

SPECIAL MASTER CODE ENFORCEMENT HEARING OF NOV. 9, 1999

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MASTER CODE ENFORCEMENT HEARING
DECEMBER 14, 1999

Present: Ken Spillias, Town Attorney, Gregory Dunham, Town Manager, Karen Hancsak, Town Clerk, Edward Hillery, Director of Public Safety and Lt. Stefan Katz.

Meeting called to order at 8:40 A.M.

A. Special Master Randy Zeldin approved the minutes of Nov. 9, 1999.

B. VIOLATION HEARING

CASE NO. CE99-21 Shaden LTD, Inc.

% Alan Gainsford

RE: 39 Spanish River Drive

NATURE OF VIOLATION

Violating Sections 34-6(a), 14-1(a), and 14-136(c) by permitting the grass and weeds to grow on the lot in excess of 12 inches, failing to keep the construction site clear of paper, trash, and debris (construction material, etc.), and failing to spread within 10-days from the date of delivery fill material left on the construction site.

Special Master Randy Zeldin suggested hearing this case after the remaining three since the respondent was not present.

CASE NO. CE99-23 James Geiger and/or Edward Garnett

CE99-24 RE: 32 Spanish River Drive

CE99-25 NATURE OF VIOLATIONS

Violating Section 14-26(a) and 26-33(a) by permitting the construction and erection of fence gates, including electrical work, without applying for or obtaining a building permit which also exceeds a maximum height of 4' in the required front yard.

Violating Section 22-8 by obstructing a fire hydrant.

Violating Section 14-96(2) by filling without a permit.

Donald Lunny, Jr., attorney representing Jim Geiger and Edward Garnett, was asked by Special Master Randy Zeldin whether the parties have been able to negotiate a stipulation. Mr. Lunny advised that he telephoned the town's counsel and asked for a continuance so he could obtain certain evidence for the case, however, the town was unwilling to grant this request. He added that he did offer the opportunity to speak with the town counsel but was unsuccessful. The letter of request was given to Mr. Zeldin.

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Special Master Zeldin questioned whether the town was opposed to granting a continuance. Atty Spillias advised that the town was opposed because several violations of the code exist and a continuance would allow another 30 days of violation. He added that if the Special Master did grant a continuance the town would request a stipulation that this date would be used in assessing fines if a violation was indeed found to be existing and not brought into compliance.

Atty Lunny stated that he felt this was unfair to ask his client to agree to such a stipulation and he would advise against it. Atty Lunny also stated that he wanted it on the record that he felt his client was prejudiced and that they were not in violation of the code.

Special Master Zeldin questioned how long the respondent has been on notice. Atty Lunny stated that the hydrant violation was dated Nov. 17, 1999 and the filling without a permit, which he feels is not in violation, was dated Nov. 24, 1999. Regarding the gate he advised that this notice was dated prior to Nov. 24, 1999. Atty Lunny added that he was retained after a letter was received on Dec. 1, 1999 and felt he needed an additional 30 days. Special Master Zeldin questioned why he needed the additional time. Atty Lunny was advised that in his view the fire hydrant was improperly located and he wanted to obtain a survey. Regarding the gate, he wanted to explore whether a permit was actually required to erect a gate and also whether there were other gates that exceeded 4' in height throughout the town. He also stated that a fill permit was not required to bring up the land to grade.

Atty Spillias questioned whether the meeting could be held within 10 days. Atty Lunny stated that the plants obstructing the fire hydrant were confiscated, the filling was not life saving and the gates have been there and questioned why a continuance could not be granted. Mr. Garnett stated that he did not understand why they are not being granted a continuance of 30 days due to the harassment by the town. Atty Spillias stated that the respondent has blatantly and arrogantly violated the codes. Special Master Zeldin questioned Atty Spillias whether he felt the issues involved life safety to which he advised did not.

Special Master Randy Zeldin questioned when the earliest violation occurred to which he was advised the erection of the gates took place in October and the others occurred in November.

Special Master Zeldin questioned if the respondent would be available the first week in January to which he advised that he would not be available until the 12th or 13th of January which would conflict with the next regularly scheduled meeting of January 11, 2000. Atty Lunny requested a special meeting date of January 14, 2000 citing that it would be an inconvenience for his client to return early. All present agreed that the Town Clerk would verify the meeting date of January 14, 2000 with all parties.

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CASE NO. CE99-21 (CONTINUED)

Lt. Katz was sworn in and advised that on Sept. 27, 1999 at 9:00 AM while inspecting 39 Spanish River Drive observed several violations including an overgrown lot and a construction site filled with trash paper and other debris. Town Clerk Hancsak advised that the overgrown lot constitutes a \$200 fine due to multiple violations.

Special Master Randy Zeldin questioned if the respondent received proper notice to which he was advised that the notice was sent via certified mail. He then asked if the town has had any contact with the respondent. Atty Spillias stated that they had spoken with the respondent prior to the last meeting.

Lt. Katz stated that the respondent was given 10 days to comply and he has come into compliance with all of the violations with the exception of satisfying the \$200 fine for overgrown lot notice. Special Master Zeldin advised that the \$200 fine was not within his scope.

Special Master Zeldin stated that he would find that the respondent did come into compliance 1-2 days late beyond the 10 days and no fine would be imposed.

D. Adjournment

The meeting was adjourned at approximately 10:00 AM.

Town Clerk