

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

Thursday, December 15, 2011, 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:(2:00:32 p.m.)

The meeting was called to order by Chairman Hoffman at 2:00 p.m. He acknowledged and thanked Deputy Chief Szarszewski and Major Howe for being at the meeting.

II. Roll Call:

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: Attorney for the Code Enforcement Board Matt 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 November 17, 2011(2:01:17 p.m.)

**MOTION BY MS. GREENBERG TO APPROVE THE NOVEMBER 17, 2011
MINUTES**

SECONDED BY MR. KOEPPEL

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff:(2:01:31 p.m.)

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

V. Public Hearings:

A. 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

Lead Code Enforcement Officer Walton reviewed the facts of the case and submitted photographs into evidence. He advised this was a repeat violation. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and asked to hear from the violator as to an estimated time frame for an effective barrier.

Attorney Christopher Benvenuto spoke on behalf of his client about their intention to install a permanent visual barrier, such as a wall, as effective screening and requested more time to comply. Landscape Contractor George Brittain spoke about the plants that are currently in place. Zoning Administrator Paul Castro answered questions from the Board and Attorney Timothy Hanlon spoke on behalf of his client, a neighboring property. Various Board Members asked questions about the proposal and its viability.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00, GIVE THEM UNTIL JANUARY 5, 2012 TO ERECT A TEMPORARY VISUAL BARRIER AND TO RETURN TO THE JANUARY 19, 2012 CODE BOARD MEETING WITH A TIMETABLE FOR THE CONSTRUCTION OF A PERMANENT BARRIER
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

Mr. Hoffman thanked Councilman Diamond for his attendance at the meeting and advised that Matthew Ramenda was the Attorney present for the Town today.

B. 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 requested a postponement of this case as the violator was working toward compliance.

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

C. Case # CE 11-1565, 2840 S. Ocean Blvd., #601, Ari A. Aho

Violation of Chapter 118, Section 118-89 of the Town of Palm Beach Code of Ordinances, no parking of any commercial motor vehicle on any of the public streets or on any privately owned property lying within any residential zoning district within the town that is not actively engaged in conducting business at or near that location

Lead Code Officer Walton reviewed the facts of the case and submitted photographs into evidence. He advised it resulted from a citizen's complaint. The Town recommended a finding of non-compliance, administrative costs of \$150.00 and order them to pay the fine of \$125.00.

Mr. Aho testified that he did not consider his vehicle a commercial vehicle.

**MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-
COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF
\$150.00 AND WAIVE THE \$125.00 FINE
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

D. Case # CE 11-1574, 367 S. County Rd., Palm Beach Inn LLC

Violation of Chapter 22, Section 22-57 and Section 22-58 of the Town of Palm Beach Code of Ordinances, all windows and doors of vacant buildings or buildings under construction located within the commercial zoning district whose windows and doors can be viewed from the public street and expose the interior of the building to be screened in accordance with the revised "Vacant or Under Construction Window Treatment Policy"

Lead Code Enforcement Officer Walton reviewed the facts of the case and submitted photographs into evidence. He advised it resulted from a routine inspection. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until December 9, 2011 to comply.

Property Manager Charlie Prevost testified on behalf of the property owner and advised they are working toward compliance. He requested more time 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 JANUARY 13, 2012 TO COMPLY
SECONDED BY MR. KOEPPEL
MOTION PASSED UNANIMOUSLY**

E. Case # CE 11-1667, 15 Golfview Rd., Lopez Group

Violation of Chapter 102, Section 102-45 of the Town of Palm Beach Code of Ordinances, curbside placement of trash out of line with schedule

Lead Code Officer Walton advised 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. GREENBERG
MOTION PASSED UNANIMOUSLY**

F. Case # CE 11-1552, 50 Cocoanut Row, Robert Stein Landscaping

Violation of Chapter 42, Section 42-230 of the Town of Palm Beach Code of Ordinances, leaf blowers prohibited from use between the hours of 5:00 p.m. and 9:00 a.m, Monday through Friday from December 1st to April 30th

Lead Code Officer Walton advised 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. GREENBERG
MOTION PASSED UNANIMOUSLY**

G. Case # CE 11-1553, 335 Seaspray Ave., Robert Atlee Barnes, Jr.

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 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. Code Manager Houston informed the Board about information obtained from the internet regarding the violator's company.

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

H. 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 requested a postponement of this case as the violator wanted to appear before the Board and was unable to be at this meeting.

MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL THE JANUARY 19, 2012 HEARING

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

I. Case # CE 11-1492, 1144 N. Ocean Blvd., Clement C. Mimun

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 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 MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

VI. Fine Reduction

A. Case # CE 11-1222, 215 Nightingale Trl., U.S. Bank

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, stagnant water or unsanitary conditions prohibited and properties to be maintained in good condition; Violation of Chapter 42, Section 42-87, exterior walls to be reasonably free of cracks or holes and all exterior surfaces to be painted and in good repair

Lead Code Enforcement Officer Walton advised that Mark Grogis and Debra Grogis were present on behalf of the property owner to request a fine reduction. He advised the outstanding fine is \$12,000.00. Manager Houston reviewed the timeline of her contact with U.S. Bank.

Mark and Debra Grogis reviewed the case with the Board and requested a fine reduction.

Due to the lack of a motion to grant a fine reduction, the outstanding fine in the amount of \$12,000.00 remains in effect.

VII. Old Business

A. Case # CE 11-1397, 201 Ocean Terr., Barry L. Lerner

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 Manager Houston advised the fine payment in this case was received in the mail shortly after the case was heard as the property owner was out of Town. She advised the property owner was requesting the administrative costs be rescinded.

MOTION BY MR. KOEPPPEL TO RESCIND THE ADMINISTRATIVE COSTS OF \$150.00 THAT WERE ASSESSED AT THE NOVEMBER 17, 2011 HEARING
SECONDED BY MS. VAN BUREN
MOTION OPPOSED

ROLL CALL

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

MOTIONS FAILED 4 - 3

VIII. Board Comments: (3:38:11 p.m.)

No comments from any Board Members. Mr. Hoffman wished everyone happy holidays. Manager Houston reminded the Board of the hearing date changes for 2012.

IX. Adjournment: (3:38:14 p.m.)

The meeting was adjourned without benefit of a motion.