

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

Thursday, October 17, 2013, 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:(1:59:15 p.m.)

The meeting was called to order by Chairman Fried at 2:00 p.m.

II. Roll Call:(1:59:15 p.m.)

Upon roll call, the following Board members were present: Chairman Harris S. Fried, Vice Chairman James Ballentine, Members Larry Ochstein, Madelyn Greenberg, Cynthia Van Buren, W. Anthony Dowell, alternate members Scotch Peloso and Robert G. Donnelley.

Due to the appointment of former regular member Alan Golboro to the Planning and Zoning Commission, Mr. Peloso was designated a voting member.

Staff present: Attorney Matthew Ramenda, 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 19, 2013:(1:59:43 p.m.)

MOTION BY MR. OCHSTEIN TO APPROVE THE SEPTEMBER 19, 2013 MINUTES

SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff:(2:00:03 p.m.)

The Town staff were sworn in by Recording Secretary Dunn.

Chairman Fried welcomed and thanked Councilman Diamond for his attendance at the hearing.

V. Public Hearings:

- A. Case # CE 13-587, 400 Chilean Ave., The Maison Trois Condominium Assoc, Inc.
Violation of Chapter 28, Section 18-964 of the Town of Palm Beach Code of Ordinances, appropriate street numbers to be placed on a property and displayed of the size and type that they may be easily read from the adjacent street

Lead Code Enforcement Officer Walton advised the property is now in compliance. The Town recommended the Board dismiss this case for compliance.

MOTION BY MS. GREENBERG TO DISMISS THIS CASE FOR COMPLIANCE

SECONDED BY MR. OCHSTEIN

MOTION PASSED UNANIMOUSLY

- B. Case # CE 13-621, 235 Sunrise Ave., The Palm Beach Hotel Condo Assn.
Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, maximum permissible dBA noise level exceeded for geographic area

Lead Code Enforcement Officer Walton presented the facts of the case and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until December 16, 2013 to comply.

Randolph Inman was present on behalf of the property owner and advised they have tried several methods to reduce the sound of the equipment. He agreed they needed the additional time to comply.

MOTION BY MR. DOWELL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL DECEMBER 16, 2013 TO COMPLY

SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY

- C. Case # CE 13-699, 209 Via Linda, Kristoff Gintowt
Violation of Chapter 18, Section 18-747 of the Town of Palm Beach Code of Ordinances, enclosures around a swimming pool must be inaccessible to small children with self-latching gates with latches placed four feet above the underlying ground

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until November 15, 2013 to comply.

Kristoff Gintowt was present at the hearing and testified that he would comply but needed guidance as to where to place the fence.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE HIM UNTIL NOVEMBER 15, 2013 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED 6 TO 1 WITH MR. OCHSTEIN OPPOSED**

D. Case # CE 13-768, 50 Middle Rd., Joseph & Lauren Pizza

Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances, building permits required 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; Violation of Chapter 18, Section 18-175, ARCOM approval required prior to the issuance of certain permits

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until November 25, 2013 to comply.

Beno Jansen was present on behalf of the property owners and testified they are working toward compliance and believed they could be in compliance by the November 25, 2013 date.

**MOTION BY MR. DOWELL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE HIM UNTIL NOVEMBER 25, 2013 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

E. Case # CE 13-838, 9 Golfview Rd., Golfview Holdings LLC

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, vegetation infested with pests such as whitefly not allowed

Lead Code Enforcement Officer Walton presented the facts of the case and submitted photographs into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until October 24, 2013 to comply.

The property owner was not present at the hearing and there was a finding of proper notice.

**MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE HIM UNTIL OCTOBER 24, 2013 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

A. Case # CE 13-573, 3450 S. Ocean Blvd, #704, Manal & Maher Andrawes

Violation of Chapter 18, Section 18-242 and Section 18-241 of the Town of Palm Beach Code of Ordinances, permits required to construct, enlarge, alter, repair, move or demolish any structure or building

Lead Code Enforcement Walton briefly reviewed the case and said a property representative was present to request more time which the Town did not oppose. The Town recommended a \$250.00 a day fine commence at the end of any additional time granted.

William Martin was present at the hearing on behalf of the property owners and reviewed the issues they are having achieving compliance and requested more time to comply.

**MOTION BY MS. GREENBERG THAT A FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCE ON OCTOBER 15, 2013 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. OCHSTEIN
MOTION OPPOSED**

ROLL CALL VOTE

MS. GREENBERG	YES
MR. OCHSTEIN	YES
MS. VAN BUREN	NO
MR. BALLENTINE	NO
MR. DOWELL	NO
MR. FRIED	NO
MR. PELOSO	NO

MOTION FAILED 5 TO 2

**MOTION BY MS. VAN BUREN TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL NOVEMBER 18, 2013. SHE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY NOVEMBER 18, 2013, A FINE IN THE AMOUNT OF \$100.00 A DAY WILL COMMENCE RETROACTIVELY FROM OCTOBER 15, 2013 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. DOWELL**

MOTION OPPOSED

ROLL CALL VOTE

MS. VAN BUREN	YES
MR. DOWELL	YES
MS. GREENBERG	NO
MR. OCHSTEIN	NO
MR. BALLENTINE	YES
MR. PELOSO	YES
MR. FRIED	NO

MOTION PASSED 4 TO 3

- B. Case # CE 13-634, 2560 S. Ocean Blvd., 2560 S. Ocean Blvd. Condo Assoc. Inc.
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all exterior walls to be reasonably free of cracks and all exterior surfacing material to be painted and in a good state of repair

Lead Code Enforcement Officer Walton briefly reviewed the case and advised a mutually agreed upon stipulation agreement has been submitted. The Town recommended the Board accept the stipulation agreement.

Priscilla Nichipor was present on behalf of the property owners at the hearing to answer any questions, but did not testify.

Attorney Ramenda questioned if the deadline date for obtaining the permit had any consequences attached to it. After a brief consultation with Mr. Walton, Mr. Ramenda determined that such language was not need in the agreement as the final compliance date was ultimately the important issue in this case.

**MOTION BY MR. BALLENTINE TO ACCEPT THE MUTUALLY
AGREED UPON STIPULATION AGREEMENT
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

- C. Case # CE 13-777, 160 Royal Palm Way, 160 Royal Palm LLC
Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, maximum permissible dBA noise level exceeded for geographic area

Lead Code Enforcement Officer Walton briefly reviewed the case and advised a representative was present on behalf of the property owner to request more time. The Town recommended a \$250.00 a day fine commence at the end of any additional time granted.

Nicholas Laundano was present on behalf of the property owner, advised they have received plans for a new sound barrier and requested two more months to comply.

MOTION BY MS. VAN BUREN THAT A FINE IN THE AMOUNT OF \$100.00 A DAY COMMENCE ON OCTOBER 15, 2013 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION OPPOSED

ROLL CALL VOTE

MS. VAN BUREN	YES
MS. GREENBERG	YES
MR. OCHSTEIN	NO
MR. BALLENTINE	NO
MR. DOWELL	NO
MR. PELOSO	NO
MR. FRIED	NO

MOTION FAILED 5 TO 2

**MOTION BY MR. DOWELL THAT A FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCE ON OCTOBER 15, 2013 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VII. Board Comments:(3:38:49 p.m.)

Manager Houston advised that there is now a vacancy on the Board due to the departure of Mr. Golboro. She was questioned on whether or not Mr. Hoffman could re-apply and she believed that he would be able to re-apply.

VIII. Adjournment:(3:41:13 p.m.)

**MOTION BY MR. BALLENTINE TO ADJOURN THE HEARING
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**