

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
January 4, 2011

Present: Karen Hancsak; Town Clerk, Keri-Ann Baker, Town Atty., Sgt. Eubanks, Chief Yannuzzi and Lt. Hutchins.

Meeting called to order at approximately 10:00 A.M.

Special Magistrate Lara Donlon explained that this was an informal hearing and rules of evidence were not required, however, the Town may have exhibits that a respondent has the right to make objections to. She added that the Town would present their case and she would render a decision and issue a Final Order.

At this point all individuals intending on providing testimony were sworn in.

A. ADOPTION OF DECEMBER 7, 2010

The minutes were adopted.

**B. VIOLATION HEARING
CASE NO. CE#2011-021**

**Brookshore LTD, 550 W Old Country Road,
Suite 108, Hicksville NY 11801**

**RE: Lot 5 & Lot 6, Blk 5, Boynton Sub
Subdivision (6011 N Ocean Blvd.)**

NATURE OF VIOLATION

Violate Section/s 67-51 of the Town's Code of Ordinances by constructing concrete columns on the property without first obtaining a permit

Sam Caliendo, attorney representing the respondent, was present and it was decided that this case would be heard first.

Atty. Baker commented that both cases actually are for the same violation and stated that there is an ownership problem. Atty Caliendo agreed and stated that Brookshore LTD actually has legal title of the subject property as of today. Atty Baker went on to explain that a violation of unpermitted work to construct columns was observed on 3/1/10 at 6011 N Ocean Blvd. by Sgt. Eubanks. She stated that when the Town was doing their due diligence it was discovered that the property thought to be owned by Joseph Romano was never properly transferred to him by the prior owner, Humphries, or the owner prior to them, Brookshore LTD. She explained that Brookshore LTD owned two lots (6009 and 6011 N Ocean Blvd.) and the actual legal address and numerical addresses were transposed on the deeds.

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Special Magistrate Donlon asked when the Humphries purchased the property from Brookshore and then sold to Romano. She was advised that the Humphries purchased in May of 2004 and sold to Romano in Dec. 2004.

Atty Caliendo stated that he has contacted both title companies and he is at a standstill. The Humphries title company has been very cooperative but the Romano title company has not (he said they even suggested that they switch mailboxes). He commented that he would stipulate that there is a violation.

Atty Baker further explained that on 11/3/10 the Notice of Violation was sent to both parties with all of the composites, including a letter sent to all parties 5/13/10 advising them of the discovery. She stated that Brookshore's attorney did contact the Town at that time but there has been no corresponding for many months. She concluded by stating there should be no debate that the violation exists and the Town is seeking that the property be brought into compliance and the condition corrected.

Sgt. Eubanks testified that she observed the columns on 3/1/10 and was advised that no permits had been issued so she took 3 photos. On 3/2/10 she was advised by Lt. Hutchins that a cement truck was at the residence. Upon responding she observed soft concrete recently filled in the columns and still no permit so she took additional photos. The Zoning Official posted a Stop Work Order with the appropriate code section on 3/2//10. In March while preparing the Notice of Violation the errors with the deeds were discovered and the Town Atty then forwarded her letter with no response from Mr. Romano. On 11/3/10 she inspected the property and observed that all 4 columns had concrete and it appeared that they planned on extending a wall so additional photos were taken and the Notices of Violation were sent to both parties and posted at the site. She added that the return receipt was received from Brookshore but not from Romano. A re-inspection this date showed the violation still existing and photos were taken.

Special Magistrate Donlon accepted the following Town exhibits: the Google Map depicting both properties as #1; the Property Appraisal Print Outs (and composites) as #2; the letter from the Town Attorney to both parties as #3; the Affidavit and Notice of Violation and composites as #4; photos taken by Sgt. Eubanks on 3/1/10 as #5; photos taken by Sgt. Eubanks on 3/2/10 as #6; a copy of the Stop Work Order and appropriate section of the Code as #7; photos taken by Sgt. Eubanks on 11/3/10 as #8; and photos taken 1/4/11 by Sgt. Eubanks as #9.

Atty Caliendo commented that his client was not aware of the violation. He added that they are trying to cooperate and will apply for a Quiet Title through declaratory action if the Romano's do not cooperate.

Atty Baker commented that while the Town sympathizes with Brookshore LTD they feel a timeline should be presented for any updates or the filing of a Quiet Title. Mr. Caliendo commented that his client would file for a Quiet Title in mid to late February.

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Atty Baker suggested continuing the meeting until April but that the respondent also provide a status update in March.

Special Magistrate Donlon stated that she did find there was proper notice and that she would reserve ruling on the violation, but include the defenses' stipulation, and Grant a Continuance until April 5, 2011. She added that she would add that a Status Update must be submitted to the Town by March 1, 2011.

CASE NO. CE#2010-004 Joseph Romano, 6011 N Ocean Blvd., Ocean Ridge FL 33435
RE: Lot 5 & Lot 6, Blk 5, Boynton Sub
Subdivision (6011 N Ocean Blvd., Ocean Ridge)
NATURE OF VIOLATION
Violate Section/s 67-51 of the Town's Code of Ordinances by constructing concrete columns on the property without first obtaining a permit

Atty Baker withdrew this case until further notice.

C. ADJOURNMENT

The meeting was adjourned at approximately 10:40 AM.

Town Clerk