

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
December 4, 2012

Present: Karen Hancsak; Town Clerk, Keri-Ann Baker, Town Atty., Lt. Hutchins, and Officer Gary Roy.

Meeting called to order at approximately 10:05 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 NOVEMBER 5, 2012 MINUTES

The minutes were adopted.

B. FINE ASSESSMENT/STATUS HEARING

**CASE NO. CE#2012-006 Lourdes F. Morejon, at Republic Argentina 76,
Quinto Piso Puerta 14 Gandia 46701 Spain
RE: Lot 14, Ocean Ridge Beach (28 Ixora
Way)**

NATURE OF VIOLATION

Violate Section/s 67-174(a)(1) of the Town's Code of Ordinances by not conducting property maintenance on the swimming pool located at 28 Ixora Way which has resulted in mold, mildew, and unsanitary conditions

The Respondent was not present.

Atty Baker summarized the violation and advised that it still exists. She stated that the Town was recommending that there be a finding of proper notice, determination that the property is still in violation, and that a \$50 daily fine be assessed to the property until full compliance.

Special Magistrate Donlon accepted the following Town exhibits: A copy of the Final Order as #1; the Nov. 5, 2012 Minutes with an attached Mailing Receipt/Track from the Post Office dated Nov. 19, 2012 as #2; 1 page of photographs taken today by Officer Roy as #3; and the Administrative Recovery Sheet in the amount of \$288.98 as #4.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF DEC. 4, 2012

Special Magistrate Donlon stated that she did find there was proper notice and that the violation continues to exist past the Nov. 26, 2012 compliance date. She stated that she would order a \$50 daily fine assessed from Dec. 4, 2012 until compliance, and also include that the Administrative Costs for this hearing (\$288.98) and the Nov. 5, 2012 hearing (\$355.85) be paid immediately and can be included in the lien.

C. VIOLATION HEARING

CASE NO. CE#2012-007 Joseph Romano, 22 Lilac Lane, Levittown, NY 11756

RE: Lot 5 & 6, Blk 5, Amended Plat of Part of Boynton's Subdivision (6011 N Ocean Blvd.)

NATURE OF VIOLATION

Violate Section 67-51 of the Town's Code of Ordinances by constructing concrete columns on their property at 6011 N Ocean Blvd. without first obtaining a permit

The respondent was not present.

Atty Baker summarized the events leading up to this hearing by stating that Sgt. Eubanks first observed that column construction had been done without a permit on March 1, 2010 which then resulted in the preparation of a Affidavit and Notice of Violation. However; upon investigation of the property ownership it was discovered that the legal descriptions were flipped with the property immediately to the south (the current owner of the south home also built the property in question). The respondent resided at 6011 N Ocean Blvd. and did create the violation. As a result both property owners were cited and the case was continued until the legalities were corrected in March 2012. Since that time the violation has still not been corrected and Mr. Romano has now been cited again. Atty Baker then submitted documents outlining the chronological events to date.

Lt. Hutchins testified that addresses for proper service were determined through research and it was discovered that Karen Romano, spouse, is actually listed on the deed to the property and then also it was discovered through Federal Officials, on unrelated criminal activity, that the respondent was currently at the Metropolitan Detention Center in Brooklyn, NY.

Officer Roy testified that today he observed and photographed that the violation continues to exist.

Special Magistrate Donlon questioned if any permits have been applied for to which Town Clerk Hancsak advised there has not. Clerk Hancsak also testified that the exhibits that will be submitted are actually copies of the original exhibits in the prior cases.

Special Magistrate Donlon accepted the following Town exhibits: the original Affidavit and Notice of Violation, Code Section, Property Appraiser Sheets for both parcels, letter from Atty Baker explaining the discovery, and Warranty Deeds for both parcels as #1;

photographs taken on 3/1/10 and 3/2/10 by Sgt. Eubanks as #2; the Minutes from the original hearing dated Jan. 4, 2011 as #3; 4 photographs taken on 11/30/10 by Sgt. Eubanks as #4; the Affidavit and Notice of Violation with code section attachment and the multiple Certified Mail Receipts/Green Cards with Posting Notice as #5; the Final Summary Judgment to correct the legal descriptions as #6; 4 photographs taken by Officer Roy on 12/4/12 as #7; and the Administrative Recovery Sheet in the amount of \$428.64 as #8.

Atty Baker requested that there be a finding of proper notice and violation and that the respondent be given until 1/4/13 for full compliance or be subject to a fine of up \$250 per day. She also requested that the administrative costs be assessed.

Special Magistrate Donlon complimented the staff on the research completed to bring this case to fruition and stated she did find there was proper notice and did find that the property was in non-compliance. She stated that her Final Order would require compliance by 1/4/13, failing which could result in daily fines up to \$250. She also ordered that the administrative recovery costs, which she felt were reasonable considering the time involved, in the amount of \$428.64 be paid by 1/4/13. A Fine Assessment/Status Hearing will be held on January 8, 2013 at 10:00 AM if necessary.

C. ADJOURNMENT

The meeting was adjourned at approximately 10:42 AM.

Town Clerk