

SPECIAL MASTER CODE ENFORCEMENT HEARING OF APRIL 14, 1998

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MASTER CODE ENFORCEMENT HEARING
MAY 12, 1998

Present: Special Master Randy Zeldin; Paul Nicoletti, Town Attorney; Gary Lanker, Town Manager/Building Official; Karen Hancsak, Town Clerk; Edward Hillery, Director of Public Safety

Meeting called to order at 9:00 A.M.

Special Master Randy Zeldin approved the minutes of April 14, 1998.

B. VIOLATION HEARING

CASE #CE98-5 John and Virginia Azzato
RE: 46 Bimini Cove Drive

Respondent was present and sworn in. Atty Nicoletti advised that the violation involved the encroachment of a new dock by approximately 3-6" depending on the survey from the side setback. He added that the respondent was cited on April 23, 1998 and failed to bring the dock into compliance. He advised a proposed stipulation (Exhibit #1) was reached just prior to this meeting. The stipulation states that the Azzatos' admit to the violation and they have agreed to seek a variance either June 10 or July 8, 1998 (probably July 8th due to timing constraints). Atty Nicoletti added that they have already received one variance for the dock, therefore, the Town would agree to wave the filing fee. The Azzatos' will still be responsible for any costs associated with the advertising requirements. The Town agrees to withhold action until the new variance is heard, but added that should the variance be denied the respondent would have 45 days to remove said encroachment failing which a \$50.00 per day fine would accrue.

The Special Master asked Mr. Azzato if he reviewed and understood the stipulation to which he advised that he did. He also clarified that fate would fall into the hands of the Board of Adjustment on whether the variance was granted or not. Mr. Azzato questioned what the Town recognized as the start of the piling (center of the beam or outside edge). The Special Master reminded Mr. Azzato that he admitted to the violation in the stipulation and if he had any questions he did not have to agree to it. Atty Nicoletti clarified that any physical encroachment within the setback constitutes a violation. The Special Master reiterated that the respondent was admitting to the violation and he could ask that it not be submitted and have an actual hearing. Mr. Azzato stated he was satisfied with the stipulation.

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The Special Master asked if there was anyone present that would like to address this issue. David Berger, 45 Bimini Cove Drive, was sworn in. He advised that he was interested in the proceeding for himself and the owner at 47 Bimini Cove Dr. He questioned whether the line was the property line or the setback line because if it was a property line dispute than that could affect this case. Atty Nicoletti advised that the town concern was with side setback based on the survey submitted. If there was a discrepancy with the boundaries that would be between the owners. Mr. Berger stated he was also concerned with the location of the dolphin pilings to which he was advised that he could only discuss the matter brought before him. Mr. Berger asked Mrs. Nagelman if she would like to speak to which she declined.

There being no further testimony the Special Master stated he would prepare an order consistent with the terms of the stipulation.

C. Adjournment

The meeting was adjourned at approximately 9:20 AM.

Town Clerk