

Special Meeting of the Planning and Zoning Commission of the Town of Ocean Ridge held on Monday, November 4, 2002 in the Town Hall Meeting Chambers.

The meeting was called to order at 8:00 AM by Vice Chair James Bonfiglio and roll call was answered by the following:

Bruce Gimmy  
Ward Northrup

Jeff Lee  
Peggy Smith

James Bonfiglio

III. Approval of October 21, 2002 Minutes

Mr. Gimmy moved to approve the October 21, 2002 minutes, seconded by Mr. Lee.

Motion carried – Yea 5.

IV. DISCUSS THE FOLLOWING RIGHTS OF WAYS

A. Edith Street (west of SR A1A)

B. Alley Located Between Ocean Ave. and Hudson Ave.

Vice Chair Bonfiglio commented that at least one of the Commissioners had some questions relating to the evaluation study completed by Lisa Tropepe of Shalloway, Foy, Rayman and Newell (SFRN).

Mr. Gimmy asked what the current improvement plan for Hudson Ave. included. Ms. Tropepe advised that the proposed plan included removing the road, creating a higher elevation road using a geo-fabric and cross sections and proposing a pipe system with catch basins on both the north and side of road at the east end and providing swales for the entire street.

Mr. Gimmy asked for clarification on the statement made on Page 7 (B) to which Ms. Tropepe advised that the Town wanted to ensure that one property doesn't effect the other and if the Town does intend to give up the ROW then they should ascertain that certain restrictions apply, such as meeting grade at the property lines. She added that she is currently reviewing new plans for this requirement.

Mr. Gimmy commented that while walking through Edith St. he observed that some areas are higher and if the Town was to abandon the ROW how would the Town make sure that there swales in the rear of the properties. Ms. Tropepe advised that the Town could create a swaled plan by getting the topography for the area. Mr. Gimmy questioned whether the Town could require the property owner to do this to which he was advised that it may not be not necessary and stated that the Town should also retain an easement. Mr. Gimmy stated that he was concerned with the enforcement of the swales as the years go by. Atty Spillias advised that by obtaining an easement the Town could verify that the swales remain, failing which could be a code violation.

Vice Chair Bonfiglio stated that he too noticed the varying levels abutting the Edith St. ROW and asked if the Town were to abandon it could we compel other owners to build their property up. Atty Spillias stated that the Town could do it before the property was abandoned or in negotiations with the property owners. Atty Spillias also stated that one neighbor always has the opportunity to present their case if they feel that one property owner is impacting the other. He reminded the Commission that in the past there was no way to verify that the plans met the drainage as described and required.

Walter Stern, 17 Ocean Ave., stated that his property abuts the alley between Ocean Ave. and Hudson Ave. and he has noticed that 3 homes are raised in the area, and he believes that the elevation of the alley was also raised. He then provided a photograph of his backyard showing it retains water. He added that the study was incorrect because the water definitely flows to his property and creates a swamp. He added that he felt planting in the easement was detrimental for drainage.

Brian Benedict, 2 Hudson Ave., stated that the alley was not increased in elevation. He commented that while they did originally take ground out, with the prior Town Manager's approval, the alley was brought back up to its original state and can be proven by observing a stain on an existing fence. He added that he has almost 0 run off and he also has a retaining wall. Mr. Gimmy commented that the water run off from the properties to east run to that area. Mr. Bonfiglio questioned if any complaints have been received from neighbors to which Ted Ritota, 4 Hudson Ave., commented that there have not been any of the strong heavy rains to test the drainage.

Mr. Gimmy asked Ms. Tropepe if the flooding on Hudson Ave. also comes up from the ICWW. She advised that since the composition under the road is settling the water in the alleys head west and then the water comes back with high tides. She stated that by raising the cul-de-sac and providing catch basins the water should not be as inundated as before. She stated that the Stormwater Management Plan has been approved by the Town Commission and is currently in the permitting phase with South Florida Water Management (SFWM). She added that the Army Corp. of Engineers (ACOE) has also gotten involved because there is an area approximately .09 acres of jurisdictional wetlands (mangroves) in the ROW and they are currently working out an agreement for mitigation. She stated that the Town has already obtained a permit from the FDOT and she anticipated that the Town could go out to bid in a couple of months.

Vice Chair Bonfiglio asked if the drainage plan affects the alleyways. Ms. Tropepe stated that she did not believe so.

Mrs. Smith questioned how the Town could keep the water out of the inundated lot. Ms. Tropepe commented that the Town could keep the water out of the ROW through the use of the geo-fabric but the lot is private property.

Debbie Brooks, 15 Ocean Ave., stated that she is a new resident and asked why the area just east of the bridge was always wet. Ms. Tropepe explained that the area was meant to serve as a holding area for the drainage created from the construction of the bridge. Mr.

Northrup added that the area was indeed built to retain water and added that plants will eventually come back in the area. Ms. Brooks stated that she was also concerned with the alley behind her house citing that someone was dumping trash there and there were trees throughout the area. Mr. Bonfiglio explained the directive of the Town Commission regarding making recommendations regarding the ROW's and whether to abandon, retain, clear or maintain them. He added that unfortunately regarding the trash, the police would have to observe the violation in order to enforce it; however, it was more than likely a neighbor was doing it.

Mr. Bierlin, 26 Hudson Ave., stated that he believed that a private property owner could compel the Town to remove the trash as the Town could require it of them. He added that this also applies to stagnant water. Mr. Bierlin commented that he felt there was currently a huge amount of ICWW access throughout the Town. He stated that he was in favor of abandoning the alley on the north side of Hudson Ave. even though he would have to remove four Australian pine trees. He added that if one reviewed the deeds it shows that the alleys were supposed to be used as a conveyance; however, in the 72 years since it was platted nothing has been done. Mr. Bierlin also stated that the P & Z were also supposed to provide the Commission with the economic impact to the Town on maintaining and improving the areas.

Comm Bingham, 1 Ocean Ave., stated that the history of the alley behind her home included a prior owner raising the alley. She also stated that there are ficus trees planted on the property lines that now encroach into the alley. She also mentioned that the lot inundated with mangroves used to be a high dry lot and 40 years ago she used to walk down the alley to go fishing in the ICWW. She expressed that she was not in favor of abandoning the ROW's.

Ted Ritota, 4 Hudson Ave., stated that he has lived in the Town since 1987. He stated that this has been an ongoing subject and if the Town plans on keeping the ROW's and alleys then they should be maintained regularly, citing it was hazardous for children, and if not then give them to the residents. Mr. Northrup advised Mr. Ritota that the former P & Z had recommended retaining all the ROW's; however, their recommendation included maintaining them. Mr. Ritota commented that if the alleys were improved it may improve the drainage in the area.

Mr. Young, 15 Hudson Ave., commented that there are current obstructions on the Edith St. ROW and the consensus of the property owners was that each would maintain the property they would acquire. He stated that because of the grade changes the water can not flow to the ICWW but he felt that all the affected residents would be willing to provide for a swale and added that he felt the ROW would get better service this way than by the maintenance provided by the Town. Mr. Bonfiglio questioned if the change in elevations contribute to the flooding. Mr. Young stated that he was unsure, that not all properties have a gradual decline in grade as his does.

Hugh Down, president of the Pelican Cove Homeowner's Assoc., stated that their property abuts the south side of Edith St. and he was concerned about the direct effects to

them if the ROW was abandoned. He then asked if a final recommendation was going to be made at this meeting. He was advised that this meeting was a meeting to hear feedback from the residents.

Brian Benedict, 2 Hudson Ave., asked if the width of the alleys would be divided in half for property owners on both sides. He stated that this would present a problem for some residents because the alley serves as entrances for several homes. Ms. Tropepe stated that each can own one half and make provisions for an ingress/egress agreement.

Peter Romanowski, 12 Hudson Ave., stated that he was in favor of abandonment and added that he felt the property owners would maintain the alleys.

Ted Ritota, 4 Hudson Ave., questioned if alley #3 was assisting with the drainage now. Ms. Tropepe stated that most of the alley is jurisdictional wetlands and along with the inundated lot was probably assisting with the drainage.

Vice Chair Bonfiglio reminded the public and Commission that a couple of steps could be taken including: the Town improving and then maintaining the ROW's and alleys or to leave the land to the property owners with or without easements. He stated that the advantage of abandonment is that the property reverts to each property owner.

Mr. Lee asked if the property owners would have to take the land if the Town abandoned it. Atty Spillias advised that they would. Atty Spillias commented that these discussions have brought forth various issues including legal concerns on whether to maintain or not and stated that the Town needed to deal with this issue one way or the other for each ROW or alley. He mentioned a litigation involving the property owner on the south side of Hudson Ave. who has stated that if they do not prevail they may come in and offer to pave Edith Street the entire length of the ROW west of SR A1A. He added that the Town is trying to come to a resolution with this property owner. He also stated that he realized that either recommendation or final action may not make some of the residents happy; however, the decisions are necessary to obtain a financial conclusion.

Ms. Tropepe advised that three of her studies included jurisdictional areas, which are areas environmentally sensitive and if there is any alteration to these areas permission would have to be obtained from SFWM and/or ACOE.

V. RECONFIRM FUTURE MEETING DATE OF NOVEMBER 18, 2002 AND NEXT RIGHTS OF WAY TO BE ADDRESSED ARE THE TWO ALLEYS LOCATED BETWEEN OCEAN AVE. AND COCONUT LAND AND NORTH OF COCONUT LANE

Ted Ritota, 4 Hudson Ave., inquired as to whether any recommendations had been made involving any of the alleys or ROW's east of SR A1A. He was advised that the recommendation was not to abandon any of them. Vice Chair Bonfiglio commented that he would like to readdress the eastern alleys or ROW's at their next meeting considering the recent discovery of obstructions to the eastern Edith St. ROW.

Mr. Gimmy clarified that the next meeting to be held on Nov. 18, 2002 would also be a meeting to hear feedback from the residents regarding the other two alleys.

Debbie Brooks, 15 Ocean Ave., stated that she did not feel some of the questions were adequately answered by Ms. Tropepe. The Commission suggested that Ms. Tropepe provide a rough estimate on costs to clear and maintain the upland portions of the alleys that are not jurisdictional. Ms. Tropepe advised that she could provide ranges not actual costs.

VI. ADJOURNMENT

The meeting was adjourned at approximately 9:35 A.M.

---

Vice Chair Bonfiglio

Attest:

---

Town Clerk