees \$ 7.72

JAN - 2 2025

Sent to
ROBERTA NOWAK or the Estate Trust of
814th Ave
Lancaster NY 14086

PS Form 3800, April 2015 PSN 7530 02-000-9047

See Reverse for Instructions



COPY

**Matt Fischione
Village of Lancaster Code Enforcement Officer
21 Central Avenue
Lancaster, NY
14086**

January 2, 2025

Notice to Remedy

Sent registered or certified mail

Robert Nowak
Or the Estate Thereof
81 4th Avenue
Lancaster, New York
14086

Dear Mr. Nowak;

This notice to remedy is issued pursuant to the provisions of Chapter 115 "Buildings, Unsafe" of the Code of the Village of Lancaster, a copy of which is submitted herewith.

I as the Code Enforcement Officer of the Village of Lancaster have determined and have reported to the Village of Lancaster Village Board that the premises at 81 4th Ave. Lancaster NY, of which you are the owner as shown by the records of the Town of Lancaster Assessor, is dangerous and unsafe for the following reasons: the premises evinces hoarding with extensive rubbish and trash accumulated in disarray throughout the dwelling at 81 4th Avenue resulting in unsanitary and unlivable conditions and creating risks of rodent infestation and fire hazard.

You are hereby directed to make safe and secure the premises at 81 4th Ave. Lancaster NY within 30 days from the date of this notice to remedy

On Monday December 23rd, during a regularly scheduled meeting of the Village of Lancaster Village Board, the Village Board scheduled a hearing pursuant to §115-7 of the said Chapter 115, to be conducted on **March 10th, 2025 at 7:15 PM in the Council Chambers of the Lancaster Municipal Building, 5423**

Broadway, Lancaster, New York to determine whether the premises at 81 4th Ave. Lancaster NY is dangerous or unsafe to the public and if so whether the dangerous or unsafe conditions present at the time of this notice have been corrected as demanded by this notice to remedy. At said hearing all parties having ownership interest in the property at issue shall be afforded the opportunity to be represented by counsel, question witnesses, offer proof and arrange for a stenographic recording of the hearing. You or a representative of your estate should attend this hearing.

Upon a finding that the premises at 81 4th Ave. Lancaster NY is dangerous or unsafe to the public and that you or your estate failed to comply with this notice to remedy, the Village of Lancaster Board of Trustees may direct that the property be razed, removed or otherwise remediated and made safe with the resulting expense to the Village assessed as an added tax upon the subject premises, 81 4th Avenue.

Yours;

A handwritten signature in black ink, appearing to read "Matt Fischione". The signature is written in a cursive, flowing style.

Matt Fischione
Village of Lancaster Code Enforcement Officer

Notice of Hearing

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At said hearing Robert Nowak, or the estate thereof and any party with an ownership or financial interest in 81 4th Avenue Lancaster, New York shall be afforded the opportunity to question witnesses, be represented by counsel, offer proof and arrange in advance a stenographic record of the hearing.

Upon a finding that the premises at 81 4th Ave. Lancaster NY is unsafe to the public and that there has not been compliance with the Code Enforcement Officer's notice to remedy, the Village of Lancaster Board of Trustees may direct that the property be razed, or otherwise remediated and made safe to the public with the resulting expense to the Village assessed as an added tax upon the subject premises.

Robert Nowak, or the estate thereof and any party with an ownership or financial interest in 81 4th Avenue Lancaster, New York may arrange to obtain a copy of the referenced notice to remedy by contacting the office of the Lancaster Village Clerk, Lancaster Municipal Building, 5423 Broadway, Lancaster, New York (Ph. (716) 683-2105).

Michael E. Stegmeier
Lancaster Village Clerk

AFFIDAVIT OF SERVICE

IN THE MATTER OF PROPERTY LOCATED AT

81 4th AVENUE

IN THE VILLAGE OF LANCASTER, NEW YORK

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

Matthew Fischione, being duly sworn deposes and says:

1. I am over eighteen years of age and reside in Lancaster, New York.
2. That on the 2nd day of January, 2025, I served the attached notice to remedy and Chapter 115 of the Village of Lancaster Code upon Robert Nowak or the estate thereof by mail to 81 4th Avenue, Lancaster, NY 14086 by depositing same as both certified and regular mail enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.
3. That on the 2nd day of January, 2025, I served the attached notice and Chapter 115 of the Village of Lancaster Code upon Robert Nowak or the estate thereof by posting said notice upon the premises at 81 4th Avenue.

x Matthew Fischione

Sworn to before me this

2nd day of January, 2025

Roxanne Weber
Notary Public

ROXANNE WEBER
Notary Public, State of New York
No. 01WE6246122
Qualified in Erie County
Commission Expires August 8, 2027

Chapter 115. Buildings, Unsafe

[HISTORY: Adopted by the Board of Trustees of the Village of Lancaster 7-25-1994 by L.L. No. 4-1994 (Ch. 60 of the 1976 Code). Amendments noted where applicable.]

GENERAL REFERENCES

General penalties — See Ch. 1, Art. II.

Building construction — See Ch. 104.

Electrical standards — See Ch. 131.

Fees — See Ch. 144.

Fire prevention — See Ch. 156.

Housing standards — See Ch. 189.

§ 115-1. Enforcement officer.

[Amended 6-27-2011 by L.L. No. 6-2011]

The Board of Trustees of the Village of Lancaster shall appoint a Code Enforcement Officer, who will be charged with the responsibility of carrying out the obligations and duties set forth in this chapter.

§ 115-2. Duties of owner.

No owner of a building or structure in the Village of Lancaster shall cause or permit said building or structure to become dangerous or unsafe to the public. In the event that any building or structure now or hereafter becomes dangerous or unsafe to the public, from any cause whatsoever, said owner shall repair or remove said building or structure.

§ 115-3. Structures deemed dangerous or unsafe.

Dangerous and unsafe buildings and structures shall include but are not limited to the following:

- A. A vacant building or structure not continuously guarded or boarded up and which is not safe and secure from unauthorized entry or use shall be deemed dangerous and unsafe.
- B. A vacant building or structure boarded up for a period of one year shall, at the expiration of such period, in the absence of competent and relevant evidence being furnished to the contrary, be presumed to be a fire hazard, dangerous and unsafe.

§ 115-4. Inspection and reports.

[Amended 6-27-2011 by L.L. No. 6-2011]

- A. Upon receipt of information that a building or structure may be dangerous or unsafe to the public from any cause, the Code Enforcement Officer shall conduct an inspection of said building or structure. If the Code Enforcement Officer, upon completion of such inspection of a building or structure, concludes that said building or structure is unsafe or dangerous, he shall so report to the

Village Board of Trustees. Said report shall contain a description of the premises and a statement of the particulars by which the building or structure is unsafe or dangerous to the public.

- B. If upon review of said report the Village Board resolves that the Code Enforcement Officer has established the reasonable likelihood of an unsafe or dangerous condition, the Village Board may in its discretion direct the Code Enforcement Officer to issue a notice to remedy pursuant to § 115-5 of this chapter. If the Village Board directs the Code Enforcement Officer to issue a notice to remedy pursuant to § 115-5 of this chapter, the Village Board shall also at that time schedule a hearing to be held before the Village Board pursuant to § 115-7. The hearing shall be scheduled to accommodate compliance with the scheduling mandates of § 115-7A.

§ 115-5. Notice to remedy.

- A. If in accordance with § 115-4 of this chapter the Village Board directs the Code Enforcement Officer to issue a notice to remedy, the Code Enforcement Officer shall prepare a notice to remedy to be served upon the owner of said building or structure. Said notice shall provide the following information:
[Amended 6-27-2011 by L.L. No. 6-2011]
 - (1) A description of the premises.
 - (2) A statement of the particulars by which the building or structure is dangerous or unsafe.
 - (3) An order directing that said building or structure shall be made safe and secure or removed within 30 days from the date of service of said notice.
 - (4) Notice that, upon the failure of the owner to comply with the order of the Code Enforcement Officer, the Village of Lancaster Board of Trustees may direct the removal of said building or structure, with the cost thereof assessed against the land upon which the building or structure is situated.
 - (5) The time and place of a hearing to be held before the Village Board of the Village of Lancaster.
- B. Said notice shall advise that it is issued pursuant to the provisions of this chapter of the Code of the Village of Lancaster and shall have annexed to it a copy of this chapter of the Code of the Village of Lancaster.

§ 115-6. Service of notice.

[Amended 10-16-2019 by L.L. No. 17-2019]

A notice to remedy required by § 115-5 above shall be served upon all owners as shown by the records of the Assessor. Service shall be either personally or by registered mail or certified mail addressed to the last known address of the party to be served. If notice is served by mail, a copy of such notice shall be posted on the premises within two days of mailing. Personal service shall be made upon an individual identified within New York Civil Practice Law and Rules § 303, Subdivision 1 of § 308, § 309, § 310, § 311 or § 318 or Estates, Powers and Trusts Law § 11-4.4.

§ 115-7. Hearings.

- A. Upon receipt of a report from the Code Enforcement Officer that a building or structure is dangerous or unsafe to the public, the Village Board of the Village of Lancaster may conduct a hearing to determine whether said building or structure is dangerous or unsafe to the public and has not been repaired or removed as ordered by the Code Enforcement Officer. Said hearing shall be commenced not less than 45 days nor more than 90 days from the date of delivery or mailing of the notice to remedy set forth in § 115-5 above. At said hearing, all parties having ownership interest in the property at issue shall be afforded the opportunity to be represented by counsel,

question witnesses, offer proof and arrange for stenographic recording of said hearing. Adjournments and continuances of said hearing may be permitted by the Village Board for good cause with notice thereof to the respondent property owner.

[Amended 6-27-2011 by L.L. No. 6-2011]

- B. If, upon the completion of said hearing before the Village Board, the Village Board finds that such building or structure is dangerous or unsafe to the public for one or more of the reasons particularized by the Code Enforcement Officer, the Village Board may thereafter arrange for the repair or removal of such building or structure.

[Amended 6-27-2011 by L.L. No. 6-2011]

- C. Notice of the hearing shall be publicized by the Village Clerk by causing the same to be published once in the official newspaper at least three days prior to the day fixed for such hearing.

[Added 11-13-2006 by L.L. No. 4-2006]

§ 115-8. Vacation or demolition of building or structure.

[Amended 6-27-2011 by L.L. No. 6-2011]

When, in the opinion of the Code Enforcement Officer, there is imminent danger of the failure or collapse of a building or structure or any part thereof which endangers life or property or when a building or structure or part thereof has fallen or collapsed and renders occupancy of the premises dangerous or unsafe, the Code Enforcement Officer shall have the right to require the occupants to vacate the same forthwith and, upon approval of the Board of Trustees of the Village of Lancaster, order the demolition of the building or structure or any part thereof. In such cases when the Code Enforcement Officer shall require the vacation or demolition of a building or structure, the Code Enforcement Officer shall immediately cause a notice to be posted conspicuously at or about the premises reading substantially as follows: "These premises are dangerous and unsafe and their use or occupancy is prohibited. Village of Lancaster Code Enforcement Officer." Thereafter, no person shall enter upon such premises except for the purpose of making required repairs or of demolishing the unsafe building or structure or part thereof or for the purpose of inspection in connection therewith.

§ 115-9. Emergency repair or enclosure of building or structure.

[Added 6-10-2002 by L.L. No. 1-2002; amended 6-27-2011 by L.L. No. 6-2011]

When, in the opinion of the Code Enforcement Officer, a vacant building or structure creates an imminent danger to life or property such that a hearing pursuant to § 115-7 cannot be accommodated, the Code Enforcement Officer, upon such notice to the property owners as is feasible and upon approval of the Board of Trustees of the Village of Lancaster, shall arrange for the repair, enclosure and/or security of said building or structure.

§ 115-10. Assessment of costs.

All costs and expenses incurred by the Village in connection with any and all of the above proceedings to remove or secure, including the cost of actually removing said building or structure or securing the same, shall be assessed against the land on which the building or structure is located. The Village Clerk shall file a certificate of such actual cost and expense, with a statement as to the property upon which such costs and expenses were incurred, with the Assessor of the Village, who shall, in preparation of the next assessment roll of general Village taxes, assess such amount upon such property, and the same shall be levied, collected and enforced in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property assessed as the general Village tax and as a part thereof.

§ 115-11. Open holes prohibited.

No person shall remove or demolish, wholly or partially, any building or structure and leave an excavation, opening or hole in the ground.

§ 115-12. Permit required.

[Amended 6-27-2011 by L.L. No. 6-2011; 12-12-2022 by L.L. No. 8-2022]

Any person, firm, corporation or association wishing to demolish a building or structure in the Village of Lancaster for any reason shall make application for a building permit to the Building Inspector and pay the fee as provided in Chapter 144, Fees, of the Code of the Village of Lancaster.

§ 115-13. Penalties for offenses.

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article II, Penalties for Offenses, of the Code of the Village of Lancaster.

§ 115-14. Applicability of state provisions.

[Added 6-8-2009 by L.L. No. 6-2009]

The provisions of this chapter shall be in addition to and in furtherance of the New York State Uniform Fire Prevention and Building Code, including but not limited to Sections 108 and 109 of the Property Maintenance Code of New York State.



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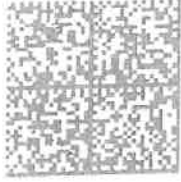
US POSTAGE

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FIRST-CLASS MAIL
IMI

\$007.72

01/02/2025 ZIP 14086
043M31255546



**TOWN OF LANCASTER
BUILDING DEPT.**
21 CENTRAL AVENUE
LANCASTER, NY 14086-2176



- ☐ Not Deliverable: As Addressed
- ☐ Unab: To Forward
- ☐ Insufficient Address
- ☐ Moved, Left No Address
- ☐ Unclaimed
- ☐ Attempted - Not Known
- ☐ No Such Street
- ☐ No Mail Receptacle
- ☐ Box Closed - No Order
- ☐ Returned For Better Address
- ☐ Postage Due

Robert Nowak
Or The Estate Thereof
81 4th Avenue
Lancaster, NY 14086

RECEIVED

JAN 27 2025 *MA*

TOWN OF LANCASTER
BUILDING DEPARTMENT

X **DECEASED**

Mike Stegmeier

From: Matthew Fischione <MFischione@lancastrny.gov>
Sent: Wednesday, March 5, 2025 3:23 PM
To: Arthur Herdzik; Mike Stegmeier
Subject: RE: 81 4th Ave
Attachments: Complaint #2025 0206 summary.pdf

Good afternoon,
Please received documentation from a site visit on Monday, March 3, 2025, for a rodent complaint.
Thank you,

Matt Fischione
Code Enforcement Officer/ZEO/CFM/SMO
Town of Lancaster Building and Zoning Department
21 Central Avenue
Lancaster, NY 14086
716-601-0934 direct line

Complaint Action Summary

Complaint Number: 2025-0206

Complaint #: 2025-0206

Location: 81 4th Ave

Owner: Robert Novak

Nature Of Complaint: RATS-- house is vacant-- kids live in the area -- neighbor killed a rat with a shovel

Type: Trash/Rubbish

Identifier: 115.11-8-25

Complainant:

Status: Open

Open Date: 02/28/25

Action Type	Action Date	Action Information	Inspector
Inspection	03/03/25	Type: Site Visit Result: In Progress	Matt Fischione
Notes: No sign of rodent infestation, harboring, or food source			
Inspection	03/12/25	Type: Site Visit Result: <None>	Matt Fischione









