

Special Meeting/Public Hearing of the Planning and Zoning Commission, also sitting as the Local Planning Agency, of the Town of Ocean Ridge held on Monday, April 14, 2008 in the Town Hall Meeting Chambers.

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

Mark Marsh  
Ward Northrup  
Penny Kosinski

Gerald Goray  
Mauro Walker  
Vice Chair Jim Bonfiglio

### III. APPROVAL OF DECEMBER 3, 2007 MINUTES

Mr. Ward Northrup moved to adopt the Dec. 3, 2007 minutes, seconded by Mr. Marsh.

Motion carried – yea (5).

Vice Chair Bonfiglio suggested rearranging the agenda to discuss and appoint the Chair and Vice Chair first.

### V. DISCUSS AND APPOINT CHAIR AND VICE CHAIR

Mr. Northrup moved to appoint Jim Bonfiglio as Chair of the P & Z Commission, seconded by Mark Marsh.

Motion carried – yea (5)

Mr. Walker moved to appoint Gerald Goray as the Vice Chair of the P & Z Commission, seconded by Mr. Northrup.

Motion carried – yea (5)

Chairman Bonfiglio suggested recommending that the Town Commission adopt a Resolution honoring Bruce Gimmy for the time he chaired the P & Z Commission, which was put into the form of a motion by Mr. Marsh and seconded by Mr. Goray.

Motion carried – Yea (5)

At this point Chairman Bonfiglio commented that he had to remove himself from the following item on the agenda because the rezoning would directly affected the deck on his property. The land was originally given to him by the National Wildlife Federation who then subsequently donated the property to the Town. He commented that he and Town reached a settlement agreement and this land use amendment and rezoning is part of the requirements. Chairman Bonfiglio stepped down from the dais and Town Clerk Hancsak advised that she would provide him with the Form 8B Voting Conflict Form.

The gavel was passed to Vice Chair Goray and Penny Kosinski would now sit as the fifth member.

**IV. NOTICE OF LOCAL PLANNING AGENCY PUBLIC HEARING ON PROPOSED REZONING, AND FUTURE LAND USE MAP AMENDMENT**

**ORDINANCE NO. 576**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AUTHORIZING THE REVISION OF THE FUTURE LAND USE MAP (FLUM) TO AMEND THE DESIGNATION OF 556 SQUARE FEET, MORE OR LESS, LOCATED ALONG THE NORTHERN BOUNDARY OF PROPERTY OWNED BY THE TOWN OF OCEAN RIDGE LOCATED AT THE NORTH WEST CORNER OF WOOLBRIGHT ROAD AND A1A, AS DESCRIBED MORE PARTICULARLY HEREIN, FROM CONSERVATION TO SINGLE FAMILY RESIDENCE AND PROVIDING AN EFFECTIVE DATE.**

**ORDINANCE NO. 575**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, PROVIDING FOR THE REZONING OF A PARCEL OF LAND CONSISTING OF 556 SQUARE FEET, MORE OR LESS, LOCATED ALONG THE NORTHERN BOUNDARY OF PROPERTY OWNED BY THE TOWN OF OCEAN RIDGE LOCATED AT THE NORTH WEST CORNER OF WOOLBRIGHT ROAD AND A1A, AS DESCRIBED MORE PARTICULARLY HEREIN, FROM PUBLIC OWNERSHIP (“PO”) TO THE SINGLE FAMILY RESIDENTIAL DISTRICT (“RSF”).**

Town Clerk Hancsak read the Notice of Hearing and both ordinances by title. She advised that all fees had been paid and one piece of written correspondence had been received. She then read a letter written by Christine and Murat Bozankaya, 10 Ridge Blvd., Ocean Ridge, currently in Germany. In summary the letter stated that they were not in favor of the proposal because they believe in retaining the conservation area and are concerned that additional housing would increase traffic at the intersection.

Atty Deady, representing the Town, commented that this was a Quasi-Judicial Hearing and any individuals intending on providing testimony were then sworn in.

Susan Taylor, attorney representing Jim Bonfiglio, advised that her client was seeking approval of the land use change immediately south of his property. She summarized the request by stating that her client built, and continues to maintain a deck which encroaches into the Town’s property that was donated by the National Wildlife Federation. She added that her client claims to have been granted permission for the encroachment in a letter from the NWF dated Oct. 10, 1995 and while the Town does not necessarily agree, they entered into a Settlement Agreement dated Sept. 6, 2007 to resolve the matter. The agreement indicates that the Town will sell approximately 556 sq ft of land to Mr. Bonfiglio to allow the deck and a maintenance area to be on his property and the sale would be closed after the Future Land Use Map and zoning Map for the Town is amended to be consistent with the future land-use and the zoning designations for his residence changed.

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Atty Taylor added that she felt the author of the opposition letter that was received did not understand the request and stated that there would be no additional building.

Atty Deady stated that she had nothing to add except that she worked with Atty Taylor on this application for this straight forward small scale amendment, which is also part of the Settlement Agreement.

Speaking from the public, Mr. Besler, 32 Anna Street, questioned if the property could be built on and how much he paid for the property. Mr. Bonfiglio stated that he would not be permitted to build on the property because of setback requirements. He added that he was paying \$10,000 for the property.

Atty Spillias, after being sworn in, commented that the property in question is upland and should have no impact on the detention area. He added that the property has already had a deck encroaching on it for many years.

Nancy Hogan, 37 Hibiscus Way, stated that she was aware that the property was being sold to Mr. Bonfiglio for \$10,000 but questioned what this hearing was about, adding that she had not received notification. She was advised by Atty Deady that the Settlement Agreement that was approved in Sept. 2007 required the land use change and rezoning to make his entire property RSF. Mrs. Hogan then stated that she may not have understood what was being approved at the time she was a Commissioner. Town Clerk Hancsak advised that according to the property owner list and map from the Tax Collector her property was located outside the 300' perimeter and therefore she was not sent an individual notice to which Mrs. Hogan stated that she felt she should have noticed considering she was a neighbor.

At this point the Commission was declared in executive session.

Mr. Marsh clarified that there would be no easements impacted and that the proposed change will bring the property into compliance. He was advised that there are no easements and if the deck is nonconforming it is grandfathered and any modifications would need to comply with the current code. He also commented that he understood the circumstances but felt it was important that this request not set a precedent for the future.

Mr. Walker questioned if the deck were to be torn down could Mr. Bonfiglio add to his residence to which he was advised that the additional property only amounts to approximately 556 sq ft and setback requirements would have to be met.

Mr. Goray clarified that Mr. Bonfiglio had a written agreement with the National Wildlife Federation and the Town had a copy of this correspondence. He then commented that the Town was approving continuing this agreement.

Mr. Walker moved to recommend the adoption of Ordinance 576 revising the Land Use Map amending the designation of 556 sq ft along the northern boundary of property owned by the Town. Mr. Northrup seconded the motion.

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Motion carried – Yea (5).

Mr. Walker moved to recommend the adoption of Ordinance 575 providing for the rezoning of the 556 sq ft along the northern boundary of property owned by the Town. Mr. Marsh seconded the motion.

Motion carried – Yea (5).

Prior to concluding the meeting, Mr. Bonfiglio mentioned that the Town Commission has directed the P & Z to discuss the possibility of controlling the invasive vegetation on the dunes and a meeting will be scheduled soon, once staff has an opportunity to obtain some material for distribution.

VI. ADJOURNMENT

The meeting was adjourned at approximately 8:40 AM

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Chairman Bonfiglio

Attest:

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Town Clerk