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TOWN OF BETHLEHEM

Albany County - New York

Building Department
445 Delaware Avenue, Delmar, NY 12054
(518) 439-4955 x 1112
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OFFICIAL NOTICE OF IMMINENT DANGER AND EMERGENCY ORDER TO VACATE

Date: September 3, 2026

To:

Delmar AH Realty Associates LLC
1777 Avenue of the States, Suite 204
Lakewood, NJ 08701

RE: Albany Center for Independent Living ("Facility")

Parcel ID/Address: 86.11-1-34/141 Rockefeller Road, Delmar, NY 12054 ("Premises")

1. APPLICABLE CODE STATUTES

This Emergency Order is issued pursuant to the statutory authority granted under local municipal code and the Uniform Fire Prevention and Building Code of New York State, specifically incorporating the following provisions:

Town of Bethlehem Code — Chapter 53: Building Construction and Fire Prevention Administration

- **Section 53-1 (Legislative Intent):** Grants full authority and responsibility to the Code Enforcement Official / Building Department to enforce all applicable provisions of the New York State Uniform Fire Prevention and Building Code, the State Energy Conservation Construction Code, and local standards for building safety and fire prevention within the Town of Bethlehem.
- **Section 53-2 (A) (Duties and Powers of Building Inspector):** Except as otherwise specifically provided by law, the Building Inspector of the Town of Bethlehem and his deputies and assistants shall administer and enforce all of the provisions of laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures and the installation and use of materials and equipment therein and the regulation, use, occupancy and maintenance thereof, as provided for in the New York State Uniform Fire Prevention and Building Code.
- **Section 53-15 (Tests):** Authorizes the Code Enforcement Official to require tests, reports, or certified evaluations to be performed at the owner's expense by an independent design professional, certified engineering firm, or qualified professional licensed in the respective field whenever necessary to determine compliance, safety, or structural and mechanical integrity.

2025 Fire Code of New York State (FCNYS)

- Section 116.1 (Imminent Danger): Section 116.2 of the FCNYS provides that:

Where, in the opinion of the fire code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or where any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or where there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosive devices, explosive fumes, toxic fumes, gases or the operation of defective or dangerous equipment, fuel supply, systems or devices, the fire code official is authorized and empowered to order and require the occupants to vacate the premises and structure forthwith.

2025 Property Maintenance Code of New York State (PMCNYS)

- Section 110.1 (Emergency Measures – Imminent Danger) provides that:

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosive devices, explosive fumes, toxic fumes, gases or the operation of defective or dangerous equipment, fuel supply, systems or devices, or when a structure has become so damaged, dilapidated, or structurally unsafe, or has evolved into such an unfit condition that human occupancy constitutes an immediate hazard, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith.

2. FINDINGS OF HAZARDOUS CONDITIONS & IMMINENT DANGER

Recent site inspections conducted by the Town of Bethlehem Building Department have identified multiple severe life-safety, fire, and structural code violations throughout the subject Facility and Premises.. Due to the dangerous, compounding and cumulative nature of these observed and documented conditions, **all prior compliance deadlines set forth in previous violations notices delivered to site supervision and facility staff are hereby rescinded and superseded by this notice.**

Based on the documented evidence—including attached inspection reports, prior violation notices, site photos, and floor plans detailing affected areas of water infiltration and other code violations,, this Department has determined that the facility poses an active, imminent danger to human life, public safety, and occupant welfare pursuant to 2025 FCNYS Section 116.1 and 2025 PMCNYS Section 110.1:

- **Active Combustible Gas Leak:** Discovered during a site inspection on August 31, 2026, an active combustible gas leak remains insufficiently mitigated, presenting an immediate risk of explosion, fire, and toxic fumes. An appliance(s) in the kitchen was identified as the source of the leak, and the gas supply valve was manually closed with no or improper precautions to prevent accidental use, opening of the valve by employees or residents seeking to utilize the kitchen and appliances. The kitchen is unsafe for operation or occupancy in this condition as the risk of explosion remains due to the improper manual closing of the valve which may be opened at any time by any person. This gas line must be immediately and properly secured and proper plans for the restoration of the area as a kitchen including testing and replacement of all affected appliances must be provided to this Department for review and approval before any use may occur.
- **Severe Electrical Hazards & Operation of Defective/Dangerous Equipment:** Observed during inspection on August 27, 2026, the Facility exhibits widespread electrical hazards including open junction boxes, exposed live electrical connections, and unsafe, unapproved lighting installations. Operating equipment under these conditions poses an immediate risk of electrical shock and fire.
- **Unsafe and Inoperable Elevator System:** The Facility elevator is not operating properly, reliably, or safely. Department personnel observed an active hydraulic fluid leak in the basement. Furthermore, emergency services have responded to numerous dispatch calls to rescue trapped passengers from this elevator, indicating critical mechanical failure and severe life-safety risks that remain unaddressed.

- **Defective Roof System, HVAC System, Building Moisture & Mold Issues:** Inspection revealed substantial condensation accumulation within the HVAC ductwork, resulting from high internal moisture levels caused by an ongoing roof leak. The HVAC system is formally designated as defective and dangerous equipment. Physical inspection and photo evidence demonstrate multiple locations with water damaged and soaked ceilings, walls and floors with observed black substances adhered to such surfaces indicating potential black mold growth due to said ongoing water leakage and seepage.
- **Non-Compliant Egress Door Hardware:** Observed fundamental safety hazards such as stairwell and emergency exit doors throughout the Facility that do not have code-compliant panic and push-bar hardware, but rather are equipped with standard door handles, preventing or impeding rapid emergency egress.
- **Obstructed Means of Egress and Electrical Panel Access:** Observed storage of items and loose materials (i.e., mattresses, boxes, unused maintenance equipment and materials) within stairwells and directly in front of electrical service equipment in violation of FCNYS requirements which mandates that stairwells and clearance zones surrounding electrical panels must remain clear and completely unobstructed to ensure unhindered emergency egress and immediate access to power shut-offs.

3. FAILURE OF COMPLIANCE & VERIFICATION

Formal written notices detailing these violations were issued and served upon the Facility Manager(s) on August 28, 2026 (electrical, elevator, and building envelope hazards) and September 1, 2026 (gas leak due to faulty appliances). Having reviewed the volume, compounding and pervasive nature of these observed and documented violations throughout the Facility, this Department hereby ORDERS immediate emergency abatement and professional verification. All previous compliance deadline dates are hereby rescinded to immediate compliance.

As of today, **September 3, 2026:**

- This Department has not received the required certified engineering or contractor paperwork confirming that the gas leak, electrical hazards, elevator failures, egress obstruction, or HVAC/mold defects have been repaired or rectified.
- During a Webex meeting with representatives of the Facility and the Department on September 1, 2026, Facility representatives confirmed that these critical life-safety hazards remain unresolved.

4. MANDATORY ORDER TO VACATE

Pursuant to the legal authority granted under Town of Bethlehem Code Chapter 53, Section 116.1 of the 2025 Fire Code of New York State, and Section 110.1 of the 2025 Property Maintenance Code of New York State, the Code Official / Fire Code Official has determined that an imminent danger to human life exists on the premises.

YOU ARE HEREBY ORDERED TO BEGIN PREPARATIONS IMMEDIATELY TO RELOCATE RESIDENTS TO OTHER FACILITIES AND VACATE ALL RESIDENTS, STAFF AND VISITORS FROM THE PREMISES LOCATED AT 141 ROCKEFELLER RD (PARCEL ID: 86.11-1-34) BY 5:00 PM ON SEPTEMBER 4, 2026.

5. RE-ENTRY AND COMPLIANCE REQUIREMENTS

The Facility and Premises shall remain closed to human occupancy, and all defective equipment shall remain out of service, until all of the following conditions are fully satisfied:

1. **Professional Engineering Assessment & Corrective Action Plan:** The Facility owner must submit an evaluation report prepared and stamped by a New York State Licensed Professional Engineer (PE). This engineering evaluation must specifically cover existing structural integrity, roof envelope conditions, HVAC system functionality, electrical systems, elevator operation, and plumbing infrastructure. The report must include a comprehensive Corrective Action Plan addressing all noncompliance items identified in the violation notices. The Corrective Action Plan must strictly comply

with the New York State Uniform Building Code. **This Corrective Action Plan, including all applicable Building Permit applications, must be submitted to, received by, and officially approved by the Town of Bethlehem Building Department prior to the commencement of any work or construction activity on site, with the sole exception of exploratory demolition.**

2. **Mold & Hazardous Material Abatement Plan:** A Licensed New York State Professional specializing in Mold Assessment and Hazardous Material Abatement must be retained to perform a complete Mold Assessment and Air Quality Evaluation. A formal Abatement and Remediation Plan must be submitted to and approved by the Town of Bethlehem and/or other authorities having jurisdiction prior to commencing abatement activities. Any abatement activities deemed necessary pursuant to such report shall be completed and properly certified prior to re-occupation.
3. **Gas Leak Abatement:** The hazardous gas leak must be completely repaired, secured, or replaced by a licensed plumbing contractor, with Pressure Test Reports and Certified Documentation submitted to and approved by this Department. Any future use or equipping of this area for food preparation or similar kitchen use requires all appliances, gas and electrical supply and applicable health standards to be met and certified subject to the review and approval of this Department prior to use.
4. **Electrical System Repairs & Certification:** All open junction boxes, exposed connections, and unsafe lighting must be identified and a Corrective Action Plan submitted to the Department for review and approvals prior to undertaking any repairs. All repairs must be performed by a NYS licensed electrician and certified 3rd-party electrical inspector sign-off must be submitted, followed by mandatory verification and inspection by this Department.
5. **Elevator Repairs & Certification:** The hydraulic leak for the elevator in the basement and all mechanical defects must be resolved. Prior to undertaking any work, the Facility owner must submit for approval by this Department a certified 3rd-party elevator vendor. Upon approval of said vendor by this Department such repairs may be undertaken and written certification submitted that the elevator has been repaired, and is fully operational such that it may be operated safely for all residents, staff and visitors.
6. **Egress Hardware & Means of Egress Remediation:** All stairwells and emergency exit doors must be retrofitted with approved panic and push-bar hardware where required for emergency egress. All stairwells, exit corridors, and electrical panel clearances must be completely cleared of stored items and materials to provide unobstructed access.
7. **Final Authorization:** A final re-inspection by this Department shall be conducted, and a formal written Authorization to Re-occupy must be granted by the Code Official.

PLEASE TAKE NOTICE THAT FAILURE TO COMPLY WITH THIS EMERGENCY ORDER TO VACATE WILL RESULT IN LAW ENFORCEMENT INTERVENTION AND FURTHER LEGAL PENALTIES UNDER LOCAL AND STATE CODES.

Issued By:

Craig Yaiser

Senior Assistant Building Inspector / Code Enforcement Officer

Town of Bethlehem Building Department

(518) 439-4955 x 1112

building@bethlehemny.gov

CC:

- Town Board
- Local Fire Department / Chief
- New York State Department of Health (NYS DOH)
- Town Emergency Management
- Town Attorney