

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

Thursday, February 17, 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:(2:00:11 p.m.)

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

II. Roll Call:(2:00:33 p.m.)

Upon roll call, the following Board members were present: Chairman Timothy Hoffman, Vice Chairman Harris S. Fried, Joel Koeppe, Larry Ochstein, Madelyn Greenberg, Cynthia Van Buren, James M. Ballentine, Jr. and alternate member W. Anthony Dowell.

Staff present: Town Attorney John Randolph, Code Enforcement Manager Raychel Houston, Lead Code Enforcement Officer Robert Walton, Code Enforcement Officer Nick Gerry and Recording Secretary Joan Dunn.

(Mr. Hoffman recognized Councilman Diamond in the audience)

III. Approval of the Minutes of January 20, 2011(2:01:02 p.m.)

**MOTION BY MR. FRIED TO APPROVE THE JANUARY 20, 2011 MINUTES
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(2:01:14 p.m.)

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

(Alternate Member Scotch Peloso arrived at 2:02 p.m.)

V. Public Hearings:

A. Case # CE 10-617, 215 Colonial Ln., Nicholas Arsali

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, stagnant water or unsanitary conditions not allowed and 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

Lead Code Enforcement Officer Walton presented the facts of the case and submitted photographs into evidence. He requested the violation of Chapter 42, Section 42-86 be dismissed as the pool is now in compliance. The Town recommends a finding of non-compliance on the violation of Chapter 18, Section 18-242, administrative costs of \$150.00 and to give them until March 11, 2011 to comply.

Property Owner Nicholas Arsali spoke to the board and explained he has been working on the property and thought he was in compliance by getting the permits.

Mr. Walton said the notice sent to Mr. Arsali stated that permits and inspections were needed to be in compliance. He explained that no inspections related to this violation have occurred.

Building Official Jeff Taylor reviewed the dates and types of permits that have been issued for this property.

**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 11TH, 2011 TO COMPLY
SECONDED BY MR. KOEPPEL
MOTION PASSED UNANIMOUSLY**

B. Case # CE 11-5, 215 Colonial Ln., Nicholas Arsali

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, stagnant water or unsightly, unsafe or unsanitary conditions and the storage of trash and debris on private property not permitted

Lead Code Enforcement Officer Walton advised this violation is now in compliance and requested that this case be dismissed.

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

C. Case # CE 10-760, 332 S. County Rd., 332 South County Road 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 advised the origin of this case was a citizen complaint and it was a postponement from last month's meeting. He stated this violation is now in compliance and requested that this case be dismissed.

MOTION BY MR. OCHSTEIN TO DISMISS THIS CASE FOR COMPLIANCE

SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY

D. 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

Code Enforcement Officer Gerry presented the facts of the case and submitted photographs into evidence. He advised he did speak to the property owner about the violations and the property was posted. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until April 15, 2011 to comply or demolish the building.

Building Official Jeff Taylor advised that the home owner still has time to get on the March ARCOM Agenda and this building could be demolished by April.

MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL APRIL 15, 2011 TO COMPLY

SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

E. Case # CE 10-766, 326 Peruvian Ave., 326 Peruvian Ave. LLLP

Violation of Chapter 134, Section 134-2372 of the Town of Palm Beach Code of Ordinances, permit required for the erection or installation of any sign within the Town and requires signs to be maintained in good condition and Violation of Chapter 42, Section 42-87 of the Code, appurtenances such as awnings to be maintained in their original condition

Code Enforcement Officer Gerry advised this violation is now in compliance and requested that this case be dismissed.

Planning, Zoning and Building Director John Page informed the Board of the Town Council meeting that took place which addressed the issue of business signage throughout the Town.

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

F. Case # 11-2, 325 Worth Ave., New Palm

Violation of Chapter 134, Section 134-2372 of the Town of Palm Beach Code of Ordinances, permit required for the erection or installation of any sign within the Town

Code Enforcement Officer Gerry advised this violation is now in compliance and requested that this case be dismissed.

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

G. Case # CE 11-50, 340 Royal Poinciana Way, Sidney Spiegel Tr. # 31520371 and The Sterling Organization

Violation of Chapter 134, Section 134-326 (b) of the Town of Palm Beach Code of Ordinances, an application for site plan review must be filed and approved by the Town Council prior to the altering of the use of any land and Violation of Chapter 134, Section 134-7 failure to comply with any of the requirements of grants of variances or exceptions

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 February 24, 2011 to comply.

Craig Mueller spoke on behalf of the property owner and advised the planters have been moved to the sidewalk and he believes the property owner does have a plan showing the planters are approved to be on the sidewalk and will produce that plan to Code Enforcement or have the planters completely removed before the February 24th deadline. Mr. Mueller reviewed the history of the lease with the tenant allowing him to have the signs and requested the decision on this violation be postponed until the owner can go before the Town Council to request a variance.

Mr. Walton advised if the Town would not be opposed to a motion to give the property until February 24th, 2011 to comply on the violation of Chapter 134, Section

134-326 (b) and to give them until April 15th, 2011 to comply on the violation of Chapter 134, Section 134-7.

MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND TO GIVE THEM UNTIL JANUARY 24TH, 2011 TO COMPLY ON THE VIOLATION OF CHAPTER 134, SECTION 134-326(b) AND GIVE THEM UNTIL APRIL 15TH, 2011 TO COMPLY ON THE VIOLATION OF CHAPTER 134, SECTION 134-7.

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

H. Case # CE 11-64, 134 El Vedado Rd., Hanson Landscape Co.

Violation of Chapter 102, Section 102-45 of the Town of Palm Beach Code of Ordinances, trash to be placed in public right-of-way no more than one day prior to the scheduled day of collection during season

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

MOTION BY MR. KOEPPEL TO ACCEPT PAYMENT OF THE FINE AND NO FURTHER ACTION BE TAKEN

SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY

I. Case # CE 11-106, 315 Eden Rd., Grasshopper Landscape

Violation of Chapter 42, Section 42-230 of the Town of Palm Beach Code of Ordinances, leaf blowers exceeding 65 dBA not permitted

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. BALLENTINE

MOTION PASSED UNANIMOUSLY

J. Case # CE 11-40, 456 S. Ocean Blvd., A1A Valet Service LLC and Charley's Crab

Violation of Chapter 118, Section 118-46 of the Town of Palm Beach Code of Ordinances, annual valet permit required for the operation of any valet parking service which utilizes the public right-of-way

Lead Code Enforcement Officer Walton requested this case be postponed until the March 17th, 2011 Code Board Meeting as there was no proper service.

MOTION BY MR. KOEPPEL TO POSTPONE THIS CASE UNTIL THE MARCH 17TH, 2011 CODE BOARD MEETING

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

K. Case # CE 11-42, 240 Angler Ave., 240 Angler Avenue LLC

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 or dead/dying trees not permitted and properties required to be maintained in good condition and Violation of Chapter 42, Section 42-87 of the Code, appurtenances such as concrete walls to be kept in a good state of repair

Code Enforcement Officer Gerry presented the facts of the case and submitted photographs into evidence. He advised the property was posted. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until March 4th, 2011 to comply.

Steve Elliott appeared on behalf of the homeowner and advised the homeowner was not aware of these violations until recently.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND TO GIVE THEM UNTIL MARCH 4TH, 2011 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

A. Case # CE 10-721, 240 Angler Ave., 240 Angler Avenue LLC

Violation of Chapter 42, Section 42-86(3) of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions and grass in excess of 8" in height not permitted

Lead Code Enforcement Officer Walton reviewed the facts of the case. The Town recommends a \$50.00 daily fine be assessed, starting January 29th, 2011 and continuing until all violations have been corrected.

**MOTION BY MS. GREENBERG TO ASSESS A FINE IN THE AMOUNT OF \$50.00 A DAY, COMMENCING ON JANUARY 29TH, 2011 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

B. Case # CE 10-691, 1176 N. Ocean Blvd., Frank Jensen Trust

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as driveways and fencing to be kept in a good state of repair; Violation of Chapter 18, Section 18-747, swimming pools to be surrounded with a minimum four (4) foot high enclosure with gates that self-close and latch and Violation of Chapter 42, Section 42-86 unsightly landscape and grass over 8 inches in height and the storage of trash and debris on the property not permitted

Lead Code Enforcement Officer Walton reviewed the facts of the case. The Town recommends a \$150.00 daily fine be assessed, starting February 12th, 2011 and continuing until all violations have been corrected.

**MOTION BY MS. FRIED TO ASSESS A FINE IN THE AMOUNT OF \$150.00 A DAY, COMMENCING ON FEBRUARY 12TH, 2011 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. KOEPPEL
MOTION PASSED UNANIMOUSLY**

C. Case # CE 10-624, 221 Monterey Rd., Linda Greenberg

Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances requires 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

Lead Code Enforcement Officer Walton reviewed the facts of the case and advised the property is still not in compliance.

Forrest Bentley, the contractor, spoke on behalf of the property owner and advised the scope of the work had increased but they are working towards compliance and requested additional time to comply in order to receive and install the windows.

Mr. Walton said the Town did not oppose the time extension but requested a \$250.00 a day fine be assessed commencing on April 16th, 2011 if compliance was not achieved.

**MOTION BY MR. FRIED TO GIVE THE PROPERTY OWNER ADDITIONAL TIME TO COMPLY, UNTIL APRIL 15TH, 2011 AND IF COMPLIANCE IS NOT ACHIEVED BY THAT DATE, A FINE IN THE AMOUNT OF \$250.00 A DAY WILL COMMENCE ON APRIL 16TH, 2011 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

D. Case # CE 10-666, 860 S. Ocean Blvd., John J. Cafaro Family Trust

Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances requires 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 and Violation of Chapter 54, Section 54-71 (a), no landmark or any building on a landmark site or within a historic district shall be altered until an application for a certificate of appropriateness has been submitted and approved by the Commission

Lead Code Enforcement Officer Walton reviewed the facts of the case and advised the property is still not in compliance.

Attorney Timothy Hanlon spoke on behalf of the homeowner. He reviewed the process the homeowner has been going through in order to bring this fountain into compliance. Mr. Hanlon advised they are appearing in front of the Landmarks Commission in March and requested an extension of time to comply, until March 31, 2011.

Mr. Walton said the Town did not object to the extension of time but requested the Board impose a \$250.00 daily fine be assessed, starting April 1st, 2011 if compliance is not achieved and continuing until all violations have been corrected.

**MOTION BY MR. KOEPPEL TO GIVE THEM UNTIL MARCH 31ST, 2011 TO COMPLY AND THAT IF COMPLIANCE IS NOT ACHIEVED BY THAT DATE, A FINE IN THE AMOUNT OF \$250.00 A DAY WILL COMMENCE ON APRIL 1ST, 2011 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VII. Old Business

A. Case # CE 10-145, 106 Hammon Ave., Sirenity Investors Ltd.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, building surfaces, exterior walls, windows and exterior lights to be kept painted and maintained in good condition and Violation of Chapter 114, Section 114-32, business tax receipt required

Lead Code Enforcement Officer Walton advised that Attorney James Brindell was present on behalf of the bank that is now in possession of the property.

Attorney James Brindell was sworn in and spoke on behalf of Triumph Savings Bank. He reviewed the timeline of the case with special attention to the date which his client had control of this property. He requested a reduction in fine based on that date and gave several scenarios as to possible reduction amounts.

**MOTION BY MR. KOEPPEL TO REDUCE THE FINE TO \$17,250.00
MOTION FAILED FOR LACK OF A SECOND**

VIII. Foreclosure Hearings

A. Case # 09-2652, 2283 W. Ibis Isle Rd., Lawrence S. Rule Jr.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior walls shall be kept painted and in good repair and interior walls and ceilings shall be structurally sound and Violation of Chapter 42, Section 42-86, unsightly, unsafe or unsanitary conditions not permitted and storage of trash and debris on private property prohibited

Mr. Walton reviewed the case with the Board and advised this is a vacant homesteaded property. The Town recommends the Board vote to recommend foreclosure on this property.

(Mr. Fried left the meeting and Chairman Hoffman announced Mr. Dowell would now be a voting member in Mr. Fried's absence)

MOTION BY MS. GREENBERG TO RECOMMEND FORECLOSURE ON THE PROPERTY

SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

IX. Board Comments: (4:16:47 p.m.)

Mr. Randolph answered questions relating to the next step in the foreclosure process.

Board members re-opened the discussion on Case # CE 10-145, 106 Hammon Ave., Sireny Investors and their on what transpired during that case. Mr. Randolph was asked if they could still take some action on this case and he advised they could. Further discussion resulted in a new motion.

MOTION BY MR. KOEPEL TO REDUCE THE FINE TO \$23,375.00 TO BE PAID WITHIN 10 BUSINESS DAYS OR THE FINE WOULD REVERT TO THE ORIGINAL AMOUNTY OF \$46,750.00.

SECONDED BY MR. BALLENTINE

MOTION PASSED UNANIMOUSLY

Board members asked Mr. Randolph about correspondence and requests from violators to meet and how they should respond to these requests. Mr. Randolph said Board members should remain removed from these cases and advised against engaging in this type of activity.

X. Adjournment: (4:34:53 p.m.)

The meeting was adjourned without benefit of motion.