

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

Thursday, January 20, 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:(2:00:04 p.m.)

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

II. Roll Call:(2:00:18 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, Code Enforcement Officer Nick Gerry and Recording Secretary Joan Dunn.

III. Approval of the Minutes of December 16, 2010(2:00:44 p.m.)

**MOTION BY MS. GREENBERG TO APPROVE THE DECEMBER 16, 2010
MINUTES**

SECONDED BY MR. KOEPPEL

MOTION PASSED UNANIMOUSLY

(Mr. Hoffman acknowledged and thanked Councilman Diamond for his presence in the audience)

IV. Administration of the Oath to Town Staff:(2:01:10 p.m.)

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

(Fine reduction case "B" was taken out of order to accommodate the schedule of the representative present)

VII. Fine Reduction:

B. Case # CE 10-145, 106 Hammon Ave., Sireenity 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 Robert Walton briefly reviewed the case, advised the property is now in compliance. He advised the fine was currently at \$46,750.00. The Town has no recommendation.

Tammy Tollinchi of Glass Ratner Management was sworn in and spoke on behalf of the current property owner, Equity Bank. She requested a reduction in fine due to the time frame in which Equity Bank had possession of this property.

Various Board members had questions to clarify when Equity Bank took control of the property.

**MOTION BY MR. KOEPPEL TO REDUCE THE FINE BY \$30,750.00 TO \$16, 000.00 WITH THE FINE TO BE PAID WITHIN 10 BUSINESS DAYS OR IT WOULD REVERT BACK TO THE ORIGINAL AMOUNT
SECONDED BY MR. FRIED**

Mr. Ochstein asked to clarify Mr. Koeppel's motion. Several members indicated they misunderstood the motion. After clarification on the motion, Mr. Hoffman asked for a vote.

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

MOTION FAILED 5-2

As there were no additional motions, the fine remained at \$46,750.00

V. Public Hearings:

A. Case # CE 10-499, 11 Lake Trail Circle, Michael A. Merriman Trust

Violation of Chapter 42, Section 42-86 (20) of the Town of Palm Beach Code of Ordinances, seawalls not permitted to fall into a state of disrepair so as to allow erosion to the land adjacent thereto

Code Enforcement Officer Nick Gerry 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 March 11, 2011 to comply.

Richard Davis of Davis Seawall Service was sworn in and spoke on behalf of the property owner. He advised that they are waiting for their engineer drawings to be approved by the DEP. He requested an extension of two months to complete the project due to this delay.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MARCH 16TH, 2011 TO COMPLY
SECONDED BY MS. VAN BUREN
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 Robert Walton presented the facts of the case and advised it was the result of a citizen's complaint. Photographs were submitted into evidence. Mr. Walton advised the debris has been removed and the pool is in compliance although the pool barrier was installed without a permit. The other violations still remain. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until February 11, 2011 to comply on the remaining violations.

Property Manager Gail Alexander was sworn in and spoke on behalf of the property owner.

MOTION BY MR. KOEPPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND TO GIVE THEM UNTIL FEBRUARY 11TH, 2011 TO COMPLY

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

C. Case # CE 10-670, 105 N. County Rd., County Road Holdings LLC

Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and adopted 2004 Florida Building Code, Section 105, building permit required to construct, enlarge, alter, repair, move or demolish any building or structure and Violation of Chapter 42, Section 42-87 exterior walls to be kept reasonably free of cracks or holes through which weather elements can enter the building or structure and all exterior surfacing material to be painted and in good repair

Lead Code Enforcement Officer Robert Walton presented the facts of the case and advised it was the result of a citizen's complaint. Photographs were submitted into evidence. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until March 11, 2011 to comply.

Attorney John Reynolds spoke on behalf of the property owner and advised that the unpermitted walls were installed by his tenant without knowledge of the property owner. He said the delay in compliance has been due to the property owner being unable to gain access to the property due to a pending eviction of this tenant and he requested more time to comply.

Various Board members asked questions of Attorney Reynolds.

Mr. Thomas Tomas, the building's tenant and Dana Schechman, a representative for Key to Life Therapies, were sworn in and spoke before the Board.

MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL FEBRUARY 11TH, 2011 TO COMPLY

**SECONDED BY MR. OCHSTEIN
MOTION OPPOSED**

ROLL CALL VOTE

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

MR. HOFFMAN NO

MOTION FAILED 4 TO 3

**MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL FEBRUARY 11TH, 2011 TO COMPLY ON EXTERIOR VIOLATIONS AND UNTIL MARCH 16TH, 2011 TO COMPLY ON THE INTERIOR VIOLATIONS
SECONDED BY MS. VAN BUREN
MOTION PASSED WITH MR. FRIED DISSENTING**

(Mr. Hoffman acknowledged Councilman Kleid's presence at the meeting)

D. Case # CE 10-720, 21 Via Mizner, Style Paris

Violation of Chapter 114, Section 114-31 and Section 114-32 of the Town of Palm Beach Ordinances, Business Tax Receipt required

Lead Code Enforcement Officer Robert Walton presented the facts of the case and advised it was the result of a routine inspection. He said the business achieved compliance after the date specified by the Code Enforcement Officer and therefore could still be heard by the Board. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and no further action as the business is now in compliance.

**MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND NO FURTHER ACTION BE TAKEN
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

E. 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

Code Enforcement Officer Nick Gerry presented the facts of the case and advised it was the result of a routine inspection. He advised the property was posted as legal service was not obtained. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until January 28th, 2011 to comply.

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 JANUARY 28TH, 2011 TO COMPLY

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

F. 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 Robert Walton requested this case be postponed until the February 17th, 2011 hearing as the violator misunderstood the ordinance and has agreed to comply.

**MOTION BY MR. OCHSTEIN TO POSTPONE THIS CASE UNTIL
FEBRUARY 17TH, 2011
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

G. 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 Robert Walton advised that the violator requested a postponement until the February 17th, 2011 hearing due to illness and Mr. Walton had no objections as the pool was now in compliance.

**MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL
FEBRUARY 17TH, 2011
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

H. 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 Robert Walton advised that the violator requested a postponement until the February 17th, 2011 hearing due to illness and Mr. Walton had no objections.

**MOTION BY MR. KOEPPEL TO POSTPONE THIS CASE UNTIL
FEBRUARY 17th, 2011
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

A. Case # CE 10-587, 340 Royal Poinciana Way, Sidney Spiegel Tr. # 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 of the Code, failure to comply with any of the requirements of grants of variances or exceptions

Lead Code Enforcement Officer Robert Walton reviewed the facts of the case and said the Town has no recommendation.

Craig Mueller spoke as a representative for the property owner and said the delay is due to the uncertainties of the new bridge design and how it will affect their property. He could not give a time frame in which they could comply as this would be dictated by the progress of the new bridge construction.

Paul Castro, Zoning Administrator spoke at the meeting and confirmed the uncertainty of the bridge construction is impeding the violator's ability to comply.

**MOTION BY MR. FRIED TO POSTPONE THIS CASE UNTIL JUNE 16th,
2011 WITH THE STIPULATION THAT IF THE NEW BRIDGE DESIGN
IS DETERMINED PRIOR TO THIS DATE, STAFF WILL BRING THIS
CASE BACK BEFORE THE NEXT APPROPRIATE BOARD HEARING
SECONDED BY MR. KOEPPEL
MOTION PASSED UNANIMOUSLY**

B. Case # CE 10-311, 970 N Lake Way, A.F. Falcione

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 Officer Robert Walton requested this case be dismissed for compliance.

**MOTION BY MS. GREENBERG TO DISMISS THIS CASE FOR
COMPLIANCE**

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

C. Case # CE 10-688, 528 Island Dr., Charles Hickox

Violation of Chapter 106, Section 106-159(b) of the Town of Palm Beach Code of Ordinances, a clearance of 18 feet, measured vertically from the edges of the pavement and extending the full width of all streets and roadways must be maintained at all times for the unobstructed passage of vehicles; Violation of Chapter 42, Section 42-87, appurtenances such as walls and fences to be kept painted and in a good state of repair and Violation of Chapter 42, Section 42-86, stagnant or unsanitary pool water is not allowed

Lead Code Officer Robert Walton reviewed the facts of the case and advised some violations have been corrected. The Town recommends a \$50.00 daily fine be assessed, starting January 15th, 2011 and continuing until all violations have been corrected.

**MOTION BY MR. KOEPPEL TO ASSESS A FINE IN THE AMOUNT OF \$50.00 A DAY, COMMENCING ON JANUARY 15TH, 2011 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

VII. Fine Reduction:

A. Case # CE 10-638, 290 S. County Rd., Thomas Campaniello

Violation of Chapter 134, Section 134-2436 of the Town of Palm Beach Code of Ordinances, business signs are permitted only for a licensed business in a building; Violation of Chapter 42, Section 42-86 and Section 42-87 of the Code which requires properties to be maintained in good condition and exterior walls to be reasonably free of cracks or holes through which weather elements can enter the building and all exterior surfacing material to be kept painted and in good repair; Violation of Chapter 18, Section 18-241 which adopts the Florida Building Code and the National Electrical Code and requires plumbing and electrical wiring to be maintained in a safe condition and Violation of Chapter 114, Section 114-32, valid Business Tax Receipt required for the rental of apartments

Lead Code Officer Robert Walton informed the Board of the total fine associated with this case and introduced Attorney Maura Ziska who spoke on behalf of the property owner. Ms. Ziska explained that the owner's delay in compliance was a result of attempts to explore possible tax abatements on a landmarked property.

John Lindgren, Planning Administrator was sworn in by Recording Secretary Dunn and detailed about his conversation with the property owner in reference to

the landmark process and advised that to his knowledge no paperwork for a certificate of appropriateness was filed by the property owner.

BY VIRTUE OF NO MOTION THE FINE REMAINS AT \$ 7,000.00

VIII. Old Business

A. 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 Violation of 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 Enforcement Officer Robert Walton requested this case be withdrawn at the request of Ms. Ziska, who was present on behalf of the property owner.

IX. Board Comments: (3:48:33 p.m.)

Mr. Fried asked Mr. Walton if the Paramount building had gotten the permits needed to make their repairs and Code Enforcement Manager Raychel Houston advised the permits had been obtained.

Mr. Hoffman asked Attorney Randolph if attorneys need to be sworn in when speaking at the Board hearings. Mr. Randolph advised they are not normally sworn in but it would be at the Board's discretion.

X. Adjournment: (3:50:10 p.m.)

The meeting was adjourned without benefit of motion.