

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

Thursday, October 21, 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 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: (1:59:32 p.m.)

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

II. Roll Call: (2:00:15 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: Counsel for the Board, Joanne O’Connor, Code Enforcement Manager Raychel Houston, Lead Code Enforcement Officer Robert Walton, and Recording Secretary Joan Dunn.

III. Approval of the Minutes of September 16, 2010(2:00:26 p.m.)

**MOTION BY MR. FRIED TO APPROVE THE SEPTEMBER 16, 2010 MINUTES
SECONDED BY MR. KOEPEL
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff: (2:00:46 p.m.)

Town Staff who would be testifying were sworn in by Code Enforcement Specialist Joan Dunn

V. Public Hearings:

A. Case # CE 10-457, 313 Worth Ave., Love 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 said this storefront is now screened and the Town recommends this case be dismissed for compliance.

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

B. Case # CE 10-460, 340 Worth Ave., Everglades Club, Inc.

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 said this storefront is now occupied and is no longer in violation and the Town recommends this case be dismissed for compliance.

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

C. 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 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 Walton presented the facts of the case and advised it was referred to Code Enforcement by PZ & B. He submitted the approved parking lot drawings into evidence.

The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until November 15th to restripe the parking lot on the South, East and West side of the plaza to conform to the drawings. The Town also recommends an extension until January 17, 2011 to comply on the North parking lot due to the construction FDOT will be doing in that area.

Craig Mueller, a representative for Sterling Organization was sworn in and requested more time to comply with the south, east and west sides of the parking lot. He explained that the striping of these areas has been delayed due to discussions with Staff on whether or not the FDOT construction would have an impact. He advised they are submitting the required permit today for that striping. He requested an additional 30 days past the Town's recommendation.

Town Zoning Administrator Paul Castro advised the Sterling Organization has been aware of the need to restripe the parking lot due to it being a condition of a variance issued to them in 2007 and he reviewed the history of the striping of this parking lot.

Mr. Fried asked if the work for the north side of the parking lot would be a dramatic change and Mr. Castro advised it would be and the exact nature of the changes needed was unknown at this time. Ms. Van Buren asked Mr. Mueller how many days he estimated it would take to do the striping and he said about 4 or 5 days but he was concerned there may be issues that needed to be addressed after inspections in order to come into compliance.

Mr. Koeppel asked Mr. Castro if the changes made by FDOT were to accommodate a temporary bridge or if the changes were permanent. Mr. Castro advised that this is a permanent realignment. Mr. Koeppel questioned the time frame for the north lot given the uncertainties introduced by FDOT construction. Mr. Castro believed the time frame should be sufficient. He said he believed all parties would have some idea what FDOT would be doing at that time and additional adjustments could be discussed with the Sterling Organization if necessary.

MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEN UNTIL NOVEMBER 15TH TO COMPLY ON THE SOUTH, EAST AND WEST PARKING LOT AND UNTIL JANUARY 17, 2011 TO COMPLY WITH THE NORTH SIDE OF THE PARKING LOT

SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

(Mr. Hoffman welcomed Council members Mr. Diamond and Mr. Kleid and thanked them for taking the time to attend the meeting)

D. Case # CE 10-565, 205 Royal Palm Way, Palm Beach Jewish Center

Violation of Chapter 134, Section 134-1109 (a) (10) of the Town of Palm Beach Code of Ordinances, churches, synagogues and other houses of worship in the C-TS zoning district are classified as special exception uses and as such, require special exception and site plan approvals prior to religious services being held

Lead Code Enforcement Officer Robert Walton presented the facts of the case, introduced the photographs into evidence and advised the sign has since been removed from the property. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until November 15th to cease any use that has not been approved by the Town Council.

Leslie Evans spoke on behalf of the Palm Beach Jewish Center and agreed they were in non-compliance and said the Rabbi did not realize the severity of the civil law in this matter. He advised they would apply for the special exception before the November 15th deadline and hoped they would be allowed to remain there until they are approved.

Mr. Ballentine asked Mr. Walton to clarify what the Jewish Center was supposed to do between now and November 15th. Mr. Walton advised they would need to find another location to hold worship services after November 15th. Mr. Ballentine confirmed that the Town Council would be the authority to approve them for operating at that location in the future.

Zoning Administrator Paul Castro advised that applications for houses of worship are reviewed by the Council for various issues such as traffic, parking, hours of operation, etc. They review the impact on the surrounding neighborhood to allow everyone to operate in harmony.

Mr. Hoffman asked when the first notification took place. Mr. Walton advised the letter went out on September 24th. Mr. Walton noted that several years ago this congregation was operating out of a hotel and was notified at that time of the requirements needed to operate within the Town. Mr. Walton said at this time the paperwork has not been completed for the special exception.

Mr. Evans requested more time to comply. He said they will apply for a special exception but believed it would be impossible to get it in the time allowed. Mr. Koepfel asked Mr. Castro when the first possible time would be that they could get an approval from the Council. Mr. Castro reminded the Board that, at the direction of Council, staff should move forward on code enforcement violations and not condition them upon getting approval from the Council. He advised the earliest agenda that this could be placed on would be January, 2011.

Mr. Koepfel asked if this would be approved or disapproved at the first hearing under normal circumstances. Mr. Castro said it could be possible to be approved at the first meeting unless there were extenuating circumstances that needed to be worked out.

Mr. Fried questioned the nature of the site plan approval. Building Official Jeff Taylor advised that for an assembly occupancy there may be fire wall or accessibility issues involved. Mr. Castro said the site plan review is part of the special exception process and is reviewed by many departments in the Town to ensure there are no issues with the type of usage proposed. Mr. Fried asked if there are two separate bodies that approve the special exception and the site plan review and Mr. Castro said the site plan was one of the conditions of the special exception application and process.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 15TH TO CEASE ANY USE THAT HAS NOT BEEN APPROVED BY THE TOWN COUNCIL
SECONDED BY MR. KOEPEL
MOTION OPPOSED**

ROLL CALL VOTE:

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

MOTION PASSED 5-2

- E. Case # CE 10-559, 321 Peruvian Ave., Patrick Killian, Inc.
Violation of the Town of Palm Beach Code of Ordinances, Chapter 114, Section 114-31 and Section 114-32, business tax receipt required

Lead Code Enforcement Officer Robert Walton presented the facts of the case and advised the business tax receipt has been obtained at this time. The Town recommends the case be dismissed for compliance.

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

F. Case # CE 10-511, 111 Atlantic Ave., Sandell Corp.

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

Lead Code Enforcement Officer Robert Walton presented the facts of the case and said it resulted from a citizen complaint. He said the property has also been cited on two other occasions. Mr. Walton told the Board that although the property is in compliance today, it was not in compliance on the required date. The Town requests a finding of non-compliance, administrative costs of \$150.00 and no further action be taken.

**MOTION BY MR. KOEPPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND TO CLOSE THE CASE FOR COMPLIANCE
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

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

Violation of Chapter 42, Section 42-7 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

Lead Code Enforcement Officer Robert Walton said the Town recommends this case be postponed until November 18th.

**MOTION BY MS. GREENBERG TO POSTPONE THE CASE UNTIL NOVEMBER 18, 2010
SECONDED BY MR. KOEPPPEL
MOTION PASSED UNANIMOUSLY**

H. 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 presented the facts of the case and entered the photographs into evidence. Mr. Walton said he had met with the property manager, Kathy Elliott. The property is not in compliance at this time. Mr. Walton said he stopped a maintenance man from doing repairs on the balcony because they were inadequate. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and the balcony repairs be completed by October 29, 2010 with all other repairs to the building to be completed by November 12, 2010.

Kathy Elliott spoke on behalf of Mr. Campaniello and said they are currently working on bids for the major work that needs to be done at the property. The cosmetic issues that do not need permits are currently being addressed. She requested an extension of a month to get the major work done.

Mr. Fried asked Mr. Walton if a month was a realistic time frame to obtain a permit and fix the balcony. Mr. Walton deferred to Building Official Jeff Taylor. Mr. Taylor said the subject who is trying to get permission to make these repairs has not been able to reach Mr. Campaniello. Mr. Taylor advised he is prepared to condemn the building due to the immediate threat to the safety of the citizens. Mr. Fried asked what other measures could be taken to protect the pedestrians underneath and Mr. Taylor said scaffolding could be erected.

Mr. Ballentine confirmed the date of the original offense as September 9th and Mr. Walton said the Town put out barricades at that time. He advised he received a letter from an architect outlining the repairs that were going to be made and he notified the architect of the deficiencies of the proposed repairs.

Ms. Van Buren asked Ms. Elliott if she felt the work on the balcony could be done by the 29th. Ms. Elliott said she believed it could, as long as they got Greg Batton's bid for the work. Ms. Van Buren inquired as to what the recourse would be if the work was not completed by the 29th. Mr. Walton said they could be brought back to the next Code Board and a daily fine could be imposed. He also advised that Mr. Taylor could take further action through the building department on a condemnation issue.

Mr. Koepfel asked for a clear direction for the work that needs to be done. Mr. Walton said they need an engineer to design a repair. Mr. Taylor advised balcony repair is not a difficult design and with an engineer, could be done relatively quickly. Mr. Ochstein was concerned about the safety issue as well and supported the Town's recommendation.

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 OCTOBER 29, 2010 TO MAKE ALL REQUIRED BALCONY REPAIRS AND UNTIL NOVEMBER 12, 2010 TO MAKE ALL OTHER REPAIRS TO THE BUILDING

SECONDED BY MR. BALLENTINE

During discussion on the motion, Mr. Fried asked if Mr. Koeppel would amend his motion to require the owners of the property to apply for a permit and erect scaffolding no later than October 27, 2010. Mr. Koeppel said he believed the barricades that are currently in place were sufficient to protect the public.

Ms. Van Buren asked if it was within Mr. Taylor's purview to condemn the building if the repairs to the balcony were not made in the time specified and Mr. Walton advised that it was.

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 OCTOBER 29, 2010 TO MAKE ALL REQUIRED BALCONY REPAIRS AND UNTIL NOVEMBER 12, 2010 TO MAKE ALL OTHER REPAIRS TO THE BUILDING

SECONDED BY MR. BALLENTINE

MOTION PASSED UNANIMOUSLY

I. Case # CE 10-569, 331 Worth Ave., Worth Avenue Holdings LLC

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as roof drains to be maintained as designed and to properly drain

Lead Code Enforcement Officer Robert Walton presented the facts of the case and advised it was the result of a citizen complaint. He entered photographs into evidence. Mr. Walton advised the property was brought into compliance on October 15th, after the compliance date. The owner of the property had been given a verbal warning over the summer for the same violation. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and the case be closed for compliance.

Mr. Hoffman questioned how many inches of water stood on the roof and Mr. Walton advised approximately 3-5 inches of water. Mr. Walton said he had previously asked the property owner to hire a property manager to look after this property but there is no property manager assigned to this property at this time.

MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00, AND TO CLOSE THE CASE FOR COMPLIANCE

SECONDED BY MR. OCHSTEIN

MOTION PASSED UNANIMOUSLY

VI. Fine Consideration:

A. Case # 09-2665, 139 N. County Rd., Paramount Church, Inc.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as railings to be kept in good repair and unsightly, unsanitary or unsafe conditions not permitted

Lead Code Enforcement Officer Robert Walton requested a motion to accept the signed stipulation agreement.

Mr. Koeppel asked Rev. Stevens to approach the podium and questioned him about what steps are being taken to raise the funds for this repair. Rev. Stevens said focused fund raising is in the process. Mr. Koeppel asked if any additional funds have been raised since the last time and Rev. Stevens said no other attempts have been made as there is a permitting process to hold such events and they are in the process of obtaining those permits.

Mr. Fried asked what contractors they have gotten bids from and said he was not impressed with the stipulation agreement. He said he did not want to enter into the stipulation agreement but treat this as a normal course of business. He said the Board has been dealing with this issue for over a year and did not believe the stipulation agreement was in the Town's best interest.

Mr. Ballentine questioned where the exhibits referred to in the agreement were and Mr. Walton said they could be distributed later.

Mr. Koeppel said he believed it had been previously established that the railings were secure and Mr. Walton confirmed he did an inspection last month with the building inspector. He reviewed his testimony last month that the railings are secure with the exception of a wind event. Gene Lawrence testified that the exits to the roof are blocked off and the roof is not part of the exit system in case of emergencies.

Dick Kleid spoke as a resident in reference to the fund raising that is currently taking place.

Mr. Dowell asked if the church owned the building and questioned if increasing the mortgage was a viable option. Rev. Stevens advised they had already tried that, to no avail.

Mr. Fried again questioned the safety of the railings based on the wording in Exhibit A. Mr. Walton agreed that the railings are in bad shape if used as railings but reiterated that the area has been blocked off and the railings are only decorative at this time. Mr. Fried asked if the railings could be removed until they were repaired. Mr. Walton said that would have to be reviewed by the

Landmarks Commission. Mr. Walton then reviewed the options the Board has at this time.

Mr. Koeppel suggested the removal of the railings could be added as a provision to the stipulation agreement. Code Enforcement Manager Raychel Houston told the Board the removal of the railings was a Landmark's Commission decision. She said she was not sure what the time frame would be in order for them to be heard before the Commission. Reverend Stevens advised he could do that but did not know how long it would take.

Mr. Ballentine spoke in favor of the stipulation agreement. He said he felt the more additions the Board made to any agreement would impede the reverend's ability to focus on raising funds to come into compliance. Ms. Van Buren agreed with Mr. Ballentine and felt any additions would delay the process. She said she would support the Town's motion.

Mr. Hoffman advised he was also in favor of the stipulation agreement. He questioned if it was possible to have a separate agreement in reference to the removal of the railings.

Mr. Ochstein wanted clarification as to what happens if the church does not come into compliance when the time has expired. Mr. Walton said the agreement would come back to the Board to ratify the \$100.00 a day fine.

**MOTION BY MR. KOEPPEL TO ACCEPT THE SIGNED STIPULATION AGREEMENT
SECONDED BY MS. VAN BUREN**

During discussion on the motion, Mr. Koeppel did request that Rev. Stevens check on removal of the railings with the Landmark Commission. Mr. Fried advised he believed the church has had a great deal of time to raise the money and he did not believe the stipulation agreement would serve a useful purpose.

**MOTION BY MR. KOEPPEL TO ACCEPT THE SIGNED STIPULATION AGREEMENT
SECONDED BY MS. VAN BUREN
MOTION PASSED 5-2 WITH MR. FRIED AND MR. OCHSTEIN OPPOSED**

(Mr. Hoffman advised that Mr. Koeppel had to leave and Mr. Dowell will now be a voting member)

- B. Case # CE 10-500, 3475 S. Ocean Blvd., # 612, Kathryn S. Reimann
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 the permit for this project has been obtained and the contractor for the homeowner is requesting additional time.

Tim Stepanek from Stepanek Construction said the only projects left to complete are the granite counter tops and decorative lighting. He requested additional time until November 15, 2010 to make sure everything is done correctly and get the final inspections.

Mr. Walton asked that if the Board gave the requested extension, they impose a \$250.00 a day fine after the new compliance date.

**MOTION BY MR. OCHSTEIN TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL NOVEMBER 15, 2010 AND IF COMPLIANCE WAS NOT ACHIEVED, A FINE IN THE AMOUNT OF \$250.00 A DAY WOULD COMMENCE ON NOVEMBER 16, 2010 AND CONTINUE UNTIL COMPLIANCE WAS ACHIEVED
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

C. Case # CE 10-482, 250 Bradley Place, #306, Ioana Cioc

Violation of Chapter 18, Section 18-242, of the Town of Palm Beach Code of Ordinances, building permits are 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 reviewed the case and advised the contractor was here on behalf of Mrs. Cioc to ask for more time. Mr. Walton asked that if the Board gave the requested extension, they impose a \$250.00 a day fine after the new compliance date.

Tony Diaz, the contractor for the project, spoke on behalf of the homeowner. He advised they are near completion and said there was a delay due to needing obtain access to the apartment below for plumbing issues. He requested additional time, until November 12, 2010 to complete the project.

Mr. Hoffman asked if the \$150.00 admin fee has been paid and Mr. Walton confirmed it had been.

MOTION BY MR. OCHSTEIN TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL NOVEMBER 12, 2010 AND IF COMPLIANCE WAS NOT ACHIEVED, A FINE IN THE AMOUNT OF \$250.00 A DAY WOULD

**COMMENCE ON NOVEMBER 13, 2010 AND CONTINUE UNTIL COMPLIANCE WAS ACHIEVED
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

D. Case # CE 10-418, 2300 S. Ocean Blvd., Gail Trinka

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

Lead Code Enforcement Officer Robert Walton advised there has been no contact on this case and nothing has been done on the property. The Town recommends a fine in the amount of \$250.00 a day fine be instituted until compliance is achieved.

Mr. Hoffman questioned Mr. Walton about the lack of contact with the homeowner and Mr. Walton said this may be a foreclosure case.

**MOTION BY MR. FRIED TO IMPOSE A FINE OF \$250.00 A DAY,
COMMENCING ON SEPTEMBER 25, 2010 AND CONTINUING UNTIL
COMPLIANCE IS ACHIEVED.
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

E. 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 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 Robert Walton reviewed the case and said the administrative costs have been paid.

James Brindell from the Gunster law firm appeared with Gene Lawrence, the architect for Ms. Falcione. Mr. Brindell got clarification on the violations and advised a permit was obtained on July 14, 2010 and said he believed the violation in reference to the permit was erroneous. Mr. Brindell advised they would not be able to get the variance until the January hearing. Mr. Lawrence explained why the equipment is in its current position.

Mr. Ballentine asked Mr. Walton to confirm that the chiller meets the Town's noise standards. Mr. Walton said he did not have the noise ordinance in front of him but believed the chiller met the daytime, but not the night time level. He advised that, to his knowledge, there have been no noise complaints other than the original equipment failure complaint which was rectified.

Mr. Castro addressed the Board and advised the variance would depend upon the noise level readings.

Ms. Van Buren asked Mr. Walton to comment on Mr. Lawrence's position that they did come into compliance with the permit. Mr. Walton said he would need some time to review it as he had not seen this permit before today.

MOTION BY MR. FRIED TO POSTPONE THE CASE UNTIL THE JANUARY 20, 2011 MEETING.

SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY

F. Case # CE 10-95, 2880 S. Ocean Blvd., Hojo Partners LLC

Violation of the Town of Palm Beach Code of Ordinances, Chapter 22, Section 22-57 and Section 22-58 requires 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 "Vacant or Under Construction Window Treatment Policy"

Lead Code Enforcement Officer Robert Walton advised all the permits have been obtained and they are asking for additional time. Mr. Walton asked that if the Board gave the requested extension, they impose a \$250.00 a day fine at the end of the additional time if compliance is not met.

Gene Lawrence was present on behalf of the property and requested five weeks to come into compliance.

MOTION BY MR. OCHSTEIN TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL NOVEMBER 30, 2010 AND IF COMPLIANCE IS NOT ACHIEVED, A FINE IN THE AMOUNT OF \$250.00 A DAY WOULD COMMENCE ON DECEMBER 1, 2010 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED.

SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY

VII. Old Business:

A. Case # 10-2705, 332 S. County Rd., 332 S. County 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 dilapidated condition, an accumulation of debris on private property and grass in excess of 8 inches high, Chapter 42, Section 42-87, exterior walls to be kept painted and in good repair and appurtenances such as walls and canopy awnings

to be kept in a safe and good state of repair and Chapter 18, Section 18-241, plumbing and electrical wiring to be maintained in a safe condition and in compliance with the Florida Building Code and the National Electrical Code

Lead Code Enforcement Officer Robert Walton reviewed the case and said a contractor has been brought in to this project and a schedule submitted.

Robert Roddy spoke on his behalf as to the progress that has occurred at this property. George Ord, Mr. Roddy's attorney also reviewed the progress and requested additional time to comply.

Renan Paredes and Debbie Tirpak from Jack Vogel Construction were present with the construction schedule and to answer questions. Mr. Walton asked Mr. Paredes if he had asked the building department to give him partial inspections as contained on their schedule and he said he had not. Mr. Walton said that without those partial inspections, the schedule was no good. Ms. Tirpak said she and Mr. Walton spoke about the issues with the windows today and her construction schedule does provide for the windows.

Leslie Evans addressed the Board and expressed his concerns about the length of time this project has taken and the condition of the building during this time.

Ms. Van Buren asked what work has been done since last month. Mr. Roddy explained what has occurred since last month. Mr. Fried and Mr. Walton spoke about the different compliance dates that have occurred on this project.

Leslie Evans noted that he would be opposed to this building becoming an apartment complex as the construction appears to be moving in that direction. He was advised by Mr. Walton that this is a zoning issue and could be taken up with the Zoning Board.

MOTION BY MR. FRIED TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL DECEMBER 17, 2010 AND IF COMPLIANCE WAS NOT ACHIEVED, A FINE OF A \$250.00 A DAY WOULD COMMENCE ON DECEMBER 18, 2010 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED.

SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

B. Case # CE 10-373, 336 S. County Rd., 336 Partners Inc.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as awnings are required to be kept in good state of repair

Lead Code Enforcement Officer Robert Walton advised the Board that this property was in compliance and the administrative costs paid but the property owner wanted to address the Board.

Keith Warman expressed his opinion to the Board in reference to the violation he had been cited for and his perception as to how it had been handled by the Town.

VIII. Board Comments: (4:58:39 p.m.)

There were no comments from the Board

IX. Adjournment: (4:58:57 p.m.)

The meeting was adjourned without benefit of motion.