

APPENDIX B

SCDHS CORRESPONDENCE

STATE OF NEW YORK : COUNTY OF SUFFOLK
DEPARTMENT OF HEALTH SERVICES

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IN THE MATTER OF THE COMPLAINT

-against-

STIPULATION

Frontier Park Co. LLC
D/B/A Frontier Mobile Home Park
805 Broadway
Amityville, New York 11701

RESPONDENT

Frontier Park Co. LLC
H. Lee Blumberg

Under and pursuant to the Public Health Law of the State of New York, the Sanitary Code of Suffolk and the Statutes of the State of New York and the Laws of Suffolk County.

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CASE NUMBER: DHS 08 TR 110, 105583

IT IS HEREBY STIPULATED AND AGREED by and between the respective parties hereto, that the within matter be and the same is terminated upon the following terms and conditions:

1. THAT Respondent admits the truth of the allegations set forth in the statement of charges.
2. THAT it is agreed between the Department and the Respondent, that the caption of this matter be amended to remove H. Lee Blumberg, as a Co-Respondent.
3. THAT Respondent represents that it will forthwith begin the process of bringing the premises into compliance with the law by taking the measures as hereinafter set forth.
4. THAT Respondent expressly understands an appropriate civil penalty (fine) in the amount Fifty Thousand Dollars (\$50,000.00) shall be imposed by the ORDER OF THE COMMISSIONS OF HEALTH SERVICES, subject to said civil penalty being waived if the Respondent complies with the terms of this Stipulation as hereinafter set forth.
5. THAT in mitigation of the penalty, Respondent contends that:

(A) the violations appearing on the inspection report made by Mr. Anthony Lalonde on May 15, 2008 and all other violations with regard to items of repair, maintenance, cleanliness and the storage of combustible material have been resolved to the satisfaction of the

Department.

(B) with regard to the approximately eighty (80) mobile homes with undocumented additions, the Department has determined that

(I) forty-four (44) of these mobile homes (aluminum Florida rooms) may remain without additional certificates of occupancy;

(ii) three (3) additional rooms have been removed; and

(iii) as to the remaining thirty-three (33) tenants with additions, the Respondent has taken the following action and proposes additional action as follows:

- All thirty-three (33) tenants have been notified by letter dated July 9, 2008 and by letter dated July 16, 2008. (a copy of which has been furnished to the Suffolk County Department of Health and the content thereof shall be incorporated herein by reference) that building permit applications for these additions are to be delivered to the Park Manager no later than September 8, 2008.
- The Manager will then cause these applications to be filed with the Town of Babylon Building Department by September 10, 2008. Any owner not submitting a Building Permit Application by September 8, 2008 shall receive a thirty (30) day notice terminating their tenancy effective October 31, 2008.
- In the event that tenants should receive tenancy termination notices and still do not deliver their application to management for filing or if they have not removed the addition by said date, summary proceedings shall be commenced against them by the Respondent not later than November 10, 2008.
- The Respondent shall periodically upon request of the Suffolk County Department of Health advise the Department as to the status of obtaining certificates of occupancy.
- If certificates of occupancy/compliance are issued by the Town of Babylon the Respondent shall provide copies to the Suffolk County Department of Health.
- In the event any building permit is denied, the tenants may seek a variance from the Town Board of Zoning Appeals within thirty (30) days of the denial or alternatively, the respective tenant may remove the addition in question.
- Any tenant who applies for a variance whose variance application has been denied will be required to remove the addition or face eviction by the Respondent within thirty (30) days after any such denial.

(C) That as regards to the violation regarding the Respondent's failure to hook up to the sewers, the Department has been apprised of the fact that the Respondent intends to

change the use of the premises to alternate residential housing and recognizing the difficulties inherent in connection with said change of use and the relocation of approximately 360 families, the Respondent has agreed to move forward regarding the discontinuance of the use of septic system in the following manner:

(i) Within one hundred twenty (120) days from date hereof, by November 15, 2008, the Suffolk County Department of Health shall receive a letter confirming that a survey of the property (as a preliminary step to sewer installation) has been completed (copy to be submitted to the Department upon request).

(ii) By October 31, 2008 the Suffolk County Department of Health shall receive a letter confirming Mike Chiarelli, or any other licensed engineer has been hired to proceed with plans regarding sewer installation necessary for the servicing of the proposed alternate housing.

(iii) In lieu of hiring an engineer, Respondent shall furnish the Suffolk County Department of Health with a copy of preliminary site plans for redevelopment of property by February 15, 2009, or by July 15, 2009, Respondent shall file with the Town of Babylon Planning Department (or any other appropriate department) its redevelopment plan, or, alternatively, a plan shall be submitted to the Suffolk County Department of Public Works regarding connection to the Suffolk County South West Sewer District.

(iv) Within ten (10) business days from the date hereof the Respondent shall advise the Department of confirmation that an Agreement has been entered into to admit Gregg Rechler (or an entity in which he is a principal) to acquire an interest in Frontier Park Co. LLC.

6. All of the aforementioned time frames may be extended by the Respondent upon reasonable cause being demonstrated to the Department (i.e. application having been submitted to the appropriate authorities in a timely fashion but without action upon said application by said authority).

7. It is agreed that the civil penalty of Fifty thousand dollars (\$50,000.00) shall be waived in the event that the Respondent proceeds as set forth above in a good faith manner and that said time limitations have been complied except as extended by the Department upon a showing of reasonable cause.

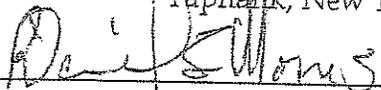
8. The Stipulation shall be binding upon the Respondent, its successors and/or assigns. The Respondent further acknowledges that the existing permit is non-transferable.

9. That during the term of the Stipulation the Respondent agrees to operate the park in the ordinary course of its business and to maintain the premises in good order in accordance with the Department's rules and regulations.

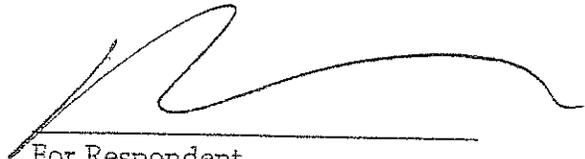
10. The Respondent reserves the right to seek a modification of this Stipulation including, but not limited to the abandonment of any proposed alternate housing development provided the Respondent provides the Department with a satisfactory plan to discontinue the use of septic systems and/or for the connection to the sewers.

11. That nothing in this Stipulation shall be deemed to negate or diminish the Department's authority regarding its regulatory powers in supervising the operation of the mobile home park.

Dated: July 13 2008
Yaphank, New York 11980



Hearing Officer



For Respondent
Barry M. Tuminello, Esq.
LONG, TUMINELLO, BESSO,
SELIGMAN & WERNER, LLP
120 Fourth Avenue
Bay Shore, New York 11706

Commissioner

In the matter of the Complaint: DHS # 08 TR 110, 105583

against

H. Lee Blumberg
Frontier Park Co. LLC.
D/B/A Frontier Mobile Home Park
805 Broadway
Amityville, NY 11701



RESPONDENT

Frontier Park Co. LLC.

Pursuant to the Public Health Law of the State of New York, the Sanitary Code of the County of Suffolk, and the Statutes of the State of New York and the Laws and Ordinances of the County of Suffolk.

A STIPULATION HAVING BEEN ENTERED INTO in the above entitled matter under and pursuant to the direction and the authority of the Commissioner of Health Services of the County of Suffolk before Daniel L. Morris, Hearing Administrator and representative of the Commissioner, on July 15, 2008; and the Hearing Administrator having made his report to the Commissioner including the Stipulation and Recommendations, a copy of which is annexed hereto; and the Commissioner having considered the Hearing Administrator's Report and his record and concurring therewith;

IT IS HEREBY ORDERED:

1. THAT the Stipulation agreed to by the respondent is hereby accepted, approved and adopted by the Commissioner, and
2. THAT the violations and each of them herein complained of, shall cease and desist and shall otherwise be completely removed, immediately, if not currently removed; and
3. THAT a civil penalty against Frontier Park Co. LLC., D/B/A Frontier Mobile Home Park, 805 Broadway, Amityville, NY 11701, of \$50,000 waived* pending compliance with terms of stipulation; and
4. THAT Respondent(s) hereto shall comply with the further terms and conditions of this ORDER, if any, as are INDICATED ON THE ATTACHED, which terms and conditions shall have the same force and effect as if fully set forth herein; and

JA AM

5.

FURTHER, the Commissioner hereby authorizes the County Attorney, upon written notification by the Commissioner of Health Services that Respondent(s) has failed to comply with this ORDER, to pursue such further relief as the County Attorney deems necessary to protect the interests of the County of Suffolk.



Daniel L. Morris, Hearing Officer

HUMAYUN J. CHAUDHRY, DO, FACP
COMMISSIONER OF HEALTH SERVICES

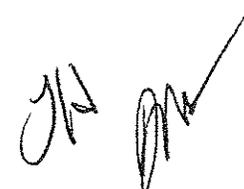
DATED: 7/28/08

By:



Richard Meyer,
Assistant Commissioner

HAUPPAUGE, NY 11788



RESPONDENT: Frontier Park Co. LLC.
ADDRESS: 805 Broadway, Amityville, NY 11701
D/B/A: Frontier Mobile Home Park

FINDING OF VIOLATIONS

CASE NUMBER: 08 TR 110, 105583
HEARING DATE: July 15, 2008
FINDING DATE: July 23, 2008

CODE SECTION	DESCRIPTION OF VIOLATION	CRITICAL YES/NO	MAXIMUM FINE	ASSESSED FINE
NYSSC Part §17.5 (a)(2)	To wit: Large amounts of combustibles being stored on porch of 246 Pawnee Ct. and ivy growing on front of mobile home at 38 Cheyenne Trail. (4 dates)	No	\$4,000	
§17.5 (a)(2)&(3)	To wit: Exterior siding not completed at 248 Pawnee Ct. and 101 Buffalo Ave. (3 dates)	No	\$3,000	
§17.5 (a)(2)&(3)	To wit: Section of skirting missing, dislodged or not secured at 71 Boot Hill Ct. (3 dates)	No	\$3,000	
§17.6 (c)	To wit: Single stage LP tank regulator not protected against the elements at 145 Dry Gulch. (8 dates)	No	\$8,000	
§17.10	To wit: Leaves and debris have accumulated throughout mobile home park. (3 dates)	No	\$3,000	
§17.10	To wit: All roadways within mobile home park are in deteriorated condition. (13 dates)	No	\$13,000	
§17.5 (a)(3)	To wit: Certificates of Occupancy or Compliance not provided for mobile homes with additions. Letter dated March 9, 2005 to H. Lee Blumberg from New York State Department of State regarding manufactured home compliance was issued to Mr. Blumberg. (37 dates)	No	\$37,000	
SCSC Article 5 §760-502(4)(e)	To wit: Mobile home park not hooked into sewer district (37 dates)	No	\$37,000	
Total			\$118,000	\$50,000*

* The lump sum civil penalty will be waived per satisfaction of stipulated agreement.

PLEASE RETURN THIS PAGE TO THE SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES, 360 YAPHANK AVENUE, SUITE 2A, YAPHANK, NEW YORK 11980, WITH A CHECK OR MONEY ORDER MADE PAYABLE TO THE COMMISSIONER OF HEALTH SERVICES.

RESPONDENT: Frontier Park Co. LLC.
D/B/A: Frontier Mobile Home Park
805 Broadway
Amityville, NY 11701

DOCKET NUMBER: DHS # 08 TR 110, 105583

DATE OF HEARING: July 15, 2008

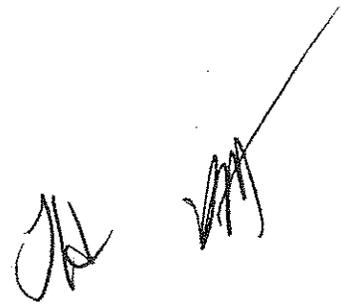
AMOUNT DUE: \$50,000 waived pending compliance with terms of stipulation

DATE DUE:

UNIT CODES:

FC ; HG X ; RA IW ; WQ ; MA ; WWM

PLEASE ENTER DOCKET NUMBER ON ALL CORRESPONDENCE AND PAYMENTS

Two handwritten signatures are present in the bottom right corner of the page. The first signature is a stylized, cursive 'JH' or similar. The second signature is a more complex, scribbled signature.

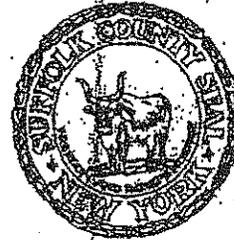
COUNTY OF SUFFOLK: STATE OF NEW YORK
DEPARTMENT OF HEALTH SERVICES

In the matter of the Complaint: DHS 08 TR 110, 105583

-against-

NOTICE OF FORMAL HEARING

Frontier Park Co. LLC,
D/B/A Frontier Mobile Home Park
805 Broadway
Amityville, NY 11701



RESPONDENT

Frontier Park Co. LLC.,
H. Lee Blumberg

Under and Pursuant to the Public Health Law of
the State of New York, the Sanitary Code of the
County of Suffolk and the Statutes of the State
of New York and the Laws and Ordinances of the
County of Suffolk.

PLEASE TAKE NOTICE:

THAT you are directed to appear at the office of the Department of Health Services of the County of Suffolk, 380 Yaphank Avenue, Suite 2A, Yaphank, New York 11980, on the 12th day of June 2008, at 10:00 A.M. in connection with certain alleged violations of the law, ordinance, rules and regulations of the , to wit:

(See Appendix A Attached)

THAT, each day of violation constitutes a separate and distinct violation subject to a civil penalty not to exceed the sum of One Thousand (\$1,000.00) dollars for each day of violation, as prescribed in Article 2, Section 218, Paragraphs 2 and 5 of the Sanitary Code of Suffolk County and Section 309 of the Public Health Law of the State of New York.

THAT, you will be directed to enter a plea at this time.

THAT, you have the right to be represented by counsel, to produce, examine and cross-examine witnesses and to present evidence on your behalf.

THAT, a record of the proceedings shall be made.

THAT, you may contact the Hearing Office at 631-852-5833, if you have questions relative to the hearing or require additional information.

PLEASE TAKE NOTICE:

THAT, upon your failure to appear the hearing may be held in your absence and a determination may be made, and such proceedings instituted under the law, either administrative, civil, or criminal, as may be deemed necessary and appropriate in the circumstances.

John Gladysz
John Gladysz, Hearing Officer

DATED: May 8, 2008

Yaphank, NY

JA *MA*

CHAPTER 1 STATE SANITARY CODE Subpart 7-2

APPENDIX A

Name of Establishment: Frontier Mobile Home Park

Address of Establishment: 805 Broadway Ave. Amityville, New York 11701

Code Section	Description of Violation	Date of Violation
§17.5(a)(2)	<p>In that: Any mobile home built after January 15, 1974 that does not meet the State Code for Construction and Installation of Mobile Homes (9 NYCRR) shall not be installed in a mobile home park.</p> <p>§PM305.1 Accumulation of rubbish or garbage. All exterior property and premises; and the interior of every structure, shall be free from any accumulation of rubbish or garbage.</p> <p>To wit: Large amounts of combustibles being stored on porch of 246 Pawnee Ct. and Ivy growing on front of mobile home at 38 Cheyenne Trail.</p>	3/4/08 1/17/08 12/5/07 10/22/07
SSC §17.5(a)(2)	<p>In that: Any mobile home built after January 15, 1974 that does not meet the State Code for Construction and Installation of Mobile Homes (9 NYCRR) shall not be installed in a mobile home park.</p>	
SSC §17.5(a)(3)	<p>Any mobile home built after June 15, 1976 that does not meet the U.S. Department of Housing and Urban Development Mobile Home Construction and Safety Standard (CFR, Title 24, Part 3280) shall not be installed in a mobile home park.</p> <p>§3280.307 Resistance to elements and use. (a) Exterior coverings shall be of moisture and weather resistive materials attached with corrosion resistant fasteners to resist wind, snow and rain. Metal coverings and exposed metal structural members shall be of corrosion resistant materials or shall be protected to resist corrosion. All joints between portions of the exterior covering shall be designed, and assembled to protect against the infiltration of air and water, except for any designed ventilation of wall or roof cavity.</p> <p>To wit: Exterior siding not completed at 248 Pawnee Ct. and 101 Buffalo Ave.</p>	3/4/08 1/17/08 12/5/07

JH *MA*

CHAPTER I STATE SANITARY CODE Subpart 7-2

APPENDIX A

Name of Establishment: Frontier Mobile Home Park

Address of Establishment: 805 Broadway Ave. Amityville, New York 11701

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SSC §17.5(a)(3)	Any mobile home built after June 15, 1976 that does not meet the U.S. Department of Housing and Urban Development Mobile Home Construction and Safety Standard (CFR, Title 24, Part 3280) shall not be installed in a mobile home park.	
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§RAE503.1 Skirting and permanent perimeter enclosures. Skirting, when installed, shall be of material suitable for exterior exposure and contact with the ground. Permanent perimeter enclosures shall be constructed of materials as required by this code for regular foundation construction.

Skirting shall be installed in accordance with the installation instructions included in the consumer manual(s) provided by the manufacturer. Skirting shall be adequately secured to assure stability, to minimize vibration and susceptibility to wind damage, and to compensate for possible frost heave.

To wit: Section of skirting missing, dislodged or not secured at 71 Boot Hill Ct.

3/4/08
1/17/08
12/5/07

SSC §17.6(c)	In that: Distribution systems for electricity, including the mobile home service equipment and feeder assembly, gas and fuel oil shall be in accordance with applicable State and local regulations or generally accepted standards. The operator shall be responsible for maintaining these systems, including the connection to each home, unless such responsibility has been transferred to the mobile home occupant by formal written agreement. Such formal agreement shall be available for review by the permit-issuing official.	
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APPENDIX A

Name of Establishment: Frontier Mobile Home Park

Address of Establishment: 895 Broadway Ave. Amityville, New York 11701

Code Section	Description of Violation	Date of Violation
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To wit: Single stage LP tank regulator not protected against the elements at 145 Dry Gulch.

Date(s) of violation: 3/4/08, 1/17/08, 12/5/07, 10/22/07, 8/23/07, 7/20/07, 5/27/07, 2/23/07

SSC §17.10

In that: It shall be the responsibility of the operator of the mobile home park to see that all facilities are kept in good working order and in good repair. This includes water supply facilities, sewage treatment and disposal facilities, grounds, roadways, and any other facility, appliances, or equipment pertinent to the normal operation of the mobile home park.

§PM305.1.1 Dry vegetation, combustible waste and refuse. Combustible waste, refuse and large quantities of dry vegetation, which by reason of their proximity to buildings or structures would constitute a fire hazard or contribute to the spread of fire, shall be removed.

To wit: Leaves and debris have accumulated throughout mobile home park.

3/4/08
1/17/08
12/5/07

SSC §17.10

In that: It shall be the responsibility of the operator of the mobile home park to see that all facilities are kept in good working order and in good repair. This includes water supply facilities, sewage treatment and disposal facilities, grounds, roadways, and any other facility, appliances, or equipment pertinent to the normal operation of the mobile home park.

To wit: All roadways within mobile home park are in deteriorated condition.

Date(s) of violation: 3/4/08, 1/17/08, 12/5/07, 10/22/07, 8/23/07, 7/20/07, 5/27/07, 2/23/07, 2/1/07, 12/18/06, 12/7/06, 10/6/06 & 8/2/06

CHAPTER I STATE SANITARY CODE Subpart 7-2

APPENDIX A

Name of Establishment: Frontier Mobile Home Park

Address of Establishment: 805 Broadway Ave. Amityville, New York 11701

Code Section	Description of Violation	Date of Violation
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SSC §17.5(a)(3)	In that: Any mobile home built after June 15, 1976 that does not meet the U.S. Department of Housing and Urban Development Mobile Home Construction and Safety Standard (CFR, Title 24, Part 3280) shall not be installed in a mobile home park.	
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To wit: Certificates of Occupancy or Compliance not provided for mobile homes with additions. Letter dated March 9, 2005 to H. Lee Blumberg from New York State Department of State regarding manufactured home compliance was issued to Mr. Blumberg.

Date(s) of violation: 3/4/03, 1/17/08, 12/5/07, 10/22/07, 8/23/07, 7/20/07, 5/27/07, 2/23/07, 2/1/07, 12/18/06, 12/7/06, 10/6/06, 8/2/06, 4/27/06, 3/13/06, 1/27/06, 12/14/05, 11/15/05, 10/14/05, 6/7/05, 3/16/05, 3/10/05, 1/31/05, 12/15/04, 11/18/04, 5/4/04, 3/17/04, 2/13/04, 12/30/03, 10/24/03, 8/6/03, 5/14/03, 3/20/03, 2/25/03, 1/16/03, 11/25/02, & 2/4/02

SCSC
Article 5
§760-
502(4)(e)

In that: In the event that a municipal or communal sewage disposal system or facility connecting therewith becomes available and accessible, any building or premises shall be connected to such municipal or privately-owned community sewage disposal system, and immediately thereafter the use of any other sewage disposal system or facility shall be discontinued.

To wit: Mobile home park not hooked into sewer district.

Date(s) of violation: 3/4/03, 1/17/08, 12/5/07, 10/22/07, 8/23/07, 7/20/07, 5/27/07, 2/23/07, 2/1/07, 12/18/06, 12/7/06, 10/6/06, 8/2/06, 4/27/06, 3/13/06, 1/27/06, 12/14/05, 11/15/05, 10/14/05, 6/7/05, 3/16/05, 3/10/05, 1/31/05, 12/15/04, 11/18/04, 5/4/04, 3/17/04, 2/13/04, 12/30/03, 10/24/03, 8/6/03, 5/14/03, 3/20/03, 2/25/03, 1/16/03, 11/25/02, & 2/4/02

Suffolk County Department of Health Services
Bureau of Public Health Protection

PERMIT

To Operate a
Mobile Home Park

This is to certify that
H. Lee Blumberg

the operator of
FRONTIER MOBILE HOME PARK
at
805 BROADWAY
AMITYVILLE, NY 11701

Located in the *TOWN* of *BABYLON* in *SUFFOLK* County
is granted permission to operate said establishment in compliance with the provisions
of *Part 17* of the State Sanitary Code and under the following conditions:

- (1) This permit is granted subject to any and all applicable State, Local and Municipal Laws, Ordinances, Codes, Rules and Regulations.
- (2) Capacity 356 sites.

Effective Date January 01, 2008

Permit is NON-TRANSFERABLE



Humayun J Chaudhry, D.O., M.S.
Permit Issuing Official

This permit expires on December 31, 2008 and may be revoked or suspended for cause.

THIS PERMIT SHOULD BE POSTED CONSPICUOUSLY

Facility Code 51-MH10 Permit Number 51-MH10



