



**Town of Amherst
Planning Advisory Committee Meeting**

Agenda

Date: **Monday, February 4, 2019**
Time: **4:30 pm**
Location: **Council Chambers, Town Hall**

	Pages
1. Call to Order	
1.1 Approval of Agenda	
1.2 Approval of Minutes	1 - 4
2. Recommendation for Demolition - 1 Spring Street	
2.1 Staff Report	5 - 12
2.2 Committee Questions/Comments	
2.3 Owner Questions/Comments	
3. Adjournment	

Town of Amherst Planning Advisory Committee Minutes

Date of Meeting: Friday, January 18, 2019
Location: Council Chambers, Town Hall

Members Present: Deputy Mayor Sheila Christie
Councillor Terry Rhindress (Vice Chair)
Councillor Jason Blanch
Citizen Appointee Gordon Goodwin
Citizen Appointee Ronald Wilson
Citizen Appointee Larry Pardy

Staff Present: Deputy CAO, Jason MacDonald
Unsightly Premises Administrator, Marc Buske
Municipal Clerk Kimberlee Jones
Admin Assistant Emily Wainwright

1. Call to Order

Vice-Chair called the meeting to order at 12:15 p.m.

1.1. Approval of Agenda

Moved By: Deputy Mayor Christie
Seconded By: Citizen Appointee Wilson
That the agenda be approved.

Motion Carried

1.2. Approval of Minutes

Moved By: Citizen Appointee Wilson
Seconded By: Deputy Mayor Christie
That the minutes of the January 14, 2019 PAC meeting be approved.

Motion Carried

2. 59 Church Street

2.1. Staff Report

Mr. MacDonald reviewed his report as included as part of the agenda package.

2.2 Engineering Report

Mr. MacDonald reviewed the engineering report provided by the property owner, as included as part of the agenda package.

2.3 Committee Questions/Comments

Vice Chair Rhindress asked if the property owner does not demolish the building within 45 days, does he have time to appeal within those 45 days. Mr. MacDonald replied that the process is that the property owner will be notified today of the order to demolish the building, and from that time he will have 7 days to appeal in writing to the Town CAO. If that were to occur, then the CAO, the Clerk, and the Deputy CAO would schedule a special meeting of Town Council in order to hear that appeal. If he does not appeal, he will have 45 days to demolish the building. If approximately 30 days goes by and it seems that the owner has no intention of demolishing the building, we will start up the procurement processes in order to have the work done shortly after the 45 day requirement.

Deputy Mayor Christie asked what are the procedures for notifying the adjacent property owner. Mr. MacDonald replied that the adjacent property owner is aware of the current situation and has been in contact with us numerous times regarding the property. Should an order to demolish be given and there is no appeal, or if there is an appeal and Council makes the decision to order demolition, then we would be in contact with the adjacent property owner in order to develop a plan for the demolition in relation to the connected roof lines of the buildings. The adjacent property owner would have to carry out necessary repairs to the side of their building to make sure it is waterproof and not open to weather.

Vice Chair Rhindress asked if we have to tear it down and we do any damage to the other building, who pays, us or them. Mr. MacDonald replied that we would not undertake the work, we would contract the work out. The contractor would have to have the proper liability insurance to cover any damages to the adjacent building.

Citizen Appointee Goodwin stated that if the work is contracted to an independent contractor, the proper thing to do is to write in their contract 'if you damage the adjacent building, it is to your account.'

2.4 Recommendation

Moved By: Citizen Appointee Goodwin

Seconded By: Citizen Appointee Wilson

That the Planning Advisory Committee order the property owner of 59 Church Street to remove all contents from the building, demolish the building and backfill the property within 45 days from the date of this committee meeting.

Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the building to the land fill, with all demolition and landfill costs charged to the property owner's tax account.

Motion Carried

3. 2 Industrial Park Drive

3.1 Staff Report

Mr. Macdonald reviewed his report as included as part of the agenda package.

3.2 Committee Questions/Comments

Citizen Appointee Wilson asked if the 45 day window a statutory requirement or could that be adjusted as he does not want to delay the demolition. Mr. MacDonald replied that the 45 days is not in legislation, the committee could order a different timeline. However, the timeline would have to provide enough time to properly procure the services of a contractor.

Citizen appointee Pardy asked if the property owner will have the opportunity to remove the contents of the building. Mr. MacDonald replied that yes, should the committee order demolition, the property owner will have ample opportunity to remove the items from the property.

Deputy Mayor Christie asked that given the current situation with the property owner, what steps will we take to ensure he is properly notified of the outcome of the meeting. Mr. MacDonald replied that in addition to the minimum requirement for notice that we will also contact the property owners solicitor in order to ensure that he is aware of any order placed on the property.

Councillor Blanch stated that he understands the question to shorten the timeframe, but I would be inclined to stick with the 45 days, so it does not appear that we are treating this property differently than the previous one.

3.3 Recommendation

Moved By: Councillor Blanch

Seconded By: Deputy Mayor Christie

That the Planning Advisory Committee order the property owner of 2 Industrial Park Drive to remove all contents from the building, demolish the building and backfill the property within 45 days from the date of this committee meeting.

Failure by the property owner to do the work will result in the Town completing the work and sending all contents of the building to the land fill, with costs charged to the property owner's tax account.

Motion Carried

5. Adjournment

Councillor Blanch motioned to adjourn the meeting at 12:39p.m.

Motion Carried

Kimberlee Jones, Municipal Clerk

Vice Chairman Terry Rhindress



Date: February 4, 2019

To: Planning Advisory Committee

From: Marc Buske, Dangerous & Unsightly Premises Administrator

Subject: Recommendation for Demolition

Re: PID # 25031469, 1 Spring Street, Amherst, NS

Issue

The lack of maintenance over the years has left the building in a state of serious disrepair. As articulated in the reports filed by the Building Official, there are various locations of structural failure, and one rear wall has already collapsed.

History

May 28, 2015 the town received a complaint on the property.

June 1, 2015 a letter was sent to the owner stating the property was identified as an unsightly property. A Letter was sent to the complainant acknowledging the complaint.

August 14, 2015 a contractor was hired to clean up the property. A letter was sent to the property owner stating a contractor was hired to clean up around the property and all cost will be added to the property tax account. The letter also stated the file was closed. A letter was sent to the complaint stating the file was closed.

November 13, 2018 the Town received a complaint about the property.

November 28, 2018 a letter was sent to the complainant acknowledging the letter.

November 27, 2018 a site inspection completed to determine the condition of the building.

January 11, 2018 another inspection took place to check on the structural stability of the building.



Discussion

Mr. Buell's report indicated:

- 1- The entire brick face including previously repaired portions showed signs of mortar failure and cracking.
- 2- The top plate at junction between roof and wall is open in sections, rotted at various points around the perimeter and show structural failure.
- 3- The top wall on the backside of the exterior is collapsed inward and shows signs of continued deterioration.
- 4- Front wall and side show signs of structural failure, leaning and bulging around most of the surface area. Collapse is imminent.
- 5- Side wall on top portion of building left hand side shows, cracking, leaning outward and disconnect from roof structure. Collapse could happen at anytime and should be addressed as soon as possible.
- 6- Interior of building shows near complete structural failure.
- 7- Collapsed floor open to below.
- 8- Roof support beam failed and is broken, support posts out of alignment and failure of roof rafter system.
- 9- Roof is collapsed and open to the elements. Interior of building filled with refuse, debris and materials that inhibit any time safe restoration of interior structure.

It is in the opinion of this inspector that the building structure is in a probable possible state of partial collapse at any time and that the site be secured against possible harm to the public until such a time that it can be safely demolished, at the earliest opportunity. This building is in imminent risk of collapse and threatens the safety of the public.



This property was also inspected by the Town Engineer. The following is his report:

On November 27th, Marc Buske (Building Inspector) and I inspected the building located at 1 Spring Street, Amherst, NS.

The brick building is structurally unsound however not in immediate danger of collapse. The exterior supporting walls are showing deformation as the roof structure is in the process of slowly deteriorating and applying pressure on the exterior walls and causing deformation.

With the help of the Amherst Fire Department we were able to open the front door of the building to look inside. The main floor of the building has collapsed and much of the building materials stored in the basement is in the process of sliding into the basement. There is a fire truck and a large tractor stored in the building, these vehicles are situated on the main steel supporting floor members and have not fallen into the basement.

The main concern is that an eventual collapse of the eastern most exterior wall will cause damage to the building located next door.

It is recommended that we continue monthly inspections of the building to determine if there is further distortion of the exterior walls. The last inspection of the building was on January 11th 2019 and no structural changes were evident since the previous inspection.

Ben Pitman, P.Eng

Town Engineer

Recommendation

I am recommending the property at 1 Spring Street be demolished and the foundation be backfilled within 30 days from the date of this committee meeting, with all work to be done by the property owner, including proper disposal of all items within the building. Failure to do so will result in the Town completing the work. All costs incurred by the Town in the demolition and cleanup will be added to the owner's property taxes.

MEMORANDUM

TO: Marc Buske, Dangerous and Unsightly Supervisor, Amherst

FROM: David Buell, CBO II, FPI II, Supervisor, Cumberland County

DATE: December 13, 2018

CC:

RE: Site Inspection – Spring Street, Amherst – PID# 25031469
Pictures attached

At the request of Amherst's Dangerous and Unsightly Supervisor, an inspection was made of the above noted property. The on-site inspection was performed, and the following report filed by David Buell, Provincial Building Official and Fire Inspector. The site was visited at 1:30pm on the afternoon of December 13, 2018. The following was noted and photographed:

- The entire brick face including previously repaired portions showed signs of mortar failure and cracking.
- The top plate at junction between roof and wall is open in sections, rotted at various points around the perimeter and show structural failure.
- The top wall on the backside of the exterior is collapsed inward and shows signs of continued deterioration.
- Front wall and side show signs of structural failure, leaning and bulging around most of the surface area. Collapse is imminent.
- Side wall on top portion of building left hand side shows, cracking, leaning outward and disconnect from roof structure. Collapse could happen at anytime and should be addressed as soon as possible.
- Interior of building shows near complete structural failure.
- Collapsed floor open to below.
- Roof support beam failed and is broken, support posts out of alignment and failure of roof rafter system.
- Roof is collapsed and open to the elements. Interior of building filled with refuse, debris and materials that inhibit any time safe restoration of interior structure.

It is in the opinion of this inspector that the building structure is in a probable possible state of partial collapse at any time and that the site be secured against possible harm to the public until such a time that it can be safely demolished, at the earliest opportunity. This building is in imminent risk of collapse and threatens the safety of the public.

Regards
David Buell, CBO II, CFI
Permits and Inspection Supervisor
Cumberland County
902 667-3853







