



Document

Document Name	AugMinutes152002	Subject	August 2002 Code Enforcement Minutes	Date	Thu 08/15/2002
Directory	Code	Type	Minutes	Category	Code Enforcement

I. **Call to Order:** The meeting was called to order at 2:00 p.m. by Chairman Eugene Lawrence.

PRESENT:

Dr. Harry Horwich, Member
M. S. Rukeyser, Jr., Member
Pamela Hoffpauer, Member
Timothy Hoffman, Alternate Member
Brian K. House, Chief Code Compliance Officer
Robert S. Walton, Code Compliance Officer
Joanne O. Brodner, Attorney

R. Robert Bale, Vice-Chairman (unexcused)
Richard A. Raffo, Member (excused)
Joel P. Koeppel, Member (unexcused)
Lowell Levine, Alternate Member (unexcused)

RECORDING SECRETARY: Deborah A. Morakis

III. Approval of the Minutes of July 18, 2002:

MOTION BY MR. HOFFMAN TO APPROVE THE MINUTES OF THE
JULY 18, 2002 CODE ENFORCEMENT BOARD MEETING.
MOTION SECONDED BY MR. RUKEYSER.
MOTION CARRIED UNANIMOUSLY.

Brian House stated that according to the ordinance, if any member misses two out of three successive meetings the Code Enforcement Board shall declare the member's office vacant and the Town Council shall appoint someone else.

Mr. Lawrence requested that the record show that the word "shall" is mandatory so this is not an option on our part. It is mandatory

MOTION BY MR. RUKEYSER TO DECLARE THE OFFICE VACANT.
MOTION SECONDED BY MR. HOFFMAN
MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

- A Case #02-1435, Cart Properties, Inc., % Arturo Burigatto, Colonial Lane
Violation of Chapter 18, Section 18-551 of the Town of Palm Beach Code of Ordinances, every person owning land on which there is situated a swimming pool, shall erect and maintain a substantial enclosure. Such enclosure must be not less than four (4) feet high including gates, and such gates must be self-closing and self-latching.

MOTION BY DR. HORWICH TO DISMISS CASE #'S 02-1435, 02-1436, 02-1445, AND 02-1446 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

- B Case #02-1436, Cart Properties, Inc., % Arturo Burigatto, Colonial 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 or other vegetation to become overgrown or accumulate.
Violation of Chapter 42, Section 42-126, it is unlawful for any person to permit any collection of standing water in which mosquitoes are likely to breed.

MOTION BY DR. HORWICH TO DISMISS CASE #'S 02-1435, 02-1436, 02-1445, AND 02-1446 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.

- C Case #02-1442, Jay R. & Filomena Jacknin, 288 Via Marila
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. RUKEYSER TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE IN CASE #'S 02-1442, 02-1449, 02-1450, 02-1451, 02-1452, 02-1453.
MOTION SECONDED BY DR. HORWICH.
MOTION CARRIED UNANIMOUSLY.

- D Case #02-1444, Danny Eugene Swanson, Addison Development, 209 Via Tortuga
Violation of Chapter 18, Section 18-87 (d) of the Town of Palm Beach Code of Ordinances, all properties must retain or properly drain all soil and water contained on or from the property, and any modification which may alter the drainage plan must be approved by the Town.

Mr. House stated that a permit has been applied for and he requested that the Code Enforcement Board postpone case #02-144 until the September 19, 2002 meeting.
MOTION BY DR. HORWICH TO POSTPONE CASE #02-1444 UNTIL THE SEPTEMBER 19, 2002 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.

- E Case #02-1445, Christopher Kaufmann, 434 Seaspray Avenue
Violation of Chapter 106, Section 106-159 (a) of the Town of Palm Beach Code of Ordinances, a vertical clearance of eight (8) feet above all sidewalks and bike trails must be maintained to allow unobstructed passage of pedestrians. Also according to the same Code, Chapter 106, Section 106-159 (b), a clearance of eighteen (18) feet must be maintained above all roadways and alleys.

MOTION BY DR. HORWICH TO DISMISS CASE #'S 02-1435, 02-1436, 02-1445, AND 02-1446 FOR COMPLIANCE.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

- F Case #02-1446, Island Capital Mortgage, Inc., 44 Cocoanut Row, Suite M-207A
Violation of Section 114.31 of the Town of Palm Beach Code of Ordinances, any person doing business in Town must obtain a Town occupational license.

MOTION BY DR. HORWICH TO DISMISS CASE #'S 02-1435, 02-1436, 02-1445, AND 02-1446 FOR COMPLIANCE.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

- G Case #02-1447, Guardhill Financial Corp., 205 Worth Avenue, Suite 201
Violation of Section 114.31 of the Town of Palm Beach Code of Ordinances, any person doing business in Town must obtain a Town occupational license.

Mr. House requested a postponement of Case 02-1447 since he has an agreement to comply.

MOTION BY MR. HOFFMAN TO POSTPONE CASE #02-1447 UNTIL THE SEPTEMBER 19, 2002 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

- H Case #02-1448, Bentley's Mortgage International, Inc. 350 So. County Rd. Suite 201
Violation of Section 114.31 of the Town of Palm Beach Code of Ordinances, any person doing business in Town must obtain a Town occupational license.

Mr. House advised the Board that to date we have been unable to obtain legal service. We will bring it back when legal service is obtained.

MOTION BY MR. RUKEYSER TO POSTPONE CASE #02-1448 TO A FUTURE DATE.

MOTION SECONDED BY DR. HORWICH.

MOTION CARRIED UNANIMOUSLY.

- I Case #02-1449, Joseph Allen, 200 El Vedado Way
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste in Town right-of-way out of line with the schedule.

MOTION BY MR. RUKEYSER TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE IN CASE #'S 02-1442, 02-1449, 02-1450, 02-1451, 02-1452, 02-1453.

MOTION SECONDED BY DR. HORWICH.
MOTION CARRIED UNANIMOUSLY.

- J Case #02-1450, JPBK Prop 2, 232 Via Marila
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste in Town right-of-way out of line with the schedule.

MOTION BY MR. RUKEYSER TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE IN CASE #'S 02-1442, 02-1449, 02-1450, 02-1451, 02-1452, 02-1453.
MOTION SECONDED BY DR. HORWICH.
MOTION CARRIED UNANIMOUSLY.

- K Case #02-1451, Robert Warfield, 256 Palmo Way
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste in Town right-of-way out of line with the schedule.

MOTION BY MR. RUKEYSER TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE IN CASE #'S 02-1442, 02-1449, 02-1450, 02-1451, 02-1452, 02-1453.
MOTION SECONDED BY DR. HORWICH.
MOTION CARRIED UNANIMOUSLY.

- L Case #02-1452, SCHAR Holdings, Inc., 8 Lagomar Road
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste in Town right-of-way out of line with the schedule.

MOTION BY MR. RUKEYSER TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE IN CASE #'S 02-1442, 02-1449, 02-1450, 02-1451, 02-1452, 02-1453.
MOTION SECONDED BY DR. HORWICH.
MOTION CARRIED UNANIMOUSLY.

- M Case #02-1453, F. J. Brotherton, 735 Island Dr.
Violation of Section 102.45 of the Town of Palm Beach Code of Ordinances, placing yard waste in Town right-of-way out of line with the schedule.

MOTION BY MR. RUKEYSER TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE IN CASE #'S 02-1442, 02-1449, 02-1450, 02-1451, 02-1452, 02-1453.
MOTION SECONDED BY DR. HORWICH.
MOTION CARRIED UNANIMOUSLY.

V. Presentation of New Cases to Set for Hearing:

- A Case #02-1454, 101 No. County Road, Casablanca Café Americain, Inc.
Violation of Section 134-229 (12) of the Town of Palm Beach Zoning Ordinances, failure to submit acceptable Town-Serving documentation as required by Special Exception #21-99.

- B Case #02-1455, 131 Seaview Avenue, George E. & Carole A. Mastics
Violation of Chapter 18, Section 18-242 of the Town of Palm Beach Code of Ordinances, a building permit is required to construct, install, repair, or alter any building or building system. This permit must be obtained prior to commencing work.

- C Case #02-1456, 175 Worth Avenue, Hals Realty Associated, LTD
Violation of Chapter 18, Section 18-242 (103.5) of the Town of Palm Beach Code of

Ordinances, all electrical systems which are unsafe or constitute a hazard shall be declared illegal and must be abated by repair or demolition as necessary.

- D Case #02-1457, John L. & Louisa R. Cohan, 241 Kenlyn 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.
- E Case #02-1458, Michael E. Bernstein, 242 Kenlyn 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.
- F Case #02-1459, Myron A. & Carolyn Minskoff, 111 El Mirasol
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.
- G Case #02-1460, Jeffrey P. Prudden, Vacant Lot on Indian 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.
- H Case #02-1461, 105 Clarendon Corp., 105 Clarendon Avenue
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.
- I Case #02-1462, Edie A. Balestrieri, 271 La Puerta Way
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.
- J Case #02-1463, Brian J. & Lynne Cooke, 278 La Puerta Way
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.
- K Case #02-1164, Vesna Oelsner, 153 Woodbridge Road
Violation of Chapter 18, Section 18-242, Subsection 104.1.1 of the Town of Palm Beach Code of Ordinances, a building permit is required to construct, install, repair, or alter any building or building system. This permit must be obtained prior to commencing work.

MOTION BY MR. HOFFMAN TO SET CASE #'S 02-1454, 02-1455, 02-1556, 02-1457, 02-1458, 02-1459, 02-1460, 02-1461, 02-1462, 02-1463 AND 02-1464 FOR HEARING ON SEPTEMBER 19, 2002.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

VI. **New Business:**

VII. **Old Business:**

- A Case #02-1437, Julie A. Heberlein, 200 South Ocean Blvd.

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

Mr. House reported to the Board that the Defendant in Case #02-1437 did comply with the Board's previous order by completing their project.

B Case #02-1440. Joseph Burakoff, 201 El Dorado Lane

Violation of Chapter 18, Section 18-242, Subsection 1 104.1.1 of the Town of Palm Beach Code of Ordinances, a building permit is required to construct, install, repair, or alter and building or building system. This permit must be obtained prior to commencing work.

Mr. House reported that on July 18, 2002 the Code Enforcement Board found the Defendant guilty and ordered them to comply by getting a permit and installing a proper fence within seven (7) days. This was not accomplished as of this morning. A permit was issued. However, the old fence is still there and the new fence is not up. A notice of this hearing was delivered August 10, 2002. We are requesting that the Code Enforcement Board order Mr. Burakoff to begin paying a \$100.00 per day fine starting on the seventh day from July 18, 2002 and continue until the fence is inspected and approved by the building department. The permit was issued to Tropical Concrete on July 19, 2002. The fine would begin on July 25, 2002.

MOTION BY MR. HOFFMAN THAT THE DEFENDANTS BE FOUND GUILTY AND ORDERED TO PAY A \$100.00 PER DAY FINE BEGINNING ON JULY 25, 2002.

MOTION SECONDED BY MR. RUKEYSER.

MOTION CARRIED UNANIMOUSLY.

VIII. Adjournment:

Millie Bernstein asked to be heard today since she will be out of town next month and therefore unable to attend next months hearing. She received a yard trash violation notice.

Mr. House advised her that she can request a postponement.

The meeting was adjourned at 2:20 p.m. without benefit of a motion.