

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

Thursday, January 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:(2:00:35 p.m.)

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

II. Roll Call:(2:01:21 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. Approval of the Minutes of December 15, 2011 (2:01:34 p.m.)

**MOTION BY MS. GREENBERG TO APPROVE THE DECEMBER 15, 2011
MINUTES**

SECONDED BY MR. KOEPPEL

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff:(2:01:40 p.m.)

Town Staff who would be testifying were sworn in by Recording Secretary Dunn.

V. Public Hearings:

A. Case # CE 11-1125, 780 S. Ocean Blvd., Terry R. Taylor

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 requested a postponement of this case as the property owner was working toward compliance.

**MOTION BY MR. KOEPEL TO POSTPONE THIS CASE UNTIL THE
FEBRUARY 23, 2012 HEARING
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

B. Case # CE 11-1130, 190 S. Ocean Blvd., Edwin I. Ecclestone, Jr.

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 requested this case be dismissed as the State of Florida declined to issue the property owner a permit to cut the vegetation. They have trimmed the seagrapes east of the C.C.C.L. to the maximum extent allowable without being in violation with the State of Florida, Department of Environmental Protection seagrape trimming guidelines.

**MOTION BY MR. KOEPEL TO DISMISS THIS CASE FOR
COMPLIANCE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

C. Case # CE 11-1132, 224 S. Ocean Blvd., Kevin M. McGovern

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 previous Code Board and requested a dismissal as the property owner was now in compliance.

**MOTION BY MR. FRIED TO DISMISS THIS CASE FOR COMPLIANCE
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

D. Case # CE 11-1348, 550 S. Ocean Blvd., Carolyn P. Andrews

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 requested a postponement of this case as the property owner's landscaper was out of town and wanted to be present at the hearing.

**MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL THE
FEBRUARY 23, 2012 HEARING
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

E. Case # CE 11-1665, 271 Plantation Rd., Alan & Laurie Berman

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 presented the facts of the case and submitted the recorded agreement into evidence. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until February 10, 2012 to comply. Planning Administrative John Lindgren testified about his involvement in the case. Zoning Administrative Paul Castro testified about the recorded plan.

Jacqueline Miller, attorney for the property owner, testified that her client was unaware of this agreement due to an error in the title search. She advised her clients were willing to work with the neighbors to resolve this matter. Mario Navarro, landscaper for the property owner, advised he would be able to restore the landscaping back to the original plan, given some time.

Frank Chopin, attorney for the neighbor, testified that his clients would like the vegetation restored to the original plan. Robert Moore, former Town employee, gave his recollection of the agreement in question.

Various Board members asked questions to clarify the case.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-
COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF
\$150.00 AND GIVE THEM UNTIL JANUARY 29, 2012 TO ACHIEVE
COMPLIANCE BY REPLANTING THE LANDSCAPE PER THEIR
APPROVED ARCOM PLAN OR REPLANT WITH PLANTING MATERIAL
THAT WOULD REQUIRE NO FURTHER TOWN APPROVAL
SECONDED BY MR. OCHSTEIN
MOTION OPPOSED BY ALL OTHER MEMBERS**

**MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL FEBRUARY 10, 2012 TO ACHIEVE COMPLIANCE BY REPLANTING THE LANDSCAPE PER THEIR APPROVED ARCOM PLAN OR REPLANT WITH PLANTING MATERIAL THAT WOULD REQUIRE NO FURTHER TOWN APPROVAL
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

Mr. Hoffman acknowledged Councilman Kleid and Diamond and thanked them for their attendance at the meeting.

F. Case # CE 11-1488, 296 S. County Rd., Woof Gang Bakery and Milton Partnership LTD

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, windows to be maintained in good condition and free of cracks or holes to prevent weather elements or insects from entering

Code Enforcement Officer Gerry 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 February 16, 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 FEBRUARY 16, 2012 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

G. Case # CE 11-1594, 267 Atlantic Ave., Paolo Bergmann Tr.

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions and grass in excess of 8 inches in height not allowed; Violation of Chapter 42, Section 42-87, all exterior appurtenances such as stairs and walkways required to be safe and maintained in good condition

Code Enforcement Officer Gerry reviewed the facts of the case and submitted photographs into evidence. The Town recommended the Board dismiss the violation of Chapter 42-87 for compliance and find the violator in non-compliance for the violation of Chapter 42-86, assess administrative costs of \$150.00 and give them until January 31, 2012 to comply.

MOTION BY MR. KOEPPEL TO DISMISS THE VIOLATION OF CHAPTER 42-87 FOR COMPLIANCE AND FIND THE VIOLATOR IN NON-COMPLIANCE FOR THE VIOLATION OF CHAPTER 42-86, ASSESS

**ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JANUARY 31, 2012 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

H. Case # CE 12-39, 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 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 required

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 February 17, 2012 to comply.

Mark Sessa, consultant for the property owner, was present at the meeting and testified that they are working toward compliance and requested more time.

**MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MARCH 16, 2012 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

I. Case # CE 11-1727, 258 Wells Rd., Anthony David Hill

Violation of Chapter 78, Section 78-39 of the Town of Palm Beach Code of Ordinances, solicitation without a permit

Code Enforcement Officer Walton reviewed the facts of the case and advised the violator was not present at the hearing. 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. BALLENTINE
MOTION PASSED UNANIMOUSLY**

J. Case # CE 11-1469, 1342 N. Lake Way, Joseph Sambuco

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

Code Enforcement Officer Moriarty advised this case was postponed from the previous meeting and the fine in this case has been paid. The Town recommended the Board accept the payment of the fine and no further action be taken.

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

Cases K through N were heard as a group. The facts were the same in each case and no violators were present at the meeting.

K. Case # CE 11-1539, 220 Onondaga Ave., B 17 LLC

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 in the amount of \$150.00 and order them to pay the \$125.00 fine.

**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 MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

L. Case # CE 11-1550, 381 S. Lake Dr., Nassau Square Apts.

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

**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 MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

M. Case # CE 11-1629, 242 Colonial Ln., Reynco Inc.

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

**MOTION BY MR. KOEPPEL 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. VAN BUREN
MOTION PASSED UNANIMOUSLY**

- N. Case # CE 11-1662, 1695 N. Ocean Way, Christopher Browne
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

**MOTION BY MR. KOEPPEL 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. VAN BUREN
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration

- A. Case # CE 11-1387, 240 Sanford Ave., Amos Dare
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 86, Section 86-92, modifications to a property which may alter the drainage plan must be approved by the Town Engineer

Code Enforcement Officer Walton briefly reviewed the case and advised the property owner's attorney was present to request more time to comply.

Ron Kolins, attorney for the property owner, advised they are working toward compliance and requested more time to comply as they need to procure an easement encroachment agreement.

**MOTION BY MR. FRIED TO GRANT THE VIOLATOR MORE TIME TO COMPLY, UNTIL MARCH 16, 2012
SECONDED BY MR. KOEPPEL
MOTION PASSED UNANIMOUSLY**

- B. Case # CE 11-1505, 456 S. Ocean Blvd., Charley's Crab
REPEAT Violation of Chapter 134, Section 134-2179 (f) of the Town of Palm Beach Code of Ordinances, required or supplemental off-street parking shall be effectively screened with hedges which shall extend across the entire building line which separates the parking area from the street except for the access way and such screening shall also be required along the interior lot lines of not less than four feet in height

Code Enforcement Officer Walton briefly reviewed the case and advised the property owner's attorney was present to request more time to comply.

Christopher Benvenuto, attorney for the property owner, updated the Board with the progress that has occurred since last month's meeting and requested more time to comply. Timothy Hanlon, attorney for the property owner to the west of the violating property, spoke to the Board about his client's position in this case.

Robert Wood, a neighboring property owner, spoke to the Board reference the hedges on the south property line and requested the property owner extend the proposed wall to that area.

**MOTION BY MR. KOEPEL TO GRANT THE VIOLATOR MORE TIME TO COMPLY, UNTIL MARCH 16, 2012
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VII. Foreclosure Hearing

A. Case # 10-2705, 332 S. County Rd., 332 S. County Rd. LLC

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, it is unlawful to have any building or other structure which is in dilapidated condition, an accumulation of debris on private property and grass in excess of 8 inches high; Violation of Chapter 42, Section 42-87, exterior walls to be kept painted and in good repair and appurtenances such as walls and canopy awnings to be kept in a safe and good state of repair and Chapter 18, Section 18-241, plumbing and electrical wiring to be maintained in a safe condition and in compliance with the Florida Building Code and the National Electrical Code

Lead Code Enforcement Officer Walton briefly reviewed this case and advised the property owner's attorney was present at the hearing to speak to the Board.

George Ord, attorney for the property owner, testified that they are continuing to work on this building and requested a postponement of the foreclosure action and advised that his client would be prepared to pay some of the current outstanding fine in consideration of this postponement.

MOTION BY MR. FRIED TO POSTPONE THE FORECLOSURE HEARING AND TO GRANT THEM ADDITIONAL TIME TO COMPLY, UNTIL MARCH 5, 2012 PROVIDED THE PAYMENT OF \$44,000.00 IS MADE AGAINST THE CURRENT OUTSTANDING FINE BY JANUARY 30, 2012. HE FURTHER MOTIONED IF PAYMENT IS NOT RECEIVED BY JANUARY 30, 2012, THE BOARD RECOMMENDS THAT TOWN COUNCIL PROCEED WITH FORECLOSURE AT ITS NEXT SCHEDULED MEETING ON FEBRUARY 15, 2012

**SECONDED BY MS. VAN BUREN
MOTION OPPOSED**

ROLL CALL

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

MOTION PASSED 5 TO 2

VIII. Old Business

A. Case # CE 11-1492, 1144 N. Ocean Blvd., Clement C. Mimun (2:10:33 p.m.)

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

Code Enforcement Manager Houston advised the violator in this case was requesting the Board rescind the administrative costs due to the circumstances of the case.

**MOTION BY MR. KOEPPPEL TO RESCIND THE ADMINISTRATIVE
COSTS PREVIOUSLY ASSESSED IN THIS CASE**

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

B. Case # CE 11-1156, 205 Jamaica Ln., Joshua Leader (2:14:43 p.m.)

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

Code Enforcement Manager Houston advised the violator in this case was requesting the Board rescind the administrative costs due to the circumstances of the case.

**MOTION BY MR. OCHSTEIN TO RESCIND THE ADMINISTRATIVE
COSTS PREVIOUSLY ASSESSED IN THIS CASE**

SECONDED BY MR. KOEPPPEL

MOTION PASSED UNANIMOUSLY

IX. Board Comments: (2:17:04 p.m.)

Mr. Hoffman reminded the Board members that the hearing dates were moved to the fourth

Thursday of the month for the months of February and March.

X. Adjournment:(2:17:37 p.m.)

The meeting was adjourned without benefit of a motion.