

SPECIAL MASTER CODE ENFORCEMENT HEARING OF JANUARY 24, 2000

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MASTER CODE ENFORCEMENT HEARING
JANUARY 24, 2000

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 10:45 A.M.

A. Special Master Paulette Torcivia approved the minutes of January 14, 2000.

B. VIOLATION HEARING

CASE NO. CE99-22 James Geiger and/or Edward Garnett

CE99-22a RE: 32 Spanish River Drive

CE99-24 NATURE OF VIOLATIONS

CE99-25 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.

Atty Spillias advised that with regard to CE99-22 – CE 99-25, both parties have approved and signed a written stipulation. He added that the stipulation contained a facsimile signature from Atty Lunny and his original signature and he respectfully requested that the document be accepted and adopted. Special Master Torcivia accepted the stipulation as Exhibit #1 on behalf of the Town.

Special Master Torcivia questioned whether the respondent/s were stipulating to finding of violation to which she was advised that they were not. Mrs. Torcivia clarified that the respondent/s could be held accountable for the original violation should the same violation occur again in the future.

Special Master Torcivia advised that she had no problem granting the stipulation and added that she would prepare her order with the stipulation attached as Exhibit #1.

C. **FINE ASSESSMENTS**

CASE NO. CE99-28 Robert DePalma

RE: 4 Coconut Lane

NATURE OF VIOLATION

Violating Sections 14-154(c) by permitting the lot to be overgrown, having uncut vegetative grown, and fallen trees thus causing a blighting influence on the surrounding neighborhood.

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Lt. Katz and John Bowlds were sworn in.

Mr. Bowlds advised that he worked for the contractor remodeling the residence at 4 Coconut Lane and added that they were in the process of submitting plans and waiting for approval. Special Master Torcivia questioned whether Mr. Bowlds had anything in writing advising that he was an approved representative for the owner. He advised that he did not. Atty Spillias commented that the town would accept that Mr. Bowlds is the agent for the owner because Lt. Katz has had previous conversations with him.

Special Master Torcivia stated that she has decided that there is a violation and she must determine what the fine would be.

Lt. Katz advised that subsequent to the Final Order a certified letter was forwarded containing the final order and assessment hearing date. The letter and attachments were entered as Exhibit #1 for the town. Lt. Katz advised that several days later he received a telephone call from Mr. Bowlds who stated that they would attempt to bring the violations into compliance and did in fact mow the front of the property on January 21, 2000. He stated that Mr. Bowlds then called back and stated that later on Friday or Saturday they would return to cut the remainder of the property and try to comply. Mr. Bowlds had advised that he needed additional time for the large tree in the back of the property to which Lt. Katz advised he would have to address the Special Master at the hearing on January 24, 2000.

At this time Lt. Katz showed the 6 original photographs taken Jan. 14, 2000 and 8 new photographs taken on Jan. 24, 2000 to Mr. Bowlds and then submitted them to the Special Master as Exhibit #2. Special Master Torcivia questioned when the respondent was originally notified of the violation to which she was advised Nov. 12, 1999. She then asked if Mr. Bowlds had any questions for Lt. Katz. Mr. Bowlds stated that he has been involved with the property since Jan. 5, 2000 as a supervisor for the job and added that they intended to fix up the property. He did state that the owner possibly wanted to attempt to save the large uprooted Ficus tree. Lt. Katz commented that the tree has been uprooted since Hurricane Irene in October, however, they did not send a notice of violation until Nov. 12, 2000 thereby giving ample time to correct the violation.

Special Master Torcivia stated that she was unsure whether a tree that has been uprooted for 5 months could be replanted and still thrive and survive. She advised that she would find that there is currently a fine of \$225.00 and the \$75.00 daily fine would continue until the property is in full compliance. Atty Spillias stated that the town requests that the fine continue to run, however, the town may be agreeable to a reduction depending on the quick diligence in correcting the violation.

Special Master Torcivia questioned Mr. Bowlds on how soon he felt he needed to correct the violation. He requested 30 days due to his schedule and also requested that the fine be removed since they have completed some of the work. Special Master Torcivia commented that he could hire someone else to perform the work.

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Special Master Torcivia advised that she found in favor of the town and a violation still exists and there is currently \$225.00 due and the fine will continue to run until total compliance is achieved. She added that she was concerned with the uprooted tree and felt the town has been lenient in dealing with Dr. DePalma. She advised Mr. Bowlds that once an officer verifies that total compliance has been achieved the respondent could request a fine reduction. She also stressed to him that he advise the property owner that the property needs to be maintained and that the fine could actually be increased to \$500 daily for future repeat violations. She advised that the order and fine will continue.

Mr. Bowlds questioned whether the tree stump had to be removed to which he was advised that it did not to be considered in compliance.

D. ADJOURNMENT

The meeting was adjourned at approximately 11:10 AM.

Town Clerk