

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

**Thursday, January 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](http://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:(2:00:51 p.m.)**

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

**II. Roll Call:(2:00:56 p.m.)**

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

Staff present: Attorney for the Town 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 December 20, 2012(2:01:27 p.m.)**

**MOTION BY MS. GREENBERG TO APPROVE THE DECEMBER 20, 2012 MINUTES**

**SECONDED BY MR. OCHSTEIN**

**MOTION PASSED UNANIMOUSLY**

**IV. Administration of the Oath to Town Staff: (2:01:39 p.m.)**

The Town staff were sworn in by Recording Secretary Dunn.

**V. Public Hearings:**

- A. 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 Town Council approved the seating increase and the Temple is now in compliance. The Town recommended the Board dismiss the case for compliance.

**MOTION BY MS. GREENBERG TO DISMISS THE CASE FOR COMPLIANCE  
SECONDED BY MS. VAN BUREN  
MOTION PASSED UNANIMOUSLY**

- B. Case # CE 12-1581, 100 Block List Rd., Price Williams III  
Violation of Chapter 78, Section 78-39 of the Town of Palm Beach Code of Ordinances, permit required for solicitation

Lead Code Enforcement Officer Walton presented the facts of the case and advised Road Patrol Officer Alber was present to answer any questions. Officer Alber 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. Dowell questioned how payment is pursued in these cases. Mr. Fried asked if we attempt to contact the companies about the solicitation. Manager Houston explained the process used to collect the fines and notify the companies.

**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 \$250.00 FINE  
SECONDED BY MR. DOWELL  
MOTION PASSED UNANIMOUSLY**

- C. Case # CE 12-1582, 241 Bahama Ln., Erik D. Williams  
Violation of Chapter 78, Section 78-39 of the Town of Palm Beach Code of Ordinances, permit required for solicitation

Lead Code Enforcement Officer Walton presented the facts to support the case and advised Road Patrol Officer Alber was present to answer any questions. Officer Alber 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.

**MOTION BY MS. VAN BUREN 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**

D. Case # CE 12-1583, 241 Bahama Ln., Mario T. Massenburg

Violation of Chapter 78, Section 78-39 of the Town of Palm Beach Code of Ordinances, permit required for solicitation

Lead Code Enforcement Officer Walton presented the facts to support the case and advised Road Patrol Officer Alber was present to answer any questions. Officer Alber 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.

**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 \$250.00 FINE  
SECONDED BY MR. OCHSTEIN  
MOTION PASSED UNANIMOUSLY**

E. Case # CE 12-1587, 217 Clarke Ave., Joseph Lee Cochran

Violation of Chapter 78, Section 78-39 of the Town of Palm Beach Code of Ordinances, permit required for solicitation

Lead Code Enforcement Officer Walton presented the facts to support the case and advised Road Patrol Officer Serenot was present to answer any questions. Officer Serenot 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.

**MOTION BY MS. GREENBERG 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 MR. BALLENTINE  
MOTION PASSED UNANIMOUSLY**

F. Case # CE 12-1588, 217 Clarke Ave., Jesilynn Marie Phelps

Violation of Chapter 78, Section 78-39 of the Town of Palm Beach Code of Ordinances, permit required for solicitation

Lead Code Enforcement Officer Walton presented the facts to support the case and advised Road Patrol Officer Serenot was present to answer any questions. Officer Serenot 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.

**MOTION BY MS. VAN BUREN 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 MR. FRIED  
MOTION PASSED UNANIMOUSLY**

- G. Case # CE 12-1589, 200 Block Barton Avenue, Aaron John Cobb  
Violation of Chapter 78, Section 78-39 of the Town of Palm Beach Code of Ordinances, permit required for solicitation

Lead Code Enforcement Officer Walton presented the facts to support 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.

**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 \$250.00 FINE  
SECONDED BY MS. VAN BUREN  
MOTION PASSED UNANIMOUSLY**

- H. Case # CE 12-1590, 200 Block Barton Avenue, Austin Robert York  
Violation of Chapter 78, Section 78-39 of the Town of Palm Beach Code of Ordinances, permit required for solicitation

Lead Code Enforcement Officer Walton presented the facts to support 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.

**MOTION BY MR. OCHSTEIN 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**

*Mr. Hoffman welcomed and thanked Deputy Chief Szarszewski for his presence at the hearing.*

- I. Case # CE 12-1533, 350 S. County Rd., Buccan & Ember Group LLC & Three 50 Realty Corp.  
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

Lead Code Enforcement Officer Walton presented the facts of the case, advised it was a result of a citizen's complaint and cited the dates violations were noted. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until January 22, 2013 to comply. Zoning Administrator Paul Castro explained the conditions of the variance approval.

Shannon Dye of Buccan testified they are working toward ensuring that all employees do not park on the street 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 JANUARY 22, 2013 TO COMPLY  
SECONDED BY MS. GREENBERG  
MOTION PASSED UNANIMOUSLY**

- J. Case # CE 12-1584, 160 Royal Palm Way, 2 New Haven Contracting  
Violation of Chapter 42, Section 42-164 of the Town of Palm Beach Code of Ordinances, fugitive dust not permitted

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 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 FINE OF \$125.00  
SECONDED BY MR. OCHSTEIN  
MOTION PASSED UNANIMOUSLY**

*Mr. Hoffman welcomed and thanked Councilman Kleid for his attendance at the meeting.*

- K. Case # CE 12-354, 1560 S. Ocean Blvd., Stanley & Roberta Bogen  
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances to be maintained in a safe and good state of repair

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 March 20, 2013 to comply.

Mike Retino, contractor for the property owner, testified that they are working toward compliance and believed they could complete the project by the date recommended by the code officer.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MARCH 20, 2013 TO COMPLY  
SECONDED BY MS. GREENBERG  
MOTION PASSED UNANIMOUSLY**

L. Case # CE 12-1449, 215 Colonial Ln., Liberty Trust LLC

Violation of Chapter 18, Section 18-242 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; Violation of Chapter 18, Section 18-175, alterations to buildings, structures or appurtenances require ARCOM approval

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 February 15, 2013 to comply.

Property owner Nicholas Arsali testified he was not aware that permits nor ARCOM approval were needed to replace windows and that he had issues with the website which lead to a delay in getting the permits. Building official Jeff Taylor testified about his involvement in this case.

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

**ROLL CALL**

|                       |            |
|-----------------------|------------|
| <b>MR. FRIED</b>      | <b>YES</b> |
| <b>MR. BALLENTINE</b> | <b>YES</b> |
| <b>MS. GREENBERG</b>  | <b>YES</b> |
| <b>MS. VAN BUREN</b>  | <b>NO</b>  |
| <b>MR. OCHSTEIN</b>   | <b>NO</b>  |
| <b>MR. DOWELL</b>     | <b>NO</b>  |
| <b>MR. HOFFMAN</b>    | <b>YES</b> |

**MOTION PASSED 4 TO 3**

M. Case # CE 12-1487, 212 Sunset Ave., 211 & 207 Royal Poinciana Way, Vesenz Holding Corp

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions and conditions which give rise to the generation of odors and stenches not permitted

Code Enforcement Officer Moriarty presented the facts of the case, advised it was a result of a complaint received 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 February 8, 2013 to comply.

Carla Casey, regional manager for Brenner Real Estate, advised they are working toward compliance and requested additional time, until February 15, 2013, 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 FEBRUARY 15, 2013 TO COMPLY  
SECONDED BY MS. VAN BUREN  
MOTION PASSED UNANIMOUSLY**

## **VI. Fine Consideration**

A. Case # CE 12-1172, 2252 Ibis Isle Rd., 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 exterior surfaces required to be painted and maintained in a good state of repair and roof to be maintained so as not to leak

Mr. Walton briefly reviewed the case, advised the violation of Chapter 126, Section 126-31 and Chapter 42, Section 42-86 are now in compliance and advised Jim Woods was present on behalf of the property owner to request more time on the violation of Chapter 42, Section 42-87.

Jim Woods advised they are working toward compliance and expect the demolition to occur in the next week. He asked for more time to comply.

**MOTION BY MR. DOWELL TO FIND DISMISS THE VIOLATIONS OF CHAPTER 126, SECTION 126-31 AND CHAPTER 42, SECTION 42-86 FOR COMPLIANCE AND GIVE THEM ADDITIONAL TIME, UNTIL FEBRUARY 15, 2013 TO COMPLY ON THE VIOLATION OF CHAPTER 42, SECTION 42-87  
SECONDED BY MS. GREENBERG  
MOTION PASSED UNANIMOUSLY**

**VII. 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 briefly reviewed the case and advised Tania Sayegh of Brock & Scott PLLC was present to request a fine reduction on behalf of Central Mortgage Bank.

Tania Sayegh testified that she would like to negotiate a fine reduction to administrative costs only as the bank has been maintaining the property and the original violator was not the bank. She advised the bank is not the current owner of the property, but wanted to offer the Town some monies as a sign of good will. She said the bank has an outstanding mortgage on the property and may become the owner when the property goes to auction.

**MOTION BY MR. FRIED TO POSTPONE THIS CASE UNTIL THE FEBRUARY 21, 2013 MEETING. HE FURTHER MOTIONED THE PETITIONER TO NEGOTIATE A MUTUALLY ACCEPTABLE SETTLEMENT WITH THE TOWN'S ATTORNEY ON OR BEFORE FEBRUARY 4, 2013 FOR THE BOARD TO CONSIDER AT ITS FEBRUARY 21, 2013 MEETING  
SECONDED BY MR. OCHSTEIN  
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

*This case was heard in conjunction with the above case. The facts in the case are the same.*

**MOTION BY MR. FRIED TO POSTPONE THIS CASE UNTIL THE FEBRUARY 21, 2013 MEETING. HE FURTHER MOTIONED THE PETITIONER TO NEGOTIATE A MUTUALLY ACCEPTABLE SETTLEMENT WITH THE TOWN'S ATTORNEY ON OR BEFORE FEBRUARY 4, 2013 FOR THE BOARD TO CONSIDER AT ITS FEBRUARY 21, 2013 MEETING  
SECONDED BY MR. OCHSTEIN  
MOTION PASSED UNANIMOUSLY**

C. Case # 06-2665, 139 N. County Rd., Paramount Church Inc.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as railings to be kept in good repair and unsightly, unsanitary or unsafe conditions not permitted

Lead Code Enforcement Officer Walton briefly reviewed the case and advised Leslie Evans, attorney for the property owner, was present to request a fine reduction.

Leslie Evans reviewed the difficulties the church has had with fund raising and requested the fine be rescinded.

**MOTION BY MR. FRIED TO RESCIND THE ACCUMULATED FINE  
SECONDED BY MR. BALLENTINE  
MOTION PASSED UNANIMOUSLY**

**VIII. Board Comments: (4:04:04 p.m.)**

There were no Board Comments.

**IX. Adjournment: (4:04:16 p.m.)**

The meeting was adjourned without benefit of a motion.