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**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, AUGUST 16, 2001
AT THE TOWN COUNCIL CHAMBERS, 360 S. COUNTY ROAD**

I. **Call to Order:** The meeting was called to order at 2:03 p.m. by Chairman David J. Thomas.

II. **Roll Call:** PRESENT: David J. Thomas, Chairman
 Eugene Lawrence, Member
 Scott Sloane, Vice-Chairman
 Dr. Harry Horwich, Member
 M. S. Rukeyser, Jr., Member
 Pamela Hoffpauer, Member
 Lowell Levine, Alternate Member
 ABSENT: P. Robert Bale, Member (unexcused)

RECORDING SECRETARY: Deborah A. Morakis

III. **Approval of the Minutes of July 19, 2001:**

MOTION BY MR. SLOANE TO APPROVE THE MINUTES OF THE JULY 19, 2001 CODE ENFORCEMENT BOARD MEETING.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.

IV. **Public Hearings:**

A **Case #01-1313, Charles Riley Properties, 220 Kawama Lane**
Violation of Chapter 30, Section 30-114 of the Town of Palm Beach Code of Ordinances, the water quality will be protected by the retention of the first one inch of fall prior to discharge into the Town's system. According to plans on file at the Town of Palm Beach Building Department for 220 Kawama Lane, a rear swale area is shown across the entire length of the south property line, approximately two (2) feet in depth.

Mr. House indicated that the first portion of Case #01-1313 pertaining to Chapter 30, Section 30-114 has been brought into compliance.

MOTION BY DR. HORWICH TO DISMISS THE PORTION CASE #01-1313 CONCERNING A VIOLATION OF CHAPTER 30, SECTION 30-114 FOR COMPLIANCE.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

Violation of Chapter XII of the Standards Applicable to Public Rights-of-Way and Easements Within the Town of Palm Beach (the Engineering Blue Book), placement of walls, trees or hedges within the easement that would restrict access is prohibited.

All parties were sworn in. Mr. House testified that this is a long-standing problem.

There was a hedge placed in the easement, Mr. Riley was asked to remove it. Mr. Riley has ordered his contractor to remove it. I ask that Mr. Riley be found guilty and ordered to comply within fifteen (15) days. It is a potential blockage for utilities. He removed some of it that was along a hedge but there is more to be removed. Further discussion took place regarding the violation of Chapter XII of the Standards Applicable to Public Rights-of-Way and Easements within the Town of Palm Beach (the Engineering Blue Book) the following motion was made:

MOTION BY MR. SLOANE THAT THE DEFENDANT IN CASE #01-1313 BE FOUND GUILTY AND ORDERED TO COMPLY WITHIN FIFTEEN (15) DAYS.

MOTION SECONDED BY DR. HORWICH.

MOTION CARRIED UNANIMOUSLY.

B Case #01-1314, Delphin Corporation, 107 Dolphin Road

Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet must be maintained above all roadways.

MOTION BY MR. LAWRENCE THAT THE DEFENDANTS IN CASE #01-1314 AND CASE #01-1315 BE DISMISSED FOR COMPLIANCE.

MOTION SECONDED BY MR. SLOANE.

MOTION CARRIED UNANIMOUSLY.

C Case #01-1315, Frank Jensen Tr., 1178 North Ocean Blvd.

Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet must be maintained above all roadways.

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, grass shall not be permitted to grow to a height greater than eight (8) inches and debris shall not be allowed to accumulate on property in the Town of Palm Beach.

MOTION BY MR. LAWRENCE THAT THE DEFENDANTS IN CASE #01-1314 AND CASE #01-1315 BE DISMISSED FOR COMPLIANCE.

MOTION SECONDED BY MR. SLOANE.

MOTION CARRIED UNANIMOUSLY.

D Case #01-1316, Richard Nernberg, 218 Jamaica Lane

Violation of Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances, it shall be unlawful for any person to permit any collection of standing water in which mosquitoes breed or are likely to breed.

Mr. House testified that as of this morning there was still standing water and there is still an area that can breed mosquitoes and recommended that they be ordered to comply within seven days. This is a water collection area.

MOTION BY MR. LAWRENCE TO FIND THE DEFENDANT IN CASE #01-1316 GUILTY AND ORDERED TO COMPLY WITHIN SEVEN (7) DAYS.

MOTION SECONDED BY MR. SLOANE.

MOTION CARRIED UNANIMOUSLY.

E Case #01-1317, Michael Ainslie, 415 Seaspray Avenue

Violation of Section 122.53 of the Town of Palm Beach Code of Ordinances, operating a sprinkler system on the wrong day.

MOTION BY DR. HORWICH TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE IN CASE #'S 01-1317, 01-1318, 01-1319, 01-1321, 01-1322, 01-1323, AND 01-1324.
MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.

F Case #01-1318, Mary Mahoney Enterprises, Inc., 351 Worth Avenue
Violation of Section 38-35 (b) of the Town of Palm Beach Code of Ordinances, alarm system users with fines not paid within thirty (30) days of first billing.
MOTION BY DR. HORWICH TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE IN CASE #'S 01-1317, 01-1318, 01-1319, 01-1321, 01-1322, 01-1323, AND 01-1324.
MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.

G Case #01-1319, Edward Gropper, 417 Antigua Lane
Violation of Section 122.53 of the Town of Palm Beach Code of Ordinances, operating a sprinkler system on the wrong day, 2nd violation.
MOTION BY DR. HORWICH TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE IN CASE #'S 01-1317, 01-1318, 01-1319, 01-1321, 01-1322, 01-1323, AND 01-1324.
MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.

H Case #01-1320, John Pickett, 1768 So. Ocean Blvd.
Violation of Section 122.53 of the Town of Palm Beach Code of Ordinances, operating a sprinkler system at the wrong time.

Testimony was heard from Chief Code Compliance Officer Brian House and Police Officer Michael Keenan. Officer Keenan testified that he observed sprinklers on at that address. It was the right day but the wrong time. No one was here to testify on behalf of Mr. Pickett.
MOTION BY MR. SLOANE THAT THE DEFENDANT IN CASE #01-1320 BE FOUND GUILTY AND ORDERED TO PAY THE FINE OF \$100.00 AND COURT COSTS IN THE AMOUNT OF \$82.30 FOR A TOTAL DUE AND OWING OF \$182.30.
MOTION SECONDED BY MR. LEVINE.
MOTION CARRIED UNANIMOUSLY.

I Case #01-1321, Nancy Brinker, 211 Via Tortuga
Violation of Section 122.53 of the Town of Palm Beach Code of Ordinances, operating a sprinkler system on the wrong day.
MOTION BY DR. HORWICH TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE IN CASE #'S 01-1317, 01-1318, 01-1319, 01-1321, 01-1322, 01-1323, AND 01-1324.
MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.

J Case #01-1322, Maddocks Company, 501 North Lake Way
Violation of Section 122.53 of the Town of Palm Beach Code of Ordinances, operating a sprinkler system at the wrong time.
MOTION BY DR. HORWICH TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE IN CASE #'S 01-1317, 01-1318, 01-1319, 01-1321, 01-1322, 01-1323, AND 01-1324.
MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.

K Case #01-1323, Atrium Condo, Lou Fitzpatrick, 3300 South Ocean Blvd.

Violation of Section 122.53 of the Town of Palm Beach Code of Ordinances, operating a sprinkler system at the wrong time, 2nd violation.

MOTION BY DR. HORWICH TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE IN CASE #'S 01-1317, 01-1318, 01-1319, 01-1321, 01-1322, 01-1323, AND 01-1324.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

L Case #01-1324, Paul Pomfret, 168 Reef Road

Violation of Section 122.53 of the Town of Palm Beach Code of Ordinances, operating a sprinkler system on the wrong day and time, 2nd violation.

MOTION BY DR. HORWICH TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE IN CASE #'S 01-1317, 01-1318, 01-1319, 01-1321, 01-1322, 01-1323, AND 01-1324.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

V. Presentation of New Cases to Set for Hearing:

A Case #01-1326, Marilyn R. Sultan, 314 Dunbar Road

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, grass shall not be permitted to grow to a height greater than eight (8) inches and debris shall not be allowed to accumulate on property in the Town of Palm Beach.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all exterior walls, etc., shall be reasonably free of cracks, painted and shall be kept in sound condition and good repair.

MOTION BY MR. BALE TO SET CASE #'S 01-1326, 01-1327, 01-1328, 01-1329, 01-1330, 01-1331, 01-1332, 01-1333, 01-1334 AND 01-1335 FOR HEARING AT THE SEPTEMBER 20, 2001 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

B Case #01-1327, Salvatore J. Balsamo, % One South, 280 Tradewinds Drive

Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard trash on Town right-of-way out of line with the schedule.

MOTION BY MR. BALE TO SET CASE #'S 01-1326, 01-1327, 01-1328, 01-1329, 01-1330, 01-1331, 01-1332, 01-1333, 01-1334 AND 01-1335 FOR HEARING AT THE SEPTEMBER 20, 2001 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

C Case #01-1328, Fred Keller, 100 Worth Avenue, #118

Violation of Section 18-242 of the Town of Palm Beach Code of Ordinances, a building permit is required to add to the gate on Hammon Avenue leading to your apartment.

Violation of Section 18-146 through 18-208, approval of the subject structure by the Town's Architectural Review Commission is required.

MOTION BY MR. BALE TO SET CASE #'S 01-1326, 01-1327, 01-1328, 01-1329, 01-1330, 01-1331, 01-1332, 01-1333, 01-1334 AND 01-1335 FOR HEARING AT THE SEPTEMBER 20, 2001 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

D Case #01-1329, Muriel Siebert & Co., Inc., 240 South County Road, Suite A

Violation of Section 134-229 (12) of the Town of Palm Beach Zoning Ordinance, requires as

part of your Special Exception approval to occupy and conduct business at your present location, you are required to provide the town of Palm Beach with acceptable Town-Serving documentation at the time of yearly renewal of your occupational license.

MOTION BY MR BALE TO SET CASE #'S 01-1326, 01-1327, 01-1328, 01-1329, 01-1330, 01-1331, 01-1332, 01-1333, 01-1334 AND 01-1335 FOR HEARING AT THE SEPTEMBER 20, 2001 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

E Case #01-1330, Paul J. & Florence M. Chase, 10 Middle Road

Violation of Chapter 106, Section 19-6 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eight (8) feet above all sidewalks must be maintained to allow for unobstructed passage of pedestrians.

MOTION BY MR BALE TO SET CASE #'S 01-1326, 01-1327, 01-1328, 01-1329, 01-1330, 01-1331, 01-1332, 01-1333, 01-1334 AND 01-1335 FOR HEARING AT THE SEPTEMBER 20, 2001 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

F Case #01-1331, Elliot H & Fruema A. Klorfein, 254 North Woods Road

Violation of Chapter 106, Section 106-159 of the town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet must be maintained above all roadways.

MOTION BY MR BALE TO SET CASE #'S 01-1326, 01-1327, 01-1328, 01-1329, 01-1330, 01-1331, 01-1332, 01-1333, 01-1334 AND 01-1335 FOR HEARING AT THE SEPTEMBER 20, 2001 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

G Case #01-1332, Boston Homes, Inc., 312 Cherry Lane

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, it is unlawful for any property owner to allow grass or weeds to grow to a height greater than eight (8) inches, stumps or other vegetation to become overgrown or accumulate.

MOTION BY MR BALE TO SET CASE #'S 01-1326, 01-1327, 01-1328, 01-1329, 01-1330, 01-1331, 01-1332, 01-1333, 01-1334 AND 01-1335 FOR HEARING AT THE SEPTEMBER 20, 2001 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

H Case #01-1333, PFG Group, 241 South Woods Road

Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of eighteen (18) feet must be maintained above all roadways.

MOTION BY MR. BALE TO SET CASE #'S 01-1326, 01-1327, 01-1328, 01-1329, 01-1330, 01-1331, 01-1332, 01-1333, 01-1334 AND 01-1335 FOR HEARING AT THE SEPTEMBER 20, 2001 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

I Case #01-1334, PB Land Investments, Inc., 334 El Vedado Road

Violation of Section 104.6.1.4 of the Town of Palm Beach Code of Ordinances, Medium projects, all new or remodel construction projects of 4,000 sq. ft. to 8,999 sq. ft. shall be allowed twenty (20) months.

MOTION BY MR. BALE TO SET CASE #'S 01-1326, 01-1327, 01-1328, 01-1329, 01-1330, 01-1331, 01-1332, 01-1333, 01-1334 AND 01-1335 FOR HEARING AT THE SEPTEMBER 20, 2001 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.

- J Case #01-1335, Anthony & Mary J. Underwood, 257 Fairview Road
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard trash on Town right-of-way out of line with the schedule.
MOTION BY MR. BALE TO SET CASE #'S 01-1326, 01-1327, 01-1328, 01-1329, 01-1330, 01-1331, 01-1332, 01-1333, 01-1334 AND 01-1335 FOR HEARING AT THE SEPTEMBER 20, 2001 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.

VI. New Business:

VII. Old Business:

Mr. Levine asked about the Black Tie Limousine case at the Four Seasons.
Attorney Randolph advised the Board that we filed our complaint and they first filed a motion to dismiss, the court denied. They subsequently filed their answer. The Court ordered a mediation to take place and this mediation is scheduled for September 13. We will go to mediation and see if anything happens from that and if nothing happens we will go to Court.

Mr. Levine then asked when a decision would be made about the Breakers asking for rebates for ten years. Will there be a public hearing or discussion about this?
Attorney Randolph indicated that there would be a public discussion, we have to take care of this during the zoning season. The Zoning Commission will hear it and then the Town Council will hear it, but no ultimate decision will be made on it until it has gone through that process.

VIII. Adjournment: The meeting was adjourned at 2:16 without benefit of a motion.