

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
June 7, 2011

Present: Karen Hancsak; Town Clerk, Keri-Ann Baker and Darren Leiser, Town Attys., and Sgt. Wohlfiel.

Meeting called to order at approximately 10:04 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 MAY 2, 2011 MINUTES**

The minutes were adopted.

**B. FINE ASSESSMENT/STATUS HEARING**

**CASE NO. CE#2011-002 Mark Lacho, 85 Island Drive South, Ocean Ridge FL 33435**

**RE: Lot 85, McCormick Mile Add #1  
Subdivision (85 Island Drive So, Ocean Ridge)**

**NATURE OF VIOLATION**

Violate Section/s 67-51, 67-96 and 67-136(c) of the Town's Code of Ordinances by altering the seawall without a permit, brought in fill without a permit and the fill needs to be seeded, sodded, or planted with appropriate grass or ground cover

The respondent was present.

Atty Leiser commented that at the May 2<sup>nd</sup> meeting the respondent was given until June 3, 2011 for full compliance. He advised that the building permits were still open and the drainage has not been finalized. He requested that Town Clerk Hancsak testify. He stated that the Town was recommending full compliance by June 17, 2011 and recovery of the administrative reimbursement costs.

Town Clerk Hancsak testified that Mr. Lacho had come into Town Hall last Wednesday and requested an extension because some of the pavers that were delivered were wrong and therefore the job would not be finished by June 3, 2011. She added that she made copies of the three building permits that showed that some of the inspections were still outstanding. She also stated that a faxed letter from Atlantic Pavers was received this

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF JUNE 7, 2011

morning advising that they had a problem with their molds and the delivery of the pavers should be made by Friday, June 10, 2011.

Sgt. Wohlfiel testified that he had taken photographs this morning and observed that the property was not in full compliance.

Special Magistrate Donlon accepted the following Town exhibits: Order Granting Extension of Time and Setting Fine Assessment Hearing as #1; composite of 3 building permit copies as #2; faxed letter from Atlantic Pavers as #3, 3 photographs taken this date by Sgt. Wohlfiel as #4; and the administrative recovery sheet in the amount of \$352.01 as #5.

Mr. Lacho testified that he was still waiting for pavers which were delaying laying the remainder of the sod. He stated that he was concerned that the pavers could be delayed again at no fault of his own and therefore requested an additional week.

Atty Leiser advised that the Town was acceptable to the final compliance date of June 24, 2011 provided that all final inspections were passed.

Special Magistrate Donlon stated that she did find there was proper notice and that her order would be based on the agreement between the parties for full compliance by June 24, 2011. She stated that the order would include that the administrative recovery costs in the amount of \$352.01 must be paid within 10 days.

**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

The Respondent was not present.

Special Magistrate Donlon clarified that this was actually a continuation of a Violation Hearing and not a Fine Assessment/Status Hearing.

No respondent was present.

Atty Leiser advised that the violation for the construction of the concrete columns continues to exist, however; this case as the Special Master may recall involved a title issue whereby the title for the property contains the wrong legal description for the physical address. He advised that evidently the issue is still ongoing and the Town had received a faxed letter dated 6/6/11 advising that the Romanos have been served and have filed an answer. It also stated that the attorney for the title company is preparing various

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF JUNE 7, 2011

pleadings to move forward and hopefully, with the Romanos filing and answer, things can now move at a faster pace.

Sgt. Wohlfiel testified that he took photographs this morning and the violation continues to exist.

Special Magistrate Donlon accepted the following Town exhibits: the letter submitted by Attorney Sam Caliendo on June 6, 2011 as #1; photographs taken this date as #2; and the Order Granting Continuance as #3.

Atty Leiser requested a continuation of the Violation Hearing until August 2, 2011 and that the order still provide that the Town receive updates and copies of any pleadings on the 1<sup>st</sup> and 15<sup>th</sup> of each month.

Special Master Donlon stated she did find there was proper notice and she would prepare an Order Granting Continuance until August 2, 2011 at 10 AM, however; she would require that the Respondent provide written updates regarding the status of its attempts to quiet title, including pleadings, etc., by the 15<sup>th</sup> and 1<sup>st</sup> of each month. She added that failure to provide these updates may result in the Town proceeding with the violation.

**C. ADJOURNMENT**

The meeting was adjourned at approximately 10:30 AM.

---

Town Clerk