

March 6, 2025

3084 Rt 50
Saratoga Springs, New York 12866
Attention: Building Owners/Occupants of Moe's

Property Location: 3084 Route 50

Dear Owner/Occupant

On March, 5 2025, The Town of Wilton Code Fire Marshal was called to your property by the Greenfield fire Department. During an inspection of your business, many New York State Fire, Building and Property Maintenance violations is were observed and required that the premises be posted unsafe for human occupancy. Please contact the Building Department with a plan of action for the remediation of the premises. It is unlawful for **anyone** to enter the structure after March 5, 2025. The Town of Wilton Code Enforcement posted the property as follows:

Violation of: Section 107.1 of the 2020 Property Maintenance Code of New York State (the "2020 PMCNYS"), the 2020 PMCNYS being incorporated by reference in 19 NYCRR Section 1226.2 and being part of the State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, providing as follows: "107.1 General. If the authority having jurisdiction determines, during the inspection or otherwise, that a premises, building or structure, or any building system or equipment, in whole or in part, constitutes a clear and imminent threat to human life, safety of health, the authority having jurisdiction shall exercise its powers in due and proper manner so as to the public protection from the hazards of threat to human life, safety, or health".

[NY] 107.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such Equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

[NY] 107.1.3 Structure unfit for human occupancy. Structure is unfit for human occupancy whenever such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation,

illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

[NY] 102.2 Maintenance of equipment and systems. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or *premises* were constructed, altered or repaired shall be maintained in good working order. An *owner*, owner's authorized agent, *operator* or *occupant* shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner's* authorized agent shall be responsible for the maintenance of buildings, structures and *premises*.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

SECTION 702 MEANS OF EGRESS

[F] 702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *Fire Code of New York State*.

[F] 702.3 Locked doors. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *Building Code of New York State*.

[BE] 1010.1.9.5 Bolt locks. Manually operated flush bolts or surface bolts are not permitted.

[F] 702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

305.3 Interior surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

SECTION 604 ELECTRICAL FACILITIES

[NY] 604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *building official* shall require the defects to be corrected to eliminate the hazard.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

SECTION 607 COMMERCIAL KITCHEN HOODS

[M] 607.1 General. Commercial kitchen exhaust hoods shall comply with the requirements of the *Mechanical Code of New York State*.

607.3 Operations and maintenance. Commercial cooking systems shall be operated and maintained in accordance with Sections 607.3.1 through 607.3.4.

607.3.3.1 Inspection. Hoods, grease-removal devices, fans, ducts and other appurtenances shall be inspected at intervals specified in Table 607.3.3.1 or as *approved* by the *fire code official*. Inspections shall be completed by qualified individuals.

TABLE 607.3.3.1 COMMERCIAL COOKING SYSTEM INSPECTION FREQUENCY

607.3.3.2 Grease accumulation. If during the inspection it is found that hoods, grease-removal devices, fans, ducts or other appurtenances have an accumulation of grease, such components shall be cleaned in accordance with ANSI/KECA C10.

607.3.3.3 Records. Records for inspections shall state the individual and company performing the inspection, a description of the inspection and when the inspection took place. Records for cleaning shall state the individual and company performing the cleaning and when *

TYPE OF COOKING OPERATIONS FREQUENCY OF INSPECTION

High-volume cooking operations such as 24- hour cooking, charbroiling or wok cooking 3 months Low-volume cooking operations such as places of religious worship, seasonal businesses and senior centers 12 months Cooking operations utilizing solid fuel burning cooking appliances for 1 month All other cooking operations 6 months.

607.4 Appliance connection to building piping. Gas-fired commercial cooking appliances installed on casters and appliances that are moved for cleaning and sanitation purposes shall be connected to the piping system with an appliance connector listed as complying with ANSI Z21.69. The commercial cooking appliance connector installation shall be configured in accordance with the manufacturer's installation instructions. Movement of appliances with casters shall be limited by a restraining device installed in accordance with the connector and appliance manufacturer's instructions.

If in the event there are no plans moving forward to remedy the posted structure, further enforcement action will be taken to include the filing of an accusatory instrument in Justice Court and could subject you to possible fines and/or imprisonment. Each Violation listed is punishable by a maximum \$1,000.00 fine for each days continued violation and shall constitute a separate additional violation.

Sincerely,

Marcus Hart
Code Enforcement officer

CC File

Town of Wilton
Complaint Summary

Complaint Number: FC25-006

Open Date: 3/5/2025

Location : 3084 Route 50, , NY

Nature of Complaint: Recieved a call to responed to Moe's from fire chief

Inspections:

3/5/2025 - Property inspection Inspector: Marcus Hart

Many fire safty violations were observed, and i'm posting Moe's unfit for human occupancy in accordance with the NYS property mainanance code 107.1.3

3/5/2025 - Complaint Inspection Inspector: Marcus Hart

Stopped back to verify that the posting was being obeyed and to follow up on the earlier inspection. Upon further inspection more violations of the 2020 NYS Property Maintenance code and the 2020 Fire Code of NY observed:

See notes tab.

3/6/2025 - Property inspection Inspector: Marcus Hart

The inspection this morning was of the progress made on the prior violations. Many of the violations appear to have been remedied to the satisfaction of code enforcement. Not all violations have been remedied and a list was given to the owner of the establishment as to what violations remain. The following are the remaining issues/violations that need to be remedied:

1. Both rear exit doors need to be brought into compliance with the fire code. The door exiting the main dining area needs to be operable and squared up in the opening so it doesn't get stuck closed and is able to be closed smoothly without sticking. The emergency egress door from the kitchen area needs to have the bolt lock removed and have the listed and labeled panic/locking hardware installed in accordance with the fire code.
2. The hood needs to be recleaned as the first cleaning does not appear to have done an adequate job. The ducts were not free from accumulated grease and soot. (see photos).
3. The electric heater unit in the rear of the dining area just inside the exit door that is not working and in a state of dangerous disrepair needs to be removed and the electricity needs to be capped off in accordance with NEC and the hole where the heater was needs to be appropriately closed in.
4. The electrical outlet behind the cooking appliances that appears to be fire damaged needs to be replaced in accordance with the fire code and electrical code.
5. All Appliances that are in a state of disrepair and are dangerous need to be removed and disposed of.
6. All third party inspection, testing, cleaning and repair paperwork needs to be submitted to the town code enforcement and fire marshal.
7. The wall that was in a state of disrepair, rot and water damaged needs to be repaired in accordance with the building code.
8. The light fixtures in the hood need to be 100% operational not 50%.

Violations:

Actions:

Notes Tab from Complaint # FC25-006, 3084 Route 50, Saratoga Springs, NY 12866

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occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing

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