

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

Thursday, September 20, 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:

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

II. Roll Call:(2:00:33 p.m.)

Upon roll call, the following Board members were present: Chairman Timothy Hoffman, Vice Chairman Harris S. Fried, Members Larry Ochstein, Cynthia Van Buren, W. Anthony Dowell and alternate members Scotch Peloso and Alan S. Golboro.

Mr. Hoffman advised that in the absence of Ms. Greenberg and Mr. Ballentine, Mr. Peloso and Mr. Golboro would be voting members today.

Staff present: Attorney for the Board Matthew Ramenda, Code Enforcement Manager Raychel Houston, Lead Code Enforcement Officer Robert Walton, Code Enforcement Officer John Moriarty and Recording Secretary Joan Dunn.

Mr. Hoffman welcomed and thanked Councilmen Kleid and Diamond for their presence at the hearing.

III. Approval of the Minutes of August 16, 2012 (2:01:19 p.m.)

**MOTION BY MR. GOLBORO TO APPROVE THE AUGUST 16, 2012 MINUTES
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff: (2:01:58 p.m.)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

A. Case # CE 12-842, 146 Seabreeze Ave., Greg & Karen Golnick

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

Lead Code Enforcement Officer Walton advised the property owner is working toward compliance and requested a postponement of this case until the October 18, 2012 hearing.

**MOTION BY MR. FRIED TO POSTPONE THIS CASE UNTIL THE
OCTOBER 18, 2012 HEARING
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

B. Case # CE 12-893, 353 Seaspray Ave., Cornelia M. Lorentzen

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, stagnant water or unsanitary conditions not allowed

Lead Code Enforcement Officer Walton reviewed the facts of the case, advised it was a result of a neighbor's complaint and submitted photographs into evidence. He advised that although the violation has been corrected prior to the hearing, it was not corrected before the time specified in the notice by the code enforcement officer and pursuant to Section 2-426, the Board may still consider the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and no further action be taken.

**MOTION BY MR. GOLBORO TO FIND THE VIOLATOR IN NON-
COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT
OF \$150.00 AND NO FURTHER ACTION BE TAKEN
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

C. Case # CE 12-994, 225 Bahama Ln, Alinas Farinas

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

Code Enforcement Officer Moriarty reviewed 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 12, 2012.

Guillermo Farinas, the son of the owner, was present at the hearing and testified that they are working toward compliance and requested more time to comply.

Various Board members asked questions of Mr. Farinas.

**MOTION BY MR. GOLBORO TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 9, 2012 TO COMPLY
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

D. Case # CE 12-1017, 408 Chilean Ave., Danielle E. Debenedictis

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, accumulated debris or grass greater than 8" in height not allowed

Code Enforcement Officer Moriarty reviewed the facts of the case, advised it was the result of a routine inspection and submitted photographs into evidence. He advised that although the violation has been corrected prior to the hearing, it was not corrected before the time specified in the notice by the code enforcement officer and pursuant to Section 2-426, the Board may still consider the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and no further action be taken.

**MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND NO FURTHER ACTION BE TAKEN
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

E. Case # CE 12-1093, 164 Seminole Ave., Tamara Jean Fisher

Violation of Chapter 106, Section 106-159 (b) of the Town of Palm Beach Code of Ordinances, a clearance of 18 feet, measured vertically from the edges of the pavement and extending the full width of all streets and roadways is to be maintained at all times for the unobstructed passage of vehicles

Lead Code Enforcement Officer Walton reviewed the facts of the case and submitted photographs into evidence. He advised this case was the result of a citizen's complaint. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until September 28, 2012 to comply.

MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 28, 2012 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY

F. Case # CE 12-1095, 155 Root Trl., Margaret K. Hoffmeier

Violation of Chapter 106, Section 106-159 (b) of the Town of Palm Beach Code of Ordinances, a clearance of 18 feet, measured vertically from the edges of the pavement and extending the full width of all streets and roadways is to be maintained at all times for the unobstructed passage of vehicles

Lead Code Enforcement Officer Walton reviewed the facts of the case and submitted photographs into evidence. He advised this case was the result of a citizen's complaint. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until September 28, 2012 to comply.

MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL SEPTEMBER 28, 2012 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED 6 TO 1 WITH MR. GOLBORO OPPOSED

G. Case # CE 12-1112, 221 Oleander Ave., Marina G. Petrou

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, roofs required to be maintained in a state of safe and good repair and all exterior surfaces to be kept painted and maintained in good condition

Code Enforcement Officer Moriarty reviewed the facts of the case and submitted photographs into evidence. He advised this case was the result of a citizen's complaint. He said only the violations of the exterior surfaces remain. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until September 28, 2012.

MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL OCTOBER 12, 2012 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY

H. Case # CE 12-1203, 234 El Brillo Way, White Masonry

Violation of Chapter 42, Section 42-199 of the Town of Palm Beach Code of Ordinances, construction work prohibited on legal holidays

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

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

I. Case # CE 12-1168, 160 Royal Palm Way, Palm House

Violation of Chapter 122, Section 122-78 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the non-emergency water restrictions

Lead Code Enforcement Officer Walton reviewed 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 order them to pay the fine of \$125.00.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$125.00 FINE
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration

A. Case # CE 12-762, 210 Fairview Rd., John J. Forma Trust

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

Code Enforcement Officer Moriarty briefly reviewed the case. He advised Mr. Sessa was present to speak about this case.

Mark Sessa, contractor for the property owner, testified about the progress in this case and requested more time to comply as he was going to be out of the country for a few weeks.

Various Board members questioned Mr. Sessa about his timeline to come into compliance.

MOTION BY MR. FRIED TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL JANUARY 16, 2013. HE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY JANUARY 16, 2013 A FINE IN

**THE AMOUNT OF \$250.00 A DAY WILL COMMENCE ON JANUARY 17, 2013 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

B. Case # CE 12-857, 216 Tradewind Dr., Steven Fuhr & Lorie Gleim

REPEAT Violation of Chapter 42, Section 42-288 of the Town of Palm Beach Code of Ordinances, a maximum permissible emission of noise level is established by use of a sound level meter and is set at a maximum of 61 dBA for day and 55 dBA for night (between 7:00 p.m. and 9:00 a.m.) for the geographic area

Lead Code Enforcement Officer Walton briefly reviewed the case and advised this property has recently been sold and the new homeowner is present at the hearing.

Lorie Gleim, the new property owner, was present at the hearing and testified she has been looking into solutions ever since a neighbor brought this to her attention. She requested more time to comply. Thomas Parker, the neighbor and original complainant, testified that he was not opposed to the Board granting her more time due to the circumstances.

**MOTION BY MR. GOLBORO TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL DECEMBER 14, 2012.
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY**

C. Case # CE 12-951, 219 Indian Rd., Mort Kaye

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances to be maintained in a safe condition and in good repair; Violation of Chapter 42, Section 42-86(15) pools to be maintained in a clean and sanitary condition; Violation of Chapter 106, Section 106-159(b), a clearance of 18 feet, measured vertically from the edges of the pavement and extending the full width of all streets and roadways to be maintained at all times; Violation of Chapter 42, Section 42-86 dead or dying hedges/trees nor hedges/trees infested with pests such as whitefly not allowed

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended a fine in the amount of \$250.00 a day commence on August 25, 2012 and continue until compliance is achieved.

Corby Kaye, son of the property owner, was present at the hearing and testified he has hired a contractor and has been working on the property. He requested more time to comply.

MOTION BY MR. FRIED TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL OCTOBER 5, 2012. HE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY OCTOBER 5, 2012 A FINE IN THE AMOUNT OF \$250.00 A DAY WILL COMMENCE ON OCTOBER 6, 2012

**RETROACTIVE TO AUGUST 25, 2012 AND CONTINUE UNTIL
COMPLIANCE IS ACHIEVED
SECONDED BY MR. OCHSTEIN
MOTION OPPOSED**

ROLL CALL VOTE

MR. FRIED	YES
MR. OCHSTEIN	YES
MS. VAN BUREN	YES
MR. DOWELL	NO
MR. HOFFMAN	YES
MR. PELOSO	NO
MR. GOLBORO	NO
MOTION PASSED	4 TO 3

VII. Fine Reduction

A. Case # CE 12-725, 2270 Ibis Isle Rd. E., Mark Remson

REPEAT Violation of Chapter 42, Section 42-86(3) of the Town of Palm Beach Code of Ordinances, unsightly, unsafe, unsanitary conditions and grass greater than 8 inches in height no allowed

Lead Code Enforcement Officer Walton directed the Board to read the e-mail in their packet from Mr. Remson.

**DUE TO THE LACK OF ANY MOTION TO REDUCE THE FINE, THE
FINE REMAINS AT \$1,000.00**

B. Case # CE 12-960, 420 Royal Palm Way, Alligator Landscaping

Violation of Chapter 42, Section 42-230 of the Town of Palm Beach Code of Ordinances, operation of leafblower before allowable hours.

Lead Code Enforcement Officer Walton advised a representative of the company was present earlier at the meeting and now appears to have left the meeting.

**DUE TO LACK OF ANY REPRESENTATIVE PRESENT TO REQUEST A
REDUCTION, NO ACTION WAS TAKEN ON THIS CASE**

VIII. Board Comments: (4:02:11 p.m.)

No Board Comments

IX. Adjournment: (4:02:20 p.m.)

The hearing was adjourned without benefit of a motion.