

MEMORANDUM

DATE: July 6, 2009

TO: Mr. Steve Labovitz

RE: Lackawanna County Stadium - Phase 1 Rehabilitation
Concession Stand under Exit Ramp
EwingCole Project No. 20090323

During our stadium walk-through on July 1, 2009, we discovered a condition not previously observed during our facility assessment that is in violation of several building code standards.

Just inside the main entrance to the stadium, behind home plate, there exists an open-air concession stand that sells fried foods such as "bloomin' onions", "blossomin' potatoes" and corn dogs. The stand is located under the lowest level of the exit ramp - see attached photos.

The primary foods served by this stand are cooked in deep fryers. There were 5 deep fat fryers observed, none of which have a grease hood. The stand does not have a fire suppression system either.

The fryers are heated by liquid propane (LP) gas. A 500 gallon LP gas storage tank is located tight against exterior wall, on the outer side of the ramp.

It also appears as though the lowest area under the exit ramp, within the boundary of the concession stand, is being used for storage. The area is partially surrounded by chain link fencing.

This concession stand violates several building codes, and if left as is, poses a serious risk to the occupants of the stadium, and a serious liability to the Owner and Operator of the ballpark. The building codes being violated are as follows:

1. Section 1009.5.3. of the International Building Code prohibits the use of open space under stairs for any purpose. *Though it does not specifically state, it is understood this requirement applies to exterior ramps too, since they are part of the exit path, like stairs.*
2. Sections 506 & 507 of the International Mechanical Code require hoods and suppression systems for commercial cooking.
3. Chapter 6 of NFPA 58 requires a minimum separation distance of 10' from the building for the LP gas storage tank, based on the given size.

This code violation was not observed while performing our facility assessment because the concession stand was not set-up for business during our pre-season walk-throughs in late winter and early spring; rather, the area under the ramp was being used for off-season storage of misc. portable equipment, which we assumed was only temporary.

The 500 gallon LP tank is new. According to Mandalay, it was installed in late April, after our last site visit.



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Peter Welsh and I informed Kristen Rose, Jeremy Ruby and Joe Villano, of Mandalay Baseball Properties, about these code violations while still on site on July 1st. We told them we would provide a brief summary of the code violations concerning the observed condition. As such, a copy of this memo should be provided to them, which we assume you will do.

We assume you will also provide a copy of this memo to the Stadium Authority.

In light of the seriousness of this code violation, we recommend immediate action be taken in order to provide for safe, continued use of the facility.

Should you have any questions, please feel free to call.

EwingCole

A handwritten signature in black ink, appearing to read "Craig Schmitt".

Craig Schmitt
Principal

DIRECT 215.409.4264
FAX 215.574.9163

CS/mm

cc: Steve Resnick
Welsh, Murphy, Patel, file

WELCOME

BOSSOMINI POTATO 3.00

BLOOMIN' ONION 4.00

CORN DOG 2.50

THIS STAND SERVES

THANK YOU!

OTHER SIZE OF STAND

SMALL CHIPS	2.00
MEDIUM CHIPS	2.50
LARGE CHIPS	3.00
SMALL FRIES	2.00
MEDIUM FRIES	2.50
LARGE FRIES	3.00

THANK YOU!

THE BEST OF THE BEST

SMALL CHIPS	2.00
MEDIUM CHIPS	2.50
LARGE CHIPS	3.00
SMALL FRIES	2.00
MEDIUM FRIES	2.50
LARGE FRIES	3.00

THANK YOU!

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