

**Town of Palm Beach
Code Enforcement Board
Minutes**

Tuesday, November 13, 2012, 2:00 p.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting Joan Dunn, Secretary to the Code Enforcement Board at (561) 227-6388. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. Call to Order:(2:00:03 p.m.)

The meeting was called to order by Chairman Hoffman at 2:00 p.m. He acknowledged and thanked Councilman Diamond for his attendance at the meeting.

II. Roll Call:(2:00:10 p.m.)

Upon roll call, the following Board members were present: Chairman Timothy Hoffman, Vice Chairman Harris S. Fried, Members Larry Ochstein, Madelyn Greenberg, James Ballentine, W. Anthony Dowell, alternate members Scotch Peloso and Alan S. Golboro. Member Cynthia Van Buren was absent. Mr. Hoffman informed Mr. Peloso he would be a voting member today.

Staff present: Town Attorney John Randolph, Code Enforcement Manager Raychel Houston, Lead Code Enforcement Officer Robert Walton, Code Enforcement Officer John Moriarty and Recording Secretary Joan Dunn.

III. Approval of the Minutes of September 20, 2012 (2:00:36 p.m.)

**MOTION BY MR. FRIED TO APPROVE THE OCTOBER 18, 2012 MINUTES
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff: (2:00:50 p.m.)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

A. Case # CE 12-925, 165 Seminole Ave., Coudert Institute

Violation of Chapter 134, Section 134-889 of the Town of Palm Beach Code of Ordinances, commercial or quasi-commercial use of any property in a residential district prohibited

Lead Code Enforcement Officer Walton presented the facts to support the case, advised it was a result of an e-mail complaint and that it was postponed from last month's meeting due to the violator being out of town. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to cease the commercial or quasi-commercial use of 165 or 163 Seminole Ave.

Ms. Dale Coudert and Mr. Steven Rose were present at the hearing and testified they did not believe they were in violation and said they have changed the information on their website to reflect an office in West Palm Beach and the business phone number has been changed to the office in West Palm Beach.

The Board members had a discussion on what types of events would constitute a violation.

**MOTION BY MR. PELOSO TO DISMISS THE CASE
SECONDED BY MS. GREENBERG
MOTION PASSED WITH MR. BALLENTINE OPPOSED**

Mr. Hoffman welcomed and thanked Mr. Kleid for his attendance at the hearing.

B. Case # CE 12-961, 190 N. County Rd., Temple Emanu-El of Palm Beach, Inc.

Violation of Chapter 134, Section 134-945 of the Town of Palm Beach Code of Ordinances, churches, synagogues and other houses of worship are special exception uses in the R-C medium density residential district and as such require a site plan and review by Town Council as provided in Chapter 134, Section 134-329

Lead Code Enforcement Officer Walton advised the Temple went to Town Council and they had approved the additional seating provided written authorization from St. Edward's Church for the use of their parking lot was submitted. He said this written authorization is taking some time as it has to come from the local Bishop. He advised the Temple is in the process of getting the approval letter and are requesting more time. The Town recommended this case be postponed to the January 17, 2013 hearing.

Tony Lampert was present on behalf of the Temple and testified that St. Edward's Church has advised it could take anywhere from 15 to 45 days to obtain this letter. He requested more time to comply, until the January 17, 2013 hearing.

**MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL THE
JANUARY 17, 2013 HEARING
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

C. Case # CE 12-1233, 280 Sunset Ave., New Bradley House LTD

Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and Florida Building Code, Section 105, permits to construct, enlarge, alter, repair, move or demolish any structure or building required

Lead Code Enforcement Officer Walton reviewed the facts of the case, advised it was a result of a citizen's complaint and submitted photographs into evidence. He advised a stipulation agreement has been initiated with the violator. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and ratify the stipulation agreement.

Todd Stone, attorney for the property owner, and Steven Levin, the property owner, were present at the hearing and testified they were in agreement with the stipulation agreement and that a letter from their engineer or contractor would be provided confirming the safety of the structure.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-
COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT
OF \$150.00 AND GIVE THEM UNTIL AUGUST 1, 2013 TO ACHIEVE
COMPLIANCE PER THE STIPULATION AGREEMENT, PROVIDED
THEY SUPPLY A LETTER FROM THEIR ENGINEER OR CONTRACTOR
CONFIRMING THE AREA IN QUESTION IS STRUCTURALLY SOUND
PRIOR TO DECEMBER 20, 2012. IF THE LETTER IS NOT RECEIVED BY
DECEMBER 20, 2012, THIS CASE WILL BE HEARD AS A FINE
CONSIDERATION CASE AT THE DECEMBER 20, 2012 CODE HEARING
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

D. Case # CE 12-1367, 215 Peruvian Ave., Exclusive Carpet Cleaning

Violation of Chapter 106, Section 106-1 of the Town of Palm Beach Code of Ordinances, obstruction of Right of Way

Code Enforcement Officer Moriarty advised the fine in this case was paid just prior to the hearing. The Town recommended the Board accept payment of the fine and no further action be taken

**MOTION BY MR. FRIED TO ACCEPT PAYMENT OF THE FINE AND NO FURTHER ACTION BE TAKEN
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

- E. Case # CE 12-1429, 212 Worth Ave., Ark Gutter of S. Florida, Inc.
Violation of Chapter 42, Section 42-199 of the Town of Palm Beach Code of Ordinances, construction work before allowable hours

Code Enforcement Officer Moriarty advised the fine in this case was paid just prior to the hearing. The Town recommended the Board accept payment of the fine and no further action be taken

**MOTION BY MR. FRIED TO ACCEPT PAYMENT OF THE FINE AND NO FURTHER ACTION BE TAKEN
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration

- A. Case # CE 12-1127, 218 Royal Palm Way, 218 Royal Palm Way LLC
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, walls to be reasonably free of cracks or holes through which weather elements can enter the building or structure, windows and doors to the outside to be constructed and maintained in such a condition as to exclude weather elements from entering and roofs to be constructed and maintained so as not to leak

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$150.00 a day starting on November 9, 2012 and continue until compliance is achieved.

Robert Waskiewics and Matt Kaiziah were present at the hearing on behalf of the property owner and testified they are working toward compliance and requested additional time to comply, until November 28, 2012.

**MOTION BY MR. FRIED TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL NOVEMBER 28, 2012. HE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY NOVEMBER 28, 2012 A FINE IN THE AMOUNT OF \$150.00 A DAY WILL COMMENCE ON NOVEMBER 29, 2012 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

B. Case # CE 12-1129, 120 El Brillo Way, Margaretta Taylor

Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances, building permits to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system required

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$100.00 a day starting on November 9, 2012 and continue until compliance is achieved.

Glen Simmons, of Best Metal Works, was present at the hearing on behalf of the property owner and testified they are working toward compliance and requested additional time to comply, until December 7, 2012.

MOTION BY MR. FRIED TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL DECEMBER 7, 2012. HE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY DECEMBER 7, 2012 A FINE IN THE AMOUNT OF \$100.00 A DAY WILL COMMENCE ON DECEMBER 8, 2012 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY

C. Case # CE 12-1172, 2252 Ibis Isle Rd. W., Walter Jackson

Violation of Chapter 126, Section 126-31 of the Town of Palm Beach Code of Ordinances, vegetative growth located within the vicinity of any above ground utility line that has reached a height or is in a condition that might render it dangerous to the public utility line not allowed; Violation of Chapter 42, Section 42-86, grass/weeds exceeding 8 inches in height, accumulation of vegetative debris, accumulation of stagnant water, seawalls in disrepair or dead and dying trees not allowed; Violation of Chapter 42, Section 42-87, all exteriors surfaces required to be painted and maintained in a good state of repair and roofs to be maintained so as not to leak

Lead Code Enforcement Officer Walton briefly reviewed the case. He advised this house is in the process of being sold and said the new owner plans on demolishing the property. The Town recommended the Board postpone this case until the January 17, 2013 hearing provided the house is secured, pool is drained and vegetation is maintained.

MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL THE JANUARY 17, 2013 HEARING PROVIDED THE HOUSE IS SECURED, POOL IS DRAINED AND VEGETATION IS MAINTAINED
SECONDED BY MR. PELOSO
MOTION PASSED WITH MR. FRIED OPPOSED

VI. Fine Reduction:

A. Case # 08-2585, 242 Cherry Ln., Charles W. Smith

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior walls to be reasonably free of cracks or holes through which weather elements can enter the building or structure, roofs to be maintained so as not to leak and all exterior surfaces and appurtenances to be painted and in good repair

Lead Code Enforcement Officer Walton advised the petitioner requested a postponement until the December 20, 2012 hearing.

**MOTION BY MR. FRIED TO POSTPONE THIS CASE UNTIL THE
DECEMBER 20, 2012 HEARING
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

B. Case # CE 11-200, 242 Cherry Ln., Charles W. Smith

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as driveways to be maintained in good condition and all exterior and interior walls and ceilings to be kept in good condition and roofs to be maintained so as not to leak

Lead Code Enforcement Officer Walton advised the petitioner requested a postponement until the December 20, 2012 hearing.

**MOTION BY MR. FRIED TO POSTPONE THIS CASE UNTIL THE
DECEMBER 20, 2012 HEARING
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

VII. Board Comments: (3:40:08 p.m.)

Mr. Hoffman reminded the members that the next meeting is December 20, 2012 and wished them all a happy holiday.

VIII. Adjournment: (3:40:22 p.m.)

The hearing was adjourned without benefit of a motion.