

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

Thursday, April 19, 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:(2:00:05 p.m.)

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

Mr. Hoffman congratulated the Board members who were re-elected and thanked them for their willingness to serve on the Board.

II. Roll Call:(2:01:09 p.m.)

Upon roll call, the following Board members were present: Chairman Timothy Hoffman, Vice Chairman Harris S. Fried, Members Joel Koeppel, Larry Ochstein, Madelyn Greenberg, Cynthia Van Buren, James Ballentine, and alternate members W. Anthony Dowell and 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. Election of Officers:(2:01:18 p.m.)

Mr. Hoffman asked Town Attorney Randolph to conduct the election of officers. Mr. Randolph opened the floor for nominations for Chairman. Mr. Koeppel nominated Mr. Hoffman and it was seconded by Mr. Fried. There were no other nominations and Mr. Hoffman was re-elected by unanimous vote. The floor was opened for nominations for Vice Chairman. Ms. Van Buren nominated Mr. Fried and it was seconded by Ms. Greenberg. There were no other nominations and Mr. Fried was re-elected by unanimous vote.

IV. Approval of the Minutes of March 22, 2012 (2:02:41 p.m.)

**MOTION BY MR. KOEPPEL TO APPROVE THE MARCH 22, 2012 MINUTES
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

V. Administration of the Oath to Town Staff: (2:02:58 p.m.)

The Town staff was sworn in by Recording Secretary Dunn.

VI. Public Hearings:

A. Case # CE 12-78, 238 Nightingale Trl., Randolph A. Hopkins

Violation of Chapter 134, Section 134-1472 of the Town of Palm Beach Code of Ordinances, no walls, fences, hedges or other structures or growth shall be erected or be grown eastwardly of Ocean Boulevard to a height greater than four (4) feet above the surface of the Ocean Boulevard

Lead Code Enforcement Officer Walton advised this case was postponed from the March 22, 2012 meeting and requested this case be dismissed for compliance as the property owner has trimmed the seagrapes the maximum one third as allowed by the seagrape trimming guidelines and the Florida Department of Environmental Protection declined to issue a Field Permit for further trimming. He advised that next year they will be required to trim the allowable one third.

**MOTION BY MS. GREENBERG TO DISMISS THE VIOLATION FOR
COMPLIANCE
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

B. Case # CE 12-100, 205 Jamaica Ln., Joshua Leader

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Lead Code Enforcement Officer Walton advised this case was postponed from the March 22, 2012 meeting and said the fine has been paid. The Town recommended the Board accept payment of the fine and no further action be taken.

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

Mr. Hoffman thanked Councilman Diamond for his attendance at the meeting.

C. Case # CE 12-151, 139 Bradley Pl., Valley Crest Landscape Maintenance

Violation of Chapter 42, Section 42-230 of the Town of Palm Beach Code of Ordinances, leaf blowers prohibited between the hours of 5 p.m. and 9 a.m. on weekdays

Lead Code Enforcement Officer Walton advised this case was postponed from the March 22, 2012 meeting and said the fine has been paid. The Town recommended the Board accept payment of the fine and no further action be taken.

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

D. Case # CE 12-278, 286 Orange Grove, My Sol Pools

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

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 order them to pay the fine of \$250.00.

Haydee Ullfig of My Sol Pools testified she did not realize it was a holiday and did not recall being notified about construction hours during the permitting process. She requested the Board waive the 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 A \$125.00 FINE
SECONDED BY MR. FRIED
MOTION OPPOSED**

ROLL CALL VOTE

MR. OCHSTEIN	YES
MR. FRIED	YES
MR. KOEPEL	NO
MS. GREENBERG	NO
MS. VAN BUREN	YES
MR. BALLENTINE	YES
MR. HOFFMAN	NO

MOTION PASSED 4 TO 3

E. Case # CE 12-315, 211 Caribbean Rd., James R. Thompson Est.

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 advised the origin of the case was a referral by Animal Care and Control. He 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 given them until April 30, 2012 to comply.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVEN THEM UNTIL APRIL 30, 2012 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

F. Case # CE 12-373, 276 Jamaica Ln., Philip Strathy

Chapter 18, Section 108-205 of the Town of Palm Beach Code of Ordinances, the Architectural Commission (ARCOM) may attach conditions to any approval it grants

Lead Code Enforcement Officer Walton advised the origin of this case was a complaint by the Planning, Zoning and Building Department. He 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 given them until May 14, 2012 to comply.

Allen Stopek of Efflorescence, Inc. was present on behalf of the property owner and testified that they are on the ARCOM agenda for consideration for alternate plans and he believed they could be in compliance by the next Code Enforcement Board hearing.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVEN THEM UNTIL MAY 14, 2012 TO COMPLY
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

G. Case # CE 12-402, 102 Banyan Rd., Dogwood Land Co. LLC

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

Lead Code Enforcement Officer Walton advised the origin of this case was a citizen's complaint. He 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 given them until May 14, 2012 to comply.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVEN THEM UNTIL MAY 14, 2012 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

H. Case # CE 12-368, 311 Brazilian Ave., Robert Deziel

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Lead Code Enforcement Officer Walton reviewed the facts of the case and submitted the 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 \$125.00 fine.

Robert Deziel testified mechanical failure and human error caused the violation and requested the Board waive the fine. At the request of the Board, Mr. Deziel said he could produce a copy of his receipt for repairs.

**MOTION BY MR. KOEPEL TO POSTPONE THIS CASE UNTIL THE MAY 17, 2012 HEARING
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

I. Case # CE 12-281, 207 Bahama Ln., Bahama Beach Holding LLL

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Lead Code Enforcement Officer Walton requested this case be postponed as the property owner advised the check had been mailed.

**MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL THE MAY 17, 2012 HEARING
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

J. Case # CE 12-355, 300 Barton Ave., Peter Madden

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the 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. KOEPEL 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. OCHSTEIN

MOTION PASSED UNANIMOUSLY

K. Case # CE 12-360, 1360 N. Ocean Blvd., Jolene S. Sarkis

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the 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. KOEPEL

MOTION PASSED UNANIMOUSLY

L. Case # CE 12-287, 235 Cocoanut Row, Jane B. Baker

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Lead Code Enforcement Officer Walton reviewed the facts of the case and submitted the 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 \$250.00 fine.

Jane Baker testified that she had new plantings and believed she was allowed to water and she also believed she may have had a malfunction. Ms. Baker said she could provide the Board with proof of new planting.

MOTION BY MR. KOEPEL TO POSTPONE THIS CASE UNTIL THE MAY 17, 2012 HEARING

SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY

M. Case # CE 12-335, 228 Via Las Brisas, 228 Las Brisas Corp.

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the emergency water restrictions

Lead Code Enforcement Officer Walton advised the fine has been paid in this case. 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. KOEPEL
MOTION PASSED UNANIMOUSLY**

N. Case # CE 12-363, 2315 S. Ocean Blvd., Donna Ward

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the 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 \$250.00.

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

O. Case # CE 12-370, 1285 N. Ocean Blvd., Sheridan Snyder

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances, watering outside of allowable days/hours of the 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 \$500.00.

MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$500.00 FINE

**SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

VII. Fine Consideration

A. Case # CE 11-1391, 1496 N. Lake Way, Javier Marques De Olaso

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

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$150.00 a day commence on April 14, 2012, and continue until compliance is achieved.

Javier Marques De Olaso testified and requested more time to comply.

MOTION BY MR. KOEPPEL TO GRANT THE VIOLATOR ADDITIONAL TIME TO COMPLY, UNTIL JUNE 4, 2012. HE FURTHER ORDERED IF COMPLIANCE IS NOT ACHIEVED BY JUNE 4, 2012 A FINE IN THE AMOUNT OF \$150.00 A DAY WILL COMMENCE ON JUNE 5, 2012 RETROACTIVE TO APRIL 14, 2012 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED

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

B. Case # CE 12-16, 129 Chilean Ave., Robert & Beverly Lowden

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, storage of construction debris and unsightly, unsafe or unsanitary conditions not allowed

Lead Code Enforcement Officer Walton briefly reviewed the case. The Town recommended a fine in the amount of \$250.00 a day commence on April 7, 2012 and continue until compliance is achieved.

MOTION BY MR. FRIED TO ASSESS A FINE IN THE AMOUNT OF \$250.00 A DAY, COMMENCING ON APRIL 7, 2012 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED

**SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

C. Case # CE 12-209, 404 Hibiscus Ave., Gasiunasen Gallery & Love II LLC

Violation of Chapter 134, Section 134-1107 of the Town of Palm Beach Code of Ordinances, no existing commercial use which is subject to the 3000 square feet maximum gross leasable area regulation may occupy additional space within 1500 feet of the existing licensed business; Violation of Chapter 134, Section 134-2372, permit required for the erection or installation of any sign within the Town

Lead Code Enforcement Officer Walton briefly reviewed the case. He advised Leslie Evans, attorney for the property owner was present to request more time.

Leslie Evans, attorney for the property owner, testified and requested more time to comply.

**MOTION BY MR. KOEPPEL TO GRANT THE VIOLATOR ADDITIONAL TIME TO COMPLY, UNTIL APRIL 27, 2012. HE FURTHER ORDERED IF COMPLIANCE IS NOT ACHIEVED BY APRIL 27, 2012 A FINE IN THE AMOUNT OF \$100.00 A DAY WILL COMMENCE ON APRIL 28, 2012 RETROACTIVE TO APRIL 14, 2012 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

VIII. Board Comments: (3:25:47 p.m.)

Mr. Hoffman again congratulated the newly re-appointed Board members.

Various Board members commented on their concerns surrounding the unsafe practices of bicyclists while traveling within the Town limits.

IX. Adjournment: (3:32:21 p.m.)

The meeting was adjourned without benefit of a motion.