

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

**Thursday, November 18, 2010, 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 Raychel Houston, Secretary to the Code Enforcement Board at (561) 227-6386. 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:(2:00:33 p.m.)**

The meeting was called to order by Chairman Timothy Hoffman at 2:00 p.m. Mr. Hoffman recognized Councilman Diamond in the audience.

**II. Roll Call:(2:00:58 p.m.)**

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

Mr. Hoffman advised Mr. Dowell he would be a voting member today in Mr. Ochstein’s absence.

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 October 21, 2010(2:01:23 p.m.)**

**MOTION BY MR. KOEPPEL TO APPROVE THE OCTOBER 21, 2010  
MINUTES  
SECONDED BY MS. GREENBERG  
MOTION PASSED UNANIMOUSLY**

**IV. Administration of the Oath to Town Staff:(2:01:47 p.m.)**

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

**V. Public Hearings:**

**A. Case # CE 10-407, 90 Via Mizner, Via Mizner Properties**

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions not permitted, exterior surfaces to be maintained in good condition and appurtenances such as awning frames and attached covered material to be maintained in a good state of repair and not present an unsightly appearance

Code Enforcement Officer Nick Gerry requested this case be dismissed for compliance.

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

**B. Case # CE 10-211, 306 Worth Ave., Love 300 LLC**

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 and all exterior surfacing material shall be painted and in good repair and violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances which does not allow any condition that provides harborage for vermin

Lead Code Enforcement Officer Robert Walton presented the facts of the case and advised the origin of the case was a citizen complaint. Photographs were submitted into evidence. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until December 10<sup>th</sup>, 2010 to comply.

Margo De Peyster, a tenant of the building, was sworn in and gave testimony about the violations at this property.

Burt Handelsman, the property owner, was sworn in and spoke on his behalf. He advised there have been some efforts to correct these violations but the construction on Worth Avenue has not allowed him to get to the section of the building with electric lifts.

Board members Ms. Van Buren, Mr. Fried and Mr. Koeppel had questions for Mr. Handelsman about these issues and his efforts to correct the violations.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL DECEMBER 10<sup>TH</sup>, 2010 TO COMPLY  
SECONDED BY MS. GREENBERG  
MOTION PASSED UNANIMOUSLY**

C. 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 Enforcement Officer Robert Walton presented the facts of the case and advised there have been numerous citizen complaints. He requested dismissal of violations Chapter 134, Section 134-2436 and Chapter 114, Section 114-32 for compliance. Photographs were entered into evidence. In reference to violations of Chapter 42, Section 42-86, Section 42-87 and Chapter 18, Section 18-241, the Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until December 10<sup>th</sup>, 2010 to comply. Mr. Walton advised this property was recently landmarked.

**MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL DECEMBER 10<sup>TH</sup>, 2010 TO COMPLY  
SECONDED BY MR. BALLENTINE  
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, 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 and violation of Chapter 54, Section 54-71 (a) of the Code, 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 Robert Walton presented the facts of the case. He advised it was the result of a citizen complaint. Mr. Walton advised this was a landmarked property. Photographs were entered into evidence. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until January 30<sup>th</sup>, 2011 to comply.

Attorney Timothy Hanlon was sworn in and spoke on behalf of the homeowner. Building Official Jeff Taylor spoke about the time frame necessary to remove the fountain if approval was not received from the Landmarks Commission. Mr. Fried, Mr. Koepfel and Mr. Hoffman commented on the case. Mr. Walton advised the Town would amend its recommendation to change compliance date to February 14<sup>th</sup>, 2010 due to Landmark Commission hearing considerations.

**MOTION BY MR. KOEPPLE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL FEBRUARY 14<sup>TH</sup>, 2011 TO COMPLY**  
**SECONDED BY MR. FRIED**  
**MOTION PASSED UNANIMOUSLY**

E. Case # CE 10-473, 1438 N. Ocean Blvd., Michael Schultz

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly landscape and grass over 8 inches in height not allowed and Chapter 42, Section 42-87 of the Code, appurtenances such as walls and fences to be kept painted and in a good state of repair

Code Officer Enforcement Nick Gerry requested this case be postponed to December 16<sup>th</sup>, 2010 as the owner is making substantial progress towards compliance.

**MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL DECEMBER 16<sup>TH</sup>, 2010**  
**SECONDED BY MS. VAN BUREN**  
**MOTION PASSED UNANIMOUSLY**

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

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 presented the facts of the case. He advised it was the result of a citizen complaint of noise. Photographs were entered into evidence. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to grant them until December 10<sup>th</sup>, 2010 to comply.

Jason Drobot was sworn in and spoke as a representative for the architectural firm hired by the homeowner. He noted it was discovered this was a landmarked property. Mr. Drobot advised the new walls were not built to code and they need more time in order to replace these walls and foundation. He said the construction calendar has the job finishing near the end of February.

Mr. Fried, Mr. Koepfel and Mr. Hoffman asked questions for clarification.

Mr. Walton advised the Town would amend its recommendation to change the compliance date to February 16<sup>th</sup>, 2011.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL FEBRUARY 16<sup>TH</sup>, 2011 TO COMPLY  
SECONDED BY MR. FRIED  
MOTION PASSED UNANIMOUSLY**

G. Case # CE 10-613, 133 Seabreeze Ave., Bruce & Joanna Tucker

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 is to be maintained at all times for the unobstructed passage of vehicles

Lead Code Enforcement Officer Robert Walton presented the facts of the case. He advised it was the result of a citizen's complaint about the entire alleyway in the 100 block of Seabreeze Avenue. Photographs were entered into evidence. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until December 3<sup>rd</sup>, 2010 to comply.

Mr. Koepfel asked Mr. Walton questions about the other properties on the alleyway.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL DECEMBER 3<sup>RD</sup>, 2010 TO COMPLY  
SECONDED BY MS. VAN BUREN  
MOTION PASSED UNANIMOUSLY**

H. Case # CE 10-663, 400 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 provide approved screening in accordance with the revised "Vacant or Under Construction Window Treatment Policy"

Lead Code Enforcement Officer Robert Walton presented the facts of the case and entered photographs into evidence. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until December 10<sup>th</sup>, 2010 to comply.

Richard Burke, the property manager, was sworn in and spoke on behalf of the property owner reference the violation. He agreed the Town's compliance date could be met.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL DECEMBER 10<sup>TH</sup>, 2010 TO COMPLY**

**SECONDED BY MR. FRIED**

**MOTION PASSED UNANIMOUSLY**

I. Case # CE 10-636, 211 Ocean Terrace, Robert and Anne Cooney

Violation of Chapter 18, Section 18-747 of the Town of Palm Beach Code of Ordinances, swimming pool gates required to self-close and latch with latches placed four (4) feet above the underlying ground, violation of Chapter 42, Section 42-87 of the Code, unsightly, unsafe or unsanitary condition prohibited and appurtenances such as garage doors to be maintained in good condition, violation of Chapter 106, Section 106-159(b) which requires a clearance of 18 feet, measured vertically from the edges of the pavement and extending the full width of all streets and roadways to be maintained at all times for the unobstructed passage of vehicles and Chapter 42, Section 42-86, grass not allowed to be greater than 8" in height

Code Officer Enforcement Nick Gerry presented the facts of the case and submitted photographs into evidence. He requested to dismiss violations of Chapter 106, Section 106-159 and Chapter 42, Section 42-86 for compliance. Violation of Chapter 42, Section 42-86 remained. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until November 26<sup>th</sup>, 2010 to comply.

Board members expressed their concerns in reference to the unsecured pool gates and requested the recommendation be amended to require the pool gates to be secured within 24 hours of this hearing.

Building Official Taylor reminded the homeowner of the requirements the new gates would have to meet.

**MOTION BY MR. KOEPPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00, SECURE THE POOL GATES WITHIN 24 HOURS AND GIVE THEM UNTIL NOVEMBER 26<sup>TH</sup>, 2010 TO COMPLY**

**SECONDED BY MR. FRIED**

**MOTION PASSED UNANIMOUSLY**

**VI. Fine Consideration:**

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 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 reviewed the case and advised the property has not been brought into compliance. The Town recommends a \$250.00 fine be assessed, starting October 30<sup>th</sup>, 2010 and continuing until compliance is achieved.

Mr. Fried asked if the sidewalk is still blocked off. Building Official Jeff Taylor said the Town may be able to erect a scaffolding on the sidewalk. Mr. Randolph advised it was not within the Code Board's purview to request a scaffolding be erected. Mr. Taylor said the Code Board could make a recommendation to the Town.

The Town's lien and foreclosure procedures were reviewed with the Board by Code Enforcement Manager Raychel Houston.

**MOTION BY MR. FRIED TO FINE THE VIOLATOR A DAILY FINE OF \$250.00 STARTING OCTOBER 30, 2010 CONTINUING UNTIL COMPLIANCE IS ACHIEVED AND RECOMMEND THE TOWN ERECT SOME SCAFFOLDING  
SECONDED BY MS. GREENBERG  
MOTION PASSED UNANIMOUSLY**

**VII. Board Comments: (3:15:02 p.m.)**

Board members had miscellaneous questions and comments reference to previous cases.

**VIII. Adjournment: (3:23:46 p.m.)**

The meeting was adjourned without benefit of motion.