

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

Thursday, July 18, 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:(1:59:08 p.m.)

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

II. Roll Call:(1:59:24 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, Alan S. Golboro and alternate member Scotch Peloso.

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 June 20, 2013:(1:59:30 p.m.)

**MOTION BY MS. GREENBERG TO APPROVE THE JUNE 20, 2013 MINUTES
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff: (1:59:45 p.m.)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

A. Case # CE 13-275, 357 Seabreeze Ave., First Palm Beach Prop Inc.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all appurtenances and exterior surfaces to be painted and in a good state of repair so as not to allow weather elements or insects to enter the building; Violation of Chapter 106, Section 106-159, a clearance of 8 feet, measured vertically from the edges and extending the full width of all sidewalks and bike trails in the Town shall be maintained at all times for the unobstructed passage of pedestrians and others using such sidewalks and bike trails

Lead Code Enforcement Officer Walton briefly reviewed the case and advised the stipulation agreement was ready for the Board's consideration. The Town recommended the Board accept the signed stipulation agreement.

**MOTION BY MS. GREENBERG TO ADOPT THE SIGNED
STIPULATION AGREEMENT
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

B. Case # CE 13-503, 300 Block S. County Rd., Gulson Francois

Violation of Chapter 130, Section 130-105 of the Town of Palm Beach Code of Ordinances, parking outside designated area

Code Enforcement Officer Moriarty presented the facts of the case and advised Road Patrol Officer Lane was present to answer any questions from the Board. Road Patrol Officer Lane testified about his involvement in the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order him to pay the \$250.00 fine.

Mr. Francois was present at the hearing and testified that he was waiting for a chartered pick up.

**MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-
COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT
OF \$150.00 AND ORDER HIM TO PAY THE \$250.00
SECONDED BY MR. DOWELL
MOTION OPPOSED**

ROLL CALL VOTE

MR. OCHSTEIN	YES
MR. DOWELL	YES
MS. GREENBERG	NO
MR. GOLBORO	NO
MS. VAN BUREN	NO

MR. BALLENTINE NO
MR. FRIED NO

MOTION FAILED 5 TO 2

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER HIM TO PAY A 100.00 FINE
SECONDED BY MR. BALLENTINE
MOTION OPPOSED**

**ROLL CALL VOTE
MS. VAN BUREN YES
MR. BALLENTINE YES
MS. GREENBERG NO
MR. GOLBORO NO
MR. OCHSTEIN YES
MR. DOWELL YES
MR FRIED NO**

MOTION PASSED 4 TO 3

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

- C. Case # CE 13-645, 200 Royal Poinciana Way, Joanes Le Grand
Violation of Chapter 130, Section 130-105(e) of the Town of Palm Beach Code of Ordinances, taxis prohibited from cruising

Code Enforcement Officer Moriarty presented the facts of the case and advised Road Patrol Officer Seay was present to answer any questions from the Board. Road Patrol Officer Seay testified about his involvement in the case. Manager Houston reviewed the definition of cruising as stated in the ordinance. The Town recommended the Board find the violator in non-compliance, administrative costs of \$150.00 and order him to pay the \$250.00 fine.

Mr. Le Grand was present at the hearing and testified that he did not believe he was cruising.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER HIM TO PAY THE 250.00 FINE
SECONDED BY MR. BALLENTINE
MOTION PASSED WITH MR. GOLBORO OPPOSED**

- D. Case # CE 13-670, 1045 S. Ocean Blvd., Michele & Daniel Borislow
Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, non-vehicular noise exceeding the allowable dBA

Code Enforcement Officer Moriarty presented the facts of the case, submitted photographs of the violation and advised Road Patrol Officer Weymer was present to answer questions from the Board. Road Patrol Officer Weymer testified about his involvement in the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to pay the \$250.00 fine.

Mr. Borislow was present at the hearing, testified the situation was caused by an electrical outage and requested the Board consider a reduction or dismissal of the fine.

**MOTION BY MR. GOLBORO TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER HIM TO PAY THE 250.00 FINE
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

- E. Case # CE 13-691, 535 S. County Rd., AMF Estate Management
Violation of Chapter 42, Section 42-230 of the Town of Palm Beach Code of Ordinances, leaf blower outside of allowable hours

Lead Code Enforcement Officer Walton presented the facts of the case and advised Road Patrol Officer Nault was present to answer questions from the Board. Road Patrol Officer Nault testified about his involvement in the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to pay the \$500.00 fine.

Arthur Fink was present on behalf of the company and testified he was not aware of this Town Ordinance and requested a fine reduction from the Board.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER HIM TO PAY A 250.00 FINE
SECONDED BY MR. GOLBORO
MOTION OPPOSED**

ROLL CALL VOTE

MS. GREENBERG	YES
MR. GOLBORO	YES
MS. VAN BUREN	NO
MR. OCHSTEIN	YES
MR. BALLENTINE	NO

MR. DOWELL	YES
MR. FRIED	NO

MOTION PASSED 4 TO 3

- F. Case # CE 13-678, 300 Block Seaspray Ave., Miguel Angel Munoz Rivera
Violation of Chapter 78, Section 78-39 of the Town of Palm Beach Code of Ordinances, solicitation without a permit

Lead Code Enforcement Officer Walton presented the facts of the case and advised Road Patrol Officer Lee was present to answer questions from the Board. Road Patrol Officer Lee testified about his involvement in the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order him to pay the \$250.00 fine.

Mr. Rivera was present at the hearing and testified that he did not believe he was soliciting. Mr. Ousman Kyta from AT & T was also present at the hearing and answered questions posed by various Board members.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER HIM TO PAY A 250.00 FINE
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

- G. Case # CE 13-176, 336 El Vedado Rd. Mark Futch
Violation of Chapter 14, Section 14-32 of the Town of Palm Beach Code of Ordinances, taking off or landing of aircraft in water of Lake Worth in the corporate limits not allowed

Lead Code Enforcement Officer Walton presented the facts of the case and submitted photographs of the sea plane at the location. Road Patrol Officer Alber testified about the area in question based on his experience as a Marine Patrol officer. Randy Fuentes, a witness in the case, testified as to the path taken by the seaplane as it took off from within the corporate limits of the Town. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order him to pay the \$250.00 fine.

Mark Futch was present at the hearing and testified that he did not take off within the corporate limits of the Town or Palm Beach and/or that the corporate limits of the Town were not clearly marked.

Mr Futch's attorneys, Norman Canella and J. Michael Shea were present at the hearing, spoke on behalf of their client and presented a Motion to Dismiss to the Board based on their premise that the plane did not take off from within the

corporate limits of the Town and based upon the allegation that Federal law preempted Town law in this case.

MOTION TO DISMISS FAILED WITH MR. DOWELL OPPOSED

**MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER HIM TO PAY THE \$250.00 FINE
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

H. Case # CE 13-248, 212 Sunset Ave., Vesenaz Holding Corp.

Violation of Chapter 134, Section 134-1733 of the Town of Palm Beach Code of Ordinances, all dumpsters and recycle containers to be screened from public view, from public right-of-ways and from abutting properties

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

Carla Casey was present at the hearing on behalf of the property owner and testified that they are working toward compliance. She requested an additional 90 days to comply.

**MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL OCTOBER 15, 2013 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

I. Case # CE 13-441, 340 Royal Poinciana Way, Spiegel Sidney Tr# 31520371

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all appurtenances to be kept in a state of safe and good repair; Violation of Chapter 22, Section 22-57 and Section 22-58, all windows and doors of vacant buildings or buildings under construction whose windows and doors can be viewed from the public street and expose the interior of the building to provide approved screening in accordance with the revised "Vacant or Under Construction Window Treatment Policy"

Lead Code Enforcement Officer Walton presented the facts of the case and submitted photographs of the violations. He advised the violation of Chapter 22, Section 22-57 and Section 22-58 had been corrected and was now in compliance. The Town recommended the Board dismiss the violation of Chapter 22, Section 22-57 and Section 22-58 for compliance and find the violator in non-compliance

for the violation of Chapter 42, Section 42-87, assess administrative costs of \$150.00 and give them until September 16, 2013 to comply.

Craig Mueller was present on behalf of the property owner and testified that he believed they would be able to comply by the September 16, 2013 date.

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

SECONDED BY MR. OCHSTEIN

MOTION PASSED UNANIMOUSLY

J. Case # CE 13-362, 301 Chapel Hill Rd., Hollis M. Baker Tr.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all appurtenances to be kept in a state of safe and good repair and painted

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

Christopher Smith was present on behalf of the property owner and testified that he believed they could reach compliance by the September 26, 2013 date.

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

SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY

K. Case # CE 13-442, 403 Hibiscus Ave., Peruvian Avenue Corp.

Violation of Chapter 134, Section 134-2179 of the Town of Palm Beach Code of Ordinances, effective screening for off-street parking required; Violation of Chapter 42, Section 42-86, dead/dying trees or vegetation infested with pests such as whitefly not allowed

Lead Code Enforcement Officer Walton presented the facts of the case and submitted photographs of the violations. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until August 9, 2013 to comply.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL AUGUST 9, 2013 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

L. Case # CE 13-443, 240 Chilean Ave., Peruvian Avenue Corp.

Violation of Chapter 134, Section 134-2179 of the Town of Palm Beach Code of Ordinances, effective screening for off-street parking required; Violation of Chapter 42, Section 42-86, dead/dying trees or vegetation infested with pests such as whitefly not allowed

Lead Code Enforcement Officer Walton presented the facts of the case and submitted photographs of the violations. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until August 9, 2013 to comply.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL AUGUST 9, 2013 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

M. Case # CE 13-433, 232 Cherry Ln., Louisa A. Dean

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, grass/weeds in excess of 8 inches in height, accumulated debris, dead or dying hedges or vegetation and whitefly infestation not allowed; Violation of Chapter 42, Section 42-87, all exterior surfaces to be painted and in a good state of repair

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs of the violations. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until August 9, 2013 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 AUGUST 9, 2013 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

N. Case # CE 13-534, 125 E. Inlet Dr., John & Suzanne Thorndike

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

175, alterations to buildings, structures or appurtenances require ARCOM approval

Mr. Dowell recused himself from this case as he is part of the neighborhood association that owns access rights to the property in question. Mr. Peloso was a voting member in this case.

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs of the violations. Building Official Jeff Taylor gave his testimony in the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until August 9, 2013 to comply.

Mr. Thorndike was present at the hearing and testified that they are working toward compliance and requested more time to comply. Michael Small, a neighbor, testified in the case.

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

**SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

- O. 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 Officer Walton presented the facts of the case and submitted photographs of the violations. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until August 9, 2013 to comply.

William Martin was present on behalf of the homeowner and testified they are working toward compliance and requested more time to comply.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL OCTOBER 14, 2013 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

P. Case # CE 13-575, 151 Reef Rd., Gayle P. Petersen Tr.

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

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs of the violations. 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. GOLBORO 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 MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

Q. Case # CE 13-594, 267 Atlantic Ave., Paolo Bergmann Tr.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, roof to be maintained in good condition so as not to leak, all exterior windows and doors to be reasonably free of cracks or holes through which weather elements can enter the building and interior walls, ceilings and floors to be structurally sound

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs of the violations. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until August 9, 2013 to comply.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL AUGUST 9, 2013 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

R. 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 presented the facts of the case and submitted photographs of the violations. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to return to the September 19, 2013 hearing with a signed stipulation agreement.

Priscilla Nichipor and Jan Wolfe were present on behalf of the property owners and testified that they are working toward compliance and believed they could return to the September 19, 2013 with a signed stipulation agreement.

**MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO WORK WITH STAFF ON A STIPULATION AGREEMENT TO BE SUBMITTED FOR APPROVAL AT THE SEPTEMBER 19, 2013 CODE ENFORCEMENT HEARING
SECONDED BY MS. VAN BUREN
MOTION PASSED WITH MR. GOLBORO OPPOSED**

- S. Case # CE 13-682, 221 El Dorado Ln., Kyzar Air Conditioning
Violation of Chapter 42, Section 42-199 of the Town of Palm Beach Code of Ordinances, construction work on Town holiday not allowed

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs of the violations. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to pay the \$250.00 fine.

**MOTION BY MR. GOLBORO TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$250.00 FINE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

- A. Case # CE 13-405, 340 Royal Poinciana Way, Sidney Spiegel Tr# 31520371
Violation of Chapter 134, Section 134-7 of the Town of Palm Beach Code of Ordinances, failure to comply with conditions established in connection with grants of variances or special exceptions constitutes a zoning violation; Violation of Chapter 134, Section 134-Section 134-2237, tandem parking may be permitted on a parking lot with a full time attendant, provided that not more than two cars may be parked in tandem at each parking space location

Lead Code Enforcement Officer Walton advised this case is now in compliance and no action is required of the Board.

VIII. Board Comments: (5:41:25 p.m.)

None

IX. Adjournment: (5:41:35 p.m.)

**MOTION BY MS. GREENBERG TO ADJOURN THE HEARING
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**