

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

**Thursday, April 21, 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](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: (2:00:13 p.m.)**

**II.    Roll Call:(2:00:42 p.m.)**

Upon roll call, the following Board members were present: Chairman Timothy Hoffman, Vice Chairman Harris S. Fried, Joel Koeppel, Larry Ochstein, Madelyn Greenberg, Cynthia Van Buren, James M. Ballentine, Jr. 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 and Recording Secretary Joan Dunn.

Mr. Hoffman acknowledged and thanked Mr. Diamond for his attendance at the meeting.

Mr. Hoffman thanked Mr. Koeppel, Ms. Greenberg and Mr. Peloso for their continued interest in serving on the Board and congratulated them on their re-appointments to the Board.

**III.   Election of Officers:(2:01:06 p.m.)**

Mr. Hoffman was re-elected as Chairman of the Code Enforcement Board.

Mr. Fried was re-elected as Vice Chairman of the Code Enforcement Board.

**IV. Approval of the Minutes of March 17, 2011(2:04:09 p.m.)**

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

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

**V. Administration of the Oath to Town Staff:(2:04:22 p.m.)**

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

**VI. Public Hearings:**

**A. Case # CE 11-66, 150 Australian Ave., Retriever Asset Holding Corp.**

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, the collection of debris or trash on private property not allowed; Violation of Chapter 42, Section 42-87 all exterior surfaces to be kept painted and in good repair; Violation of Chapter 18, Section 18-242 permits required for any plumbing appurtenances installed; Violation of Chapter 46, Section 46-66 which adopts NFPA 70, Article 110, 230, electrical components such as wiring to be maintained in a safe manner and in compliance with the National Electrical Code and NFPA 70, Article 101, 7.1.10, building egresses to be free from obstruction

Code Enforcement Officer Gerry presented the facts of the case and advised it was a result of a routine inspection. He submitted photographs into evidence. The Town recommends dismissing the violations of Chapter 42-86 and Chapter 18-242 for compliance. The Town further recommends a finding of non-compliance for the violations of Chapter 42-87 and Chapter 46-66, administrative costs of \$150.00 and to give them until May 16, 2011 to comply.

Attorney Maura Ziska spoke on behalf of the homeowner and advised they are working toward compliance.

Board members asked for clarification on what issues were still outstanding on this property.

**MOTION BY MR. KOEPPEL TO DISMISS THE VIOLATIONS OF  
CHAPTER 42-86 AND CHAPTER 18-242 FOR COMPLIANCE. HE  
FURTHER MOVED TO FIND THE VIOLATOR IN NON-COMPLIANCE  
FOR THE VIOLATIONS OF CHAPTER 42-87 AND CHAPTER 46-66,  
ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND  
GIVE THEM UNTIL MAY 16, 2011 TO COMPLY  
SECONDED BY MR. OCHSTEIN  
MOTION PASSED UNANIMOUSLY**

B. Case # CE 11-145, 191 Bradley Pl., The Palm Beach Steakhouse

Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, permissible emission of noise level is set at a maximum of 64 dBA for day and 58 dBA for night (between 7:00 p.m. and 9:00 a.m.)

Code Enforcement Officer Gerry requested a postponement of this case until the May 19, 2011 meeting as the violator is actively working towards compliance.

**MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL THE MAY 19, 2011 MEETING**

**SECONDED BY MR. FRIED**

**MOTION PASSED UNANIMOUSLY**

C. Case # CE 11-154, 309 S. County Rd. #A, Aristokids and Pems Partnership Ltd.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, requires appurtenances such as awning covers to be kept in a good state of repair; Violation of Chapter 134, Section 134-2372, permit required for the erection or installation of any sign within the Town

Code Enforcement Officer Gerry presented the facts of the case and advised it was the result of a routine inspection. He submitted photographs into evidence. The Town recommends dismissing the violation of Chapter 134-2372 for compliance. The Town further recommends a finding of non-compliance for the violation of Chapter 42-87, administrative costs of \$150.00 and to give them until May 13, 2011 to comply.

**MOTION BY MR. KOEPEL TO DISMISS THE VIOLATION OF CHAPTER 134-2372 FOR COMPLIANCE. HE FURTHER MOVED TO FIND THE VIOLATOR IN NON-COMPLIANCE FOR THE VIOLATION OF CHAPTER 42-87, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 13, 2011 TO COMPLY**

**SECONDED BY MR. FRIED**

**MOTION PASSED UNANIMOUSLY**

D. Case # CE 11-200, 242 Cherry Ln., Charles W. Smith

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, yard grass in excess of 8 inches in height not allowed; Violation of Chapter 42, Section 42-87, 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

Code Enforcement Officer Gerry presented the facts of the case and advised this was the result of a citizen complaint. He submitted photographs into evidence. The Town recommends dismissing the violation of Chapter 42-86 for compliance. The Town further recommends a finding of non-compliance for the violation of Chapter

42-87, administrative costs of \$150.00 and to give them until June 13, 2011 to comply.

Attorney Curtis Herbert representing Central Mortgage Bank was sworn in and stated the bank has an interest in this property due to a pending foreclosure action.

**MOTION BY MR. KOEPEL TO DISMISS THE VIOLATION OF CHAPTER 42-86 FOR COMPLIANCE. HE FURTHER MOVED TO FIND THE VIOLATOR IN NON-COMPLIANCE FOR THE VIOLATION OF CHAPTER 42-87, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JUNE 13, 2011 TO COMPLY  
SECONDED BY MS. VAN BUREN  
MOTION PASSED UNANIMOUSLY**

- E. Case # CE 11-256, 140 Australian Ave., William T Young III Family Trust  
Violation of Chapter 122, Section 122-78 of the Town of Palm Beach Code of Ordinances, irrigation outside of allowable hours

Lead Code Enforcement Officer Walton requested this case be dismissed as the fine was paid prior to the hearing.

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

- F. Case # CE 11-276, 245 Royal Poinciana Way, PNC Bank  
Chapter 38 Section 38-35 (b) of the Town of Palm Beach Code of Ordinances, burglar alarm fines not paid

Lead Code Enforcement Officer Walton requested this case be dismissed as the fine was paid prior to the hearing.

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

- G. Case # CE 11-348, 404 Hibiscus Ave., Love II 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 Walton presented the facts of the case and submitted photographs into evidence. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until May 13, 2011 to comply.

Mr. Koepfel recommended giving them until May 5, 2011 to comply.

**MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 5, 2011 TO COMPLY  
SECONDED BY MS. VAN BUREN  
MOTION PASSED UNANIMOUSLY**

- H. Case # CE 11-388, 100 Block of S. Ocean Blvd., Charles Gannon Abbott  
Violation of Chapter 6, Section 6-9(2), consumption of alcoholic beverages in public places prohibited

Lead Code Enforcement Officer Walton requested this case be dismissed as the fine was paid prior to the hearing.

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

- I. Case # CE 11-361, 234 Australian Ave., Rabbi Zalman Levitin and Giuseppe Panobianco

REPEAT Violation of Chapter 134, Section 134-945 of the Town of Palm Beach Code of Ordinances, churches, synagogues and other houses of worship in the R-C zoning district require special exception and site plan approval

Lead Code Enforcement Officer Walton requested this case be postponed to the May 19, 2011 meeting as the attorney for the violator had a conflict and was not able to attend this meeting.

**MOTION BY MR. OCHSTEIN TO POSTPONE THIS CASE UNTIL THE MAY 19, 2011 MEETING  
SECONDED BY MS. GREENBERG  
MOTION PASSED, 6 - 1 WITH MS. VAN BUREN OPPOSED**

## **VII. Fine Consideration:**

A. Case # CE 10-741, 445 Antigua Ln., Edward Falcone

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances requires all exterior surfaces to be kept in good condition and roofs to be maintained so as not to leak; Violation of Chapter 46, Section 46-66 which adopts NFPA 70 and requires electrical components such as wiring to be maintained in a safe manner and in compliance with the National Electrical Code and Violation of Chapter 42, Section 42-86 stagnant water or unsanitary conditions not permitted

Lead Code Officer Walton briefly reviewed the case and advised that this property has been sold and Attorney Timothy Hanlon was present on behalf of the new homeowner.

Mr. Hanlon was sworn in and advised the new homeowner will be demolishing the building and requested additional time to acquire the necessary approvals and complete the demolition.

**MOTION BY MR. KOEPPLE TO GRANT THEM ADDITIONAL TIME,  
UNTIL JUNE 13, 2011 TO COMPLY  
SECONDED BY MS. GREENBERG  
MOTION PASSED UNANIMOUSLY**

B. Case # CE 11-105, 151 Chilean Ave., E. Nordin Gilbertson

Violation of Chapter 18, Section 18-241 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

Lead Code Officer Walton briefly reviewed this case and advised the property is not in compliance. The Town recommends a fine of \$100.00 a day commence on April 1, 2011 and continue until compliance is achieved.

**MOTION BY MR. FRIED TO ASSESS A FINE IN THE AMOUNT OF  
\$100.00 A DAY, COMMENCING ON APRIL 1, 2011 AND CONTINUING  
UNTIL COMPLIANCE IS ACHIEVED  
SECONDED BY MR. BALLENTINE  
MOTION PASSED UNANIMOUSLY**

## **VIII. Fine Reduction**

A. Case # CE 10-182, 237 Brazilian Ave., Florida Capital Management 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 such a dilapidated condition that it is unfit for human habitation and Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances which requires foundations and structural members to provide a firm and substantial base and support for the

structure and interior walls and ceilings to be structurally sound and for exterior walls to be kept painted and in good repair and appurtenances such as walls, fences and balconies to be kept in a safe and good state of repair

Lead Code Officer Robert Walton briefly reviewed the case and said the Town had no recommendation. He advised that Mr. Frederick Keitel, the property owner, was present to address the Board.

Mr. Keitel provided a handout to the Board and reviewed it with them. He requested a fine reduction.

**MOTION BY MR. FRIED TO REDUCE THE FINE BY AN AMOUNT WHICH EXCLUDES THE DAYS ON WHICH A MORATORIUM ON DEMOLITION PERMITS WAS ENACTED, WHICH COMPUTES TO \$30,000, FOR A REMAINING FINE DUE OF \$24,750.00 WHICH SHALL BE REQUIRED TO BE PAID WITHIN 10 DAYS. HE FURTHER MOTIONED IF THE FINE IS NOT PAID WITHIN 10 BUSINESS DAYS OF THIS ORDER, IT WILL RETURN TO THE ORIGINAL AMOUNT OF \$54,750.00  
SECONDED BY MS. VAN BUREN  
MOTION PASSED, 6-1 WITH MR. KOEPPPEL OPPOSED**

B. Case # CE 10-537, 240 S. County Rd., Thomas Campaniello

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior walls shall be reasonably free of cracks or holes through which weather elements can enter the building or structure, all exterior surfacing material shall be painted and in good repair and windows and doors shall be maintained in good condition and Chapter 42, Section 42-86 of the Code, unsightly, unsafe or unsanitary conditions not permitted and the storage of debris and discarded/unusable items on private property not allowed

Lead Code Officer Walton briefly reviewed the case and advised Attorney Maura Ziska was present on behalf of the homeowner.

Ms. Ziska and Zack Young of Catalfumo Construction reviewed the timeline of the repairs with the Board and requested a fine reduction.

**BY VIRTUE OF NO MOTION THE FINE REMAINS AT \$ 31,000.00**

**IX. Board Comments: (4:14:41 p.m.)**

Mr. Walton explained to the Board that some cases were postponed due to the property owner working closely with the Code Officers to come into compliance.

Mr. Hoffman thanked Major Szarszewski for his attendance at the meeting.

**X. Adjournment: (4:14:49 p.m.)**

The meeting was adjourned without benefit of motion.