

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

Thursday, September 16, 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: (1:59:56 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, and alternate members W. Anthony Dowell and Scotch Peloso. Member James M. Ballentine, Jr. was absent.

(Mr. Hoffman advised Mr. Dowell would be a voting member in Mr. Ballentine’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.

(Mr. Hoffman acknowledged the presence of Council Members Diamond and Kleid in the audience. Mr. Hoffman thanked Councilman Diamond for the time he has spent reviewing the codes and ordinances of the Town.)

III. Approval of the Minutes of August 19, 2010 (2:01:04 p.m.)

**MOTION BY MS. GREENBERG TO APPROVE THE AUGUST 19, 2010
MINUTES**

SECONDED BY MR. KOEPPLE

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff:(2:01:38 p.m.)

Town Staff who would be testifying were sworn in by Code Enforcement Manager Houston.

V. Public Hearings: (2:01:50 p.m.)

- A. Case # CE 10-323, 203 Royal Poinciana Way, Suite I, Renaissance Institute of P.B.
Violation of Chapter 114, Section 114-31 and Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required

Code Enforcement Officer Gerry requested this case be dismissed for compliance as the business has now obtained the required tax receipt and is no longer in violation.

MOTION BY MR. KOEPPEL TO DISMISS THE CASE FOR COMPLIANCE

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

- B. Case # CE 10-328, 340 Royal Poinciana Way, #329, Erik Schneider and Brown, Harris & Stevens of Palm Beach

Violation of Chapter 114, Section 114-31 and Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required

Code Enforcement Officer Gerry requested this case be dismissed for compliance as the business has now obtained the required tax receipt and is no longer in violation.

MOTION BY MR. KOEPPEL TO DISMISS THE CASE FOR COMPLIANCE

SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY

- C. 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

Code Enforcement Officer Gerry presented the facts of the case and said it was brought to our attention as a result of a medical emergency at this address. Photographs of the construction work in progress were submitted into evidence. He advised the Notice of Violation was sent to the owner via certified mail and posted on the property.

Mr. Gerry said he has had several phone conversations with the property owner who is currently in New York and that the property owner is aware of what is going on with his property. Officer Gerry advised the owner had hired a building contractor who obtained a building permit on September 10th. Currently only one framing inspection has taken place and the work at that time did not pass inspection. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and all permits and inspections be completed by October 15th, 2010.

Jeffrey Farwell spoke on behalf of the homeowners and said everything that Officer Gerry presented about the case sounded correct to him. Mr. Farwell advised the first contractor was replaced by another contractor. The new contractor told them they believe they will be able to complete all work within two (2) weeks with the exception of the granite counter tops.

Mr. Hoffman asked if the work could be completed by October 15th. Mr. Farwell said the homeowners believed the project could be completed by that time if they can get the granite countertops expedited.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL OCTOBER 15, 2010 TO COMPLY
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

D. 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

Code Enforcement Officer Gerry presented the facts of the case and said it was a result of a routine inspection on July 16, 2010. Photographs of the awnings were submitted into evidence. Officer Gerry said that the owner did send a letter requesting an extension of time. The letter requested until next year to make the repairs as the owner felt replacing the awnings during hurricane season would not be appropriate. His request was not approved. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and all repairs, permits and inspections be completed by October 15th, 2010.

Mr. Fried asked if it was possible to get the permits within a quick time period. Officer Gerry said he believed this could be done as long as the new awnings matched the same specifications of the old awnings.

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 OCTOBER 15, 2010 TO COMPLY

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

E. Case # CE 10-441, 142 Via Palma, Salomon & Ellen Bitton

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions are not allowed and grass is not allowed to be greater than 8" in height; and Chapter 18, Section 18-747, swimming pool gates are required to self-close and latch with latches placed four (4) feet above the underlying ground; and Chapter 42, Section 42-87, exterior surfaces are required to be kept painted and maintained in good condition

Code Enforcement Officer Gerry presented the facts of the case and said it was a result of a citizen complaint. Photographs of the violations were submitted into evidence. Officer Gerry advised the grass at this residence has since been cut and the windows in the garage repaired. The only remaining violation was the swimming pool gate. The Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to repair/install self closing latching devices and replace the gate in accordance with the ordinance by September 27, 2010.

Mr. Hoffman asked if the gate was a grandfathered item and Mr. Gerry said the date of the installation of the gate is unknown. He said he reviewed the case with the Building Official and was told the property would need to comply with the current code of 48 inches and a self closing latch.

Mr. Fried asked if there was another gate on the property that would be entered before you arrive at this gate and Officer Gerry said there was not. Mr. Fried asked if they need a permit to make these changes. Officer Gerry advised he believed they would have to obtain a permit. Building Official Jeff Taylor approached the podium to clarify and advised that there is no grandfathering of pool barriers as it is a state law. Mr. Taylor said they would like to see a permit on this gate to make sure it meets the proper requirements. Mr. Fried asked how long it would take to get that permit. Mr. Taylor advised they could expedite it and get it within five (5) days.

Ms. Van Buren clarified the dates when the property owners were made aware of the violations. She suggested a reduction of the time to comply on the swimming pool gate to 6 to 8 days due to the safety concerns. Jeff Taylor did advise that a temporary fix could be to put a piece of plywood across the gate area. Mr. Fried agreed with Ms. Van Buren and asked Jeff Taylor if there was an expedited process to get a permit in cases such as these. Jeff Taylor said they could get an overnight permit if needed. Mr. Koeppele requested that the Town recommendation be amended to provide that they need to put up a four (4) foot barrier to seal that area within 24 hours until such time as they get the permit and have the work completed.

Mr. Fried inquired if someone would check to ensure that the barrier was erected within the 24 hour time period. Officer Gerry advised they would check back at that property for the temporary barrier. Mr. Fried asked if they would still be in violation if they complied by September 27th, but did not erect the barrier within the 24 hour time frame. Officer Gerry advised that if that were the case, they would be in violation and could be brought before the Board again for fine consideration.

MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND REQUIRE A TEMPORARY BARRIER TO BE PUT IN PLACE WITHIN 24 HOURS ON THE POOL ACCESS AND TO GIVE THEM UNTIL SEPTEMBER 27, 2010 TO COMPLY

SECONDED BY MR. KOEPEL

MOTION PASSED UNANIMOUSLY

F. 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 Walton presented the facts of the case. He advised this property has now obtained permits but the work is not yet completed and they are not in compliance at this time. Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until October 15th to come into compliance.

Ioana Cioc was sworn in and spoke on her behalf. She explained that this project began as a repair and then became a larger project. She said she was unaware she would need a permit for this project. She said her contractor advised her he can complete this project by October 15th.

MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND TO GIVE THEM UNTIL OCTOBER 15, 2010 TO COMPLY

SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

G. Case # CE 10-475, 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 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 presented the facts of the case and said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until October 15th to come into compliance by completing the project and getting all required inspections or remove the half completed wall.

Landscape Jim B. Hanson was sworn in and spoke on behalf of the property owner. He advised the property owners would like to comply with anything that is suggested. He advised he was given some misinformation in reference to where he could build a retaining wall. Mr. Hanson advised he met with Mark Taynton of the DEP. Mr. Taynton made his recommendations and advised he would be able to issue him a DEP Field permit on November 1st.

Lead Code Enforcement Officer Walton reminded Mr. Hanson he will still need a building permit in addition to the DEP permit. Mr. Hanson advised he understood.

Ms. Van Buren asked if this property was private property and Mr. Hanson said it was private property. Mr. Walton confirmed that this is their property but since it is east of the Coastal Construction Control line, DEP approval would be needed for this project as well as the subsequent plantings.

Mr. Fried wanted to clarify that no work would be done before a permit was received from the DEP. Mr. Walton advised he would need both the DEP permit and a permit from the Town. The timeline that these permits could be obtained was discussed and it was determined the project could be completed by the end of November.

Mr. Koepfel echoed Mr. Fried's concern as the Town's recommendation gave a completion date by October 15th and due to the DEP restriction, that would not be possible. Lead Code Enforcement Officer Walton advised the compliance date could be extended to allow for the work to be finished.

MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 30TH, 2010 TO COMPLY

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

H. 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 presented the facts of the case and photographs were entered into evidence. Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until

September 24th to come into compliance. Mr. Walton advised we have had no contact with the property owner and this may be a property in foreclosure although that has not been confirmed.

Ms. Greenberg wanted to clarify what type of building it was. Mr. Walton advised it was a duplex and each homeowner takes care of their portion of the property. Mr. Koepfel questioned whether there was any homeowners association connected to the property. Mr. Walton said he did not believe there was one. Mr. Ochstein asked if the pool was in compliance as far as safety issues. Mr. Walton replied that as far as he could tell, there were no safety issues associated with the pool. Mr. Fried questioned that if it is discovered that the property had been abandoned, was there anything the Town can do to resolve the violations. Mr. Walton said the Town could do an abatement to deal with these violations.

MOTION BY MR. KOEPPLE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND TO GIVE THEM UNTIL SEPTEMBER 24TH, 2010 TO COMPLY
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY

- I. Case # CE 10-455, 238 Worth Ave., Palm V Assoc Ltd.
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 Robert Walton presented the facts of the case and advised the store front in question has now been screened. The Town recommends this case be dismissed for compliance.

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

- J. 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 Walton presented the facts of the case and photographs were entered into evidence. Mr. Walton said the property owner sent a letter to advise the store is now leased and will be opening October 1st. Due to the upcoming opening of this store, the Town recommends a postponement of this case until October 21st, 2010.

MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL OCTOBER 21, 2010
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY

K. 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 Walton presented the facts of the case and photographs were entered into evidence. Mr. Walton advised that the Everglades Club did have two (2) storefronts that were vacant on the south side of Worth Avenue in the 300 block. One has been occupied and the other store now has a lease and will open shortly. Due to the construction on Worth Avenue and the upcoming opening of this store, the Town recommends a postponement of this case until October 21st, 2010.

MOTION BY MR. FRIED TO POSTPONE THIS CASE UNTIL OCTOBER 21, 2010
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY

VI. **Fine Consideration: (2:49:20 p.m.)**

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 Walton said this case was postponed from the last meeting and several meetings had taken place with Dr. Stevens in regards to getting the railing issue fixed. Mr. Walton believes the Town is coming closer to a settlement in this case and recommends the case be postponed until the October 21st hearing. Mr. Walton advised the Town will either present a stipulation agreement or will give a time frame that is reasonable for the railing to be repaired. He also said the Landmark Committee and the Building Official have

been consulted to see if the railing can be removed prior to the permit being issued since the access to that area has been eliminated.

Mr. Fried requested clarification on the discussions that have taken place with Dr. Stevens and his contractor. Mr. Walton said they are trying to work out a stipulation agreement which would require them to hit certain milestones with their fund raising and construction. Mr. Walton did mention that demolition may have to take place all at once. He said Dr. Stevens is actively raising funds at this time and Mr. Fried wanted to know how the fund raising was progressing. Mr. Walton said Dr. Stevens could enter that into evidence if he would like to, however, he believed they have raised approximately \$12,000 at this time.

Mr. Fried questioned whether or not construction would be allowed during the season. Mr. Walton said they would be able to work. Mr. Fried asked if they could get a permit if they had to scaffold the sidewalk. Mr. Walton said he did not believe the construction would require scaffolding. Mr. Fried asked Mr. Walton if he was encouraged by his discussions with Dr. Stevens that this project was moving forward. Mr. Walton and Manager Houston advised that Dr. Stevens had provided documentation in terms of timelines for the funds and completion times for projects to their satisfaction.

Mr. Koeppel wanted to confirm there were no safety issues still outstanding in reference to this building. Mr. Walton said he took Building Inspector Steve Carew to this property and they did a visual inspection. They both agreed that barring any storm event, the railings would not fall off on their own at this time. Mr. Koeppel said he thought it should be something that is inspected on a monthly basis to ensure safety while this project is ongoing. Mr. Walton said he would continue to inspect the property.

Mr. Fried requested that when the Town is considering stipulations for this project, they would consider the safety issues. Mr. Walton said the balcony was secured and no one can access the balcony and he will go by once a month to monitor the situation.

MOTION BY MR. KOEPEL TO POSTPONE THIS CASE UNTIL OCTOBER 21, 2010

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

B. 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 Walton gave a review of the timeline and violations surrounding this case which has been a Code Enforcement issue since December 2009.

Robert Andrew Roddy was sworn in and spoke on his own behalf. Mr. Roddy told the Board this is an ongoing restoration project. He reviewed the violations he has rectified at this time and the ones that are still outstanding. He said he is planning on moving forward to everyone's satisfaction and requested more time to finish these projects. Mr. Walton asked how much more time he is requesting of the Board and Mr. Roddy said he is asking until December 1st to finish.

Mr. Koeppel said he had anticipated delays in this project based on the age of the building and the Board's experience with other older buildings. He said he was concerned that the Board was not imposing additional burdens. Mr. Koeppel asked Mr. Walton if he felt an effort had been made to complete these projects and Mr. Walton said he did not. He advised the work has not been done concurrently, that Mr. Roddy has been doing it consecutively. Mr. Walton said he has tried to convince Mr. Roddy to get a general contractor to do all the work as a project and not to finish one project and then move onto another.

Mr. Roddy said the windows were custom ordered and are ready to be installed. He said that permit has been expedited and should be issued next week. He also stated that the drywall company has expedited their permit. Mr. Roddy advised that in hindsight, the projects should have been concurrent and said he is now moving forward with these projects concurrently and does not want to have to come back and ask for more time from the Board. Mr. Walton confirmed that the Board got letters from Mr. Roddy's neighbors which supported him in his efforts.

Mr. Hoffman asked Mr. Roddy why the original general contractor could not stick to the schedule that was presented to the Board. Mr. Roddy said the contractor did all the work on the wall with the exception of the stucco work. He said the window company applied for their permit but it would not be issued until the repair permit was closed out. Mr. Hoffman clarified that the general contractor for the wall was not the general contractor for all the projects on the property as the Board was lead to believe when previously reviewing this case.

Mr. Fried wanted to clarify with Mr. Walton that instead of having one general contractor in charge of all these projects, as was originally presented to the Board, there were several contractors applying for permits on this property. Mr. Walton agreed that the original general contractor presented to the Board did not take on the entire project as a general contractor. Mr. Walton said he could not advise why Mr. Roddy had chosen different contractors for all these projects. Mr. Walton said you can only have one general contractor on the job at a time. Since the original contractor did not amend his permit to include the other projects, the

subsequent contractors had to wait until the original permit was completed. Mr. Walton advised the original contractor completed his permit as of yesterday.

Mr. Fried asked what projects are left in the overall project. Mr. Walton advised all the interior repairs still need to be done as well as the windows. The building is in the Town Landmarks district and therefore new windows need Landmarks approval which has not been obtained to date. Mr. Fried asked Mr. Roddy what his plans are for finishing the rest of the projects after the contractor finishes the windows. Mr. Roddy advised that Jack Vogel is the company who is doing the drywall work and they will apply for a permit once the windows are completed. Mr. Fried asked Mr. Roddy if he had a contract with Jack Vogel to do work and Mr. Roddy said he has a verbal agreement. Mr. Fried asked Mr. Roddy if he already had a bid and he said he did. Mr. Fried inquired if Mr. Vogel had indicated he could complete this project by December 1st and Mr. Roddy said Jack Vogel had not confirmed that date.

Mr. Koeppel questioned the known plumbing and electrical issues behind the walls and Mr. Roddy's plans for addressing those issues. Mr. Roddy said an electrician has already corrected the electrical concerns and the plumbing issues were taken care of also. Mr. Koeppel asked Mr. Walton if the drywall would be the only repairs remaining. Mr. Walton advised that once the drywall is open, there may be other areas that reveal themselves that require work such as framing, etc. Mr. Walton referenced the pictures in the presentation to show some of the other repairs that remain. Mr. Walton also advised that Code Enforcement has not gone into the site recently as Mr. Roddy had a schedule for repairs and they were giving him the time he needed to make those repairs.

Mr. Koeppel then asked Mr. Roddy why he needs so much more time if the windows and drywall are the only issues left. Mr. Roddy said the current drywall needs to be removed and it has been his experience that when a wall is opened there is a potential for other issues to emerge.

Mr. Ochstein asked for Mr. Walton's recommendation. Mr. Walton said if the Town considers granting Mr. Roddy more time, he would ask that he be given no longer than October 31st to comply at which time a daily fine should commence. Mr. Ochstein inquired as to what the daily fine would be if imposed and Mr. Walton said anywhere from \$150.00 to \$200.00 a day. Mr. Koeppel said he is inclined to agree with Mr. Walton but Mr. Roddy should come back at the October 21th meeting and let the Board know if there are any project problems that would cause more delays.

Mr. Hoffman questioned why Mr. Roddy could not schedule the proper construction in a sufficient time frame. Mr. Roddy advised an old building requires special care and detail and he thought he would do things consecutively in order to address details that arise when completing these projects. He advised he was confident at the time that he could do it and be able to meet the deadlines needed. In hindsight, he now sees that completing projects concurrently may have been a better idea. He believed that the windows should go quickly and was only

concerned about what may be found underneath the old drywall that might cause delays.

Ms. Van Buren suggested that Mr. Roddy consider employing a general contractor to ensure the remaining projects are finished in a timely manner. Mr. Roddy said he was down to the final two contractors who have their paperwork in place and felt there was nothing that a general contractor would add to help complete these projects. Ms. Van Buren disagreed and said that a general contractor could oversee and coordinate these projects in order to expedite them.

Building Official Jeff Taylor spoke and said that Jack Vogel does hold a general contractors license. Mr. Hoffman remarked that Jack Vogel is not being used as a general contractor on this property. Mr. Roddy said he would be confident in using Jack Vogel as the general contractor if the Board would allow him.

MOTION BY MR. KOEPPEL TO EXTEND THE COMPLIANCE DATE UNTIL OCTOBER 31, 2010 TO COMPLETE THE PROJECT BUT REQUIRE MR. RODDY TO ATTEND THE NEXT BOARD MEETING ON OCTOBER 21ST TO GIVE THE BOARD AN UPDATE AS TO THE STATUS OF THE PROJECT. IF THE PROJECT IS NOT COMPLETED BY OCTOBER 31ST THEN A FINE IS TO BE ASSESSED OF \$175.00 A DAY.

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

(Mr. Hoffman announced that Mr. Fried had to leave and that Mr. Peloso would be a voting member for the rest of the meeting)

C. Case # CE 10-73, 220 Sunrise Ave., Bank of America

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 Officer Robert Walton briefly reviewed the case and advised there were two stores in this building, one which has now been rented. Mr. Walton advised the property manager is present today to speak to the Board to request more time reference the vacant store.

Linette Frash was sworn in and spoke on behalf of Bank of America. She advised there was a misunderstanding by previous property managers about whether this code applied to their property as they were not a store. There was also an issue about non-matching window treatments that was also misunderstood. Ms. Frash advised there has been some mix up as to where the letters need to be mailed in order to be received by the proper property manager. All of this caused delays

in their ability to come into compliance. They have ordered mini- blinds that will match the neighboring office and they should be arriving next week with the installation to follow thereafter.

Mr. Walton advised that once Ms. Frash found out about this problem, she promptly contacted him and has been trying to resolve this as quickly as she could. Mr. Walton advised that the mailings go to the property owners based on the Property Appraiser's Office information, but that in the future we will send her a copy. Mr. Walton clarified how much more time they would need to come into compliance. Ms. Frash requested an additional two and a half weeks. Mr. Walton asked if October 8th would be sufficient and she agreed that it would. Mr. Walton was agreeable to the extension as long as the Board would require Bank of America to pay the administrative costs which Mr. Walton stated they have already agreed to do

**MOTION BY MR. KOEPPEL TO GIVE UNTIL OCTOBER 8, 2010 TO COMPLY AND REQUIRE THEM TO PAY THE ADMINISTRATIVE COST OF \$150.00 WITHIN 7 DAYS
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

- D. Case # CE 10-300, 202 Indian Rd., Nancy S. Walsh & Thomas J. Abbamont Tr
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as driveways to be maintained in good condition

Lead Code Enforcement Officer Robert Walton briefly reminded the Board of the facts of the case and said there was a problem encountered with issuing the permit. He advised they have paid their \$150.00 administrative costs. Mr. Walton said Scott Gordon, the representative for the property, is asking for another two weeks to complete this project. Mr. Walton said the Town is willing to grant this additional time and the Board could authorize fines after that time if the work is not complete.

Scott Gordon, a representative for the property, was sworn in and agreed with Mr. Walton on the facts of the case. Mr. Gordon advised the permit was issued yesterday and work will begin on Monday.

**MOTION BY MR. OCHSTEIN TO GIVE THEM ADDITIONAL TIME TO COMPLY, UNTIL OCTOBER 8, 2010
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

- E. Case # CE 10-351, 251 Sunrise Ave., Rava 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 advised the Board this property was given until September 3rd at the last Code Board hearing to come into compliance. Mr. Walton said they have not come into compliance. He advised there is a now a contractor on site and the property is under construction. However, the new ordinance does require that even buildings under construction be screened. The hearing costs have been paid and the contractor is aware of the violation. Mr. Walton advised he has not been able to contact the property owner personally. The Town recommends a penalty of \$50.00 a day be instituted on the day after compliance was ordered.

Mr. Koeppel asked Mr. Walton if the contractor is aware that screening is still required during construction. Mr. Walton said he spoke to the contractor who is aware of it. He also noted that he cited the contractor at that time due to some missing building permits for the construction that was taking place. Mr. Ochstein questioned if this was the same owners that owe the Town money for noise violations. Mr. Walton advised that all the noise violation fines have been paid.

**MOTION BY MR. PELOSO TO IMPOSE A FINE OF \$50.00 A DAY,
COMMENCING ON SEPTEMBER 4, 2010 AND CONTINUING
UNTIL COMPLIANCE IS ACHIEVED.
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

F. Case # CE 10-359, 516 S. Ocean Blvd., Robert M. Feldman

Violation of Chapter 42, Section 42-86 (3) and Section 42-86 (18) of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions, grass in excess of 8 inches in height and the storage of trash and debris on private property not permitted, Violation of Chapter 42, Section 42-164 which prohibits fugitive dust and blowing sand, Chapter 18, Section 18-206 (4) which requires any site in which reconstruction does not commence within 15 days after demolition to be irrigated and sodded and Chapter 42, Section 42-87, appurtenances such as driveways to be maintained in good condition

Lead Code Enforcement Officer Robert Walton reviewed the case and advised the Board that although the grass had been cut at this vacant property, it has become overgrown again. This building on the property was demolished and the property not properly irrigated and sodded. The property was found in non-compliance and was given until September 10th to comply. No contact has been made with the property owner. The Town recommends a fine of \$250.00 a day starting on the day after compliance was ordered. Mr. Koeppel asked if they were required to sod the property and if that was part of this violation. Mr. Walton said it was a requirement and cited the chapter and section of the violations.

**MOTION BY MR. KOEPPEL TO IMPOSE A FINE OF \$250.00 A DAY
COMMENCING ON SEPTEMBER 11, 2010 AND CONTINUING UNTIL
COMPLIANCE IS ACHIEVED.
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

VII. Board Comments: (3:39:47 p.m.)

Ms. Greenberg had a question for Mr. Walton in reference to a previous case in which proper window screening was foregone as demolition was to take place. The property was required to straighten the current shades until such demolition took place. Ms. Greenberg advised that this has not occurred. Mr. Walton said he would remind the owner of that and also added that they did receive the variances they needed from the Town Council and are awaiting their demolition approval from ARCOM

Ms. Greenberg questioned Mr. Walton in reference to a hotel in Town that was supposed to have moved certain items to be in compliance. Mr. Walton advised that the hotel did move the items, but they still owe the Town some fines. Manager Houston clarified that one of the items was removed, however the other has not and the hotel is still in daily running fines at this time.

VIII. Adjournment: (3:42:04 p.m.)

The meeting was adjourned without benefit of motion.