



City of Saratoga Springs

Building Department, Fire Department,
Code Enforcement

NOTICE OF VIOLATION / ORDER TO REMEDY

BUILDING DEPARTMENT

Patrick Cogan, *Asst. Bldg Inspector*
Duane Miller, *Asst. Bldg Inspector*
Michael Carlson, *Asst. Bldg Inspector*
John Barney, *Asst. Bldg & Const. Inspector*

CODE AND ZONING ENFORCEMENT

John Donnelly, *Code Administrator*
James Herkel, *Code Enforcement Technician*

FIRE DEPARTMENT

Aaron Dyer, *Captain*
Jeffrey Alonzo, *Lieutenant*

Name of Person/Entity: **JON R. CROMER d/b/a SARATOGA SPRINGS JOCKEY CLUB
B+B/INN**

Registered Agent: Jon R. Cromer

Location of Violation: 66 White Farms Road, Saratoga Springs, New York 12866

Location of Person/Entity: 66 White Farms Road, Saratoga Springs, New York 12866

Date of Observation: July 2, 2018

Tax Parcel Number: 178.-3-14.1

Please note the following violation(s) of either: Title 19 of the New York State Code Rules and Regulations; Executive Law § 382; 2017 NYS Code Supplement; the Multiple Residence Law; and/or the Saratoga Springs City Code exist as outlined below:

IN VIOLATION OF: City of Saratoga Springs

CHAPTER: 220

SECTION: 2.2(C)

TITLE: Uses and Structures Subject to Special Use Permit and Site Plan Review – Includes those principal and/or accessory uses that require issuance of a Special Use Permit by the Planning Board, per Section 4.0, and the Site Plan Review and approval by the Planning Board, per Section 4.2

HOW THE CODE HAS BEEN AND/OR CONTINUES TO BE VIOLATED:

The owner of the premises, JON R. CROMER, has failed to obtain a Special Use Permit or Site Plan Approval for his bed and breakfast.

TO MEET COMPLIANCE:

The owner of the premises, JOHN R. CROMER, needs to stop renting any and all sleeping rooms and to obtain the necessary permits, variances and/or certificate of occupancies as required by the City of Saratoga Springs to operate a bed and breakfast. In the event that JON R. CROMER obtains the necessary permits and variances required by the City of Saratoga Springs, he needs to follow all requirements pursuant to said permits, variances and applicable law.

IN VIOLATION OF: City of Saratoga Springs

CHAPTER: 118

SECTION: 4

TITLE: Building Permits - Building permits required. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-

burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Building Department.

HOW THE CODE HAS BEEN AND/OR CONTINUES TO BE VIOLATED:

The owner of the premises, JON R. CROMER, knowingly formed a bed and breakfast in his premises. Said owner has failed to obtain the necessary building permits to alter the structure as required by the NYS 2017 Code Supplement.

TO MEET COMPLIANCE:

The owner of the premises, JOHN R. CROMER, needs to stop renting any and all sleeping rooms and to obtain the necessary permits and variances required by the City of Saratoga Springs to operate a bed and breakfast. In the event that JON R. CROMER obtains the necessary permits and variances required by the City of Saratoga Springs, he needs to follow all requirements pursuant to said permits, variances and applicable law.

IN VIOLATION OF: Title 19 NYCRR, Article 18 Uniform Fire Prevention and Building Code

CODE: 2017 NYS Code Supplement

CHAPTER: 1

SECTION: 108.7.2 Change of use or occupancy - Without regard to whether a Certificate of Occupancy shall have been issued, no person or entity shall convert the use or occupancy of a building or structure, or any portion thereof, from one use or occupancy to another without first obtaining a Building Permit to perform the work, if any, required for such conversion; performing such work, if any; and obtaining a Certificate of Occupancy from the Authority Having Jurisdiction.

HOW THE CODE HAS BEEN AND/OR CONTINUES TO BE VIOLATED:

The owner of the premises, JON R. CROMER, knowingly formed a bed and breakfast in his premises that violates his Certificate of Occupancy.

TO MEET COMPLIANCE:

The owner of the premises, JON R. CROMER, needs stop renting any and all sleeping rooms and to obtain the necessary permits and variances required by the City of Saratoga Springs to operate a bed and breakfast. Additionally, in the event that JON R. CROMER obtains the necessary permits and variances required by the City of Saratoga Springs, he needs to follow all requirements pursuant to said permits, variances and applicable law.

IN VIOLATION OF: Title 19 NYCRR, Article 18 Uniform Fire Prevention and Building Code

CODE: 2017 NYS Code Supplement

CHAPTER: 2

SECTION: AJ704.2 Occupancy - A residence converted to a bed and breakfast dwelling shall have no more than five sleeping rooms for accommodating up to 10 transient lodgers.

HOW THE CODE HAS BEEN AND/OR CONTINUES TO BE VIOLATED:

The owner of the premises, JON R. CROMER, knowingly formed a bed and breakfast in his premises. Said owner is violating the law by providing six sleeping rooms and is providing accommodations for over 10 transient lodgers.

TO MEET COMPLIANCE:

The owner of the premises, JON R. CROMER, needs stop renting any and all sleeping rooms and to obtain the necessary permits and variances required by the City of Saratoga Springs to operate a bed and breakfast. Additionally, in the event that JON R. CROMER obtains the necessary permits and variances required by the City of Saratoga Springs, he needs to remove one of the sleeping rooms and cannot provide accommodations past 10 transient lodgers. Additionally, JON R. CROMER will need to follow all requirements pursuant to said permits, variances and applicable law.

IN VIOLATION OF: Title 19 NYCRR, Article 18 Uniform Fire Prevention and Building Code
CODE: 2017 NYS Code Supplement
CHAPTER: 2

SECTION: AJ704.4 Means of egress - Means of egress shall include at least one of the following alternatives:

1. A limited area sprinkler system installed in conformance with NFPA 13D protecting all interior stairs serving as a means of egress;
2. An exterior stair conforming to the requirements of R311.7 of this code, providing a second means of egress from all above grade stories or levels; or
3. An opening for emergency use conforming to the requirements of Section R310 of this code within each bedroom for transient use, such opening to have a sill not more than 14 feet above level grade directly below and, as permanent equipment, a portable escape ladder that attaches securely to such sill. Such ladder shall be constructed with rigid rungs designed to stand off from the building wall, shall be capable of sustaining a minimum load of 1,000 pounds, and shall extend to and provide unobstructed egress to open space at grade.

HOW THE CODE HAS BEEN AND/OR CONTINUES TO BE VIOLATED:

The owner of the premises, JON R. CROMER, is knowingly operating a bed and breakfast and has knowingly failed to provide the appropriate means of egress for said premises. According to the building permit records, no limited area sprinkler system has been installed in the premises. Additionally, there are no exterior stairs and/or ladders on the exterior of the premises that conform to subsection AJ704.4(2) or (3).

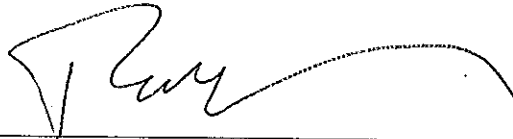
TO MEET COMPLIANCE:

The owner of the premises, JOHN R. CROMER, needs to stop renting any and all sleeping rooms and to obtain the necessary permits and variances required by the City of Saratoga Springs to operate a bed and breakfast. In the event that JON R. CROMER obtains the necessary permits and variances required by the City of Saratoga Springs, he needs to install either: a sprinkler system that is in conformance with NFPA 13D in all interior stairs serving as a means of egress; an exterior stair conforming to the requirements of § R311.7; or an emergency use conforming to the requirements of AJ704.4(3) Means of egress.

ALL COMPLIANCE WITH THIS ORDER TO REMEDY VIOLATIONS OF THE STATE CODE IS REQUIRED BY AUGUST 2, 2018; WHICH IS 30 DAYS AFTER THE DATE OF THIS ORDER. IF THE PERSON OR ENTITY SERVED WITH THIS ORDER TO REMEDY FAILS TO COMPLY IN FULL WITH THIS ORDER TO REMEDY WITHIN THE 30 DAY PERIOD, THAT PERSON AND/OR ENTITY MAY BE SUBJECT TO A FINE OF NOT MORE THAN \$1,000.00 DOLLARS PER DAY OF VIOLATION, OR IMPRISONMENT NOT EXCEEDING ONE YEAR, OR BOTH.

Hearing and appeal from cited violations of the New York State Code Rules and Regulations may be made pursuant to the Executive Law of the State of New York, Article 18, Section 381(f) by contacting:
N.Y.S. Dept. of State, Codes Division, One Commerce Plaza, 99 Washington Ave., Suite 1160, Albany, NY 12231 518-474-4073

Dated: July 2, 2018



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