

**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, JULY 15, 2004
AT THE TOWN COUNCIL CHAMBERS, 360 S. COUNTY ROAD**

- Call to Order:** Chairman Eugene Lawrence called the meeting to order at 2:00 p.m.

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| II | <u>Roll Call:</u> | Present: | Eugene Lawrence, Chairman |
| | | | Pamela Hoffpauer, Vice-Chair |
| | | | Timothy Hoffman, Member |
| | | | Joel P. Koepfel, Member (arrived at 2:12 p.m.) |
| | | | George Klein, Alternate Member |
| | | | Larry Ochstein, Alternate Member |
| | | | Robert S. Walton, Chief Code Compliance Officer |
| | | Rhoda Yen, Town Attorney's Office | |
| | | Absent: | Richard A. Raffo, Member (excused) |
| | | | Hugh C. Davis, III, Member (excused) |
| Thomas M. Youchak, Member (excused) | | | |

Recording Secretary: Deborah A. Morakis

Let the record show that both alternate members will vote today.

- III Approval of the Minutes of June 17, 2004:**
 MOTION BY MR. HOFFMAN FOR APPROVAL OF THE MINUTES.
 MOTION SECONDED BY MR. KLEIN.
 MOTION CARRIED UNANIMOUSLY.

- #### **IV Administration of the Oath to all persons who wish to testify:**

Let the record show that all persons testifying today were sworn in at this time.

- V Public Hearings:**

- A Case #04-1679, Michael Formica, 2773 So. Ocean Blvd., Apt. 212
Violation of Chapter 18, Section 18-241, of the Town of Palm Beach Code of Ordinances: building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.

After testimony was heard by Robert S. Walton, Chief Code Compliance Officer for the Town of Palm Beach, the following motion was made:

MOTION BY MR. OCHSTEIN TO FIND THE DEFENDANT IN NON COMPLIANCE OF TOWN ORDINANCES AND ALLOW THIRTY (30) DAYS TO COMPLY.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

- B Case #04-1680, Maria G. Vetromile, 2773 So. Ocean Blvd., Apt. #215

Violation of Chapter 18, Section 18-241, of the Town of Palm Beach Code of Ordinances: building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.

After testimony was heard by Robert S. Walton, Chief Code Compliance Officer for the Town of Palm Beach, the following motion was made:

MOTION BY MR. HOFFMAN TO FIND THE DEFENDANT IN NON COMPLIANCE OF TOWN ORDINANCES AND ALLOW THIRTY (30) DAYS TO OBTAIN ALL REQUIRED INSPECTIONS.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

C Case #04-1681, David A. Freeman, 216 Colonial Lane

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior walls shall be free of cracks and painted, roofs must be maintained so as not to leak, all doors and windows shall be in a maintained condition and other appurtenances shall be kept in a good state of repair.

Violation of Chapter 42, Section 42-37 of the Town of Palm Beach Code of Ordinances, it shall be unlawful for the occupant or owners of any property to omit to keep the same clean, or to permit any offal or offensive matter of any kind to accumulate or remain on or upon the premises.

Robert S. Walton requested that the Board dismiss for compliance the portion of Case #04-1681 pertaining to the violation of Section 42-37. Mr. Walton also recommended that the Defendant be found in non compliance of Section 42-87 and be given sixty (60) days in which to start work.

After further discussion by the Board, the following motion was made:

MOTION BY MR. KLEIN TO FIND THE DEFENDANT IN NON COMPLIANCE OF SECTION 42-87 OF THE TOWN OF PALM BEACH CODE OF ORDINANCES AND ALLOW THIRTY (30) DAYS TO START WORK.

MOTION SECONDED BY MR. OCHSTEIN.

MOTION CARRIED 4 TO 1 WITH MR. HOFFMAN OPPOSED.

MOTION BY MS. HOFFPAUER FOR DISMISSAL FOR COMPLIANCE OF THE VIOLATION OF SECTION 42-37.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

D Case #04-1687, Barbara Zaneri, 3450 So. Ocean Blvd., #706

Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.

MOTION BY MS. HOFFPAUER TO FIND IN NON COMPLIANCE AND GIVE 30 DAYS TO COMPLETE ALL INSPECTIONS.

MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED UNANIMOUSLY.

- E Case #04-1691, Clement Prouix, 224 Esplanade Way (aka 244 Esplanade Way)
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.
- Mr. Walton presented photographs of the property.
MOTION BY MR. OCHSTEIN TO FIND IN NON COMPLIANCE AND GIVE 7 DAYS TO CUT THE GRASS AND CLEAN THE PROPERTY.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.
- F Case #04-1692, Susan C. Lee, 287 Pendleton Avenue
Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eighteen (18) feet above all roadways must be maintained to allow for unobstructed passage of vehicles.
MOTION BY MS HOFFPAUER TO DISMISS CASE #04-1692 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- G Case #04-1693, Balestrieri Real Estate Corporation, 271 La Puerta Way
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 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 are likely to breed.
- Robert S. Walton testified that the pool has been treated and is now fenced. A recommendation was made to find the Defendant in non compliance of Town Ordinances but to waive any penalties.
MOTION BY MR. KLEIN TO FIND THE DEFENDANT IN NON COMPLIANCE BUT TO WAIVE ANY PENALTY.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.
- H Case #04-1694, Alfred & Adam Jackson, 264 List Road
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 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 are likely to breed.
MOTION BY MR. KOEPPPEL TO DISMISS CASE #04-1694, 04-1695, 04-1696, 04-1697 FOR COMPLIANCE.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.

- I Case #04-1695, Frank Jensen TR, 1178 No. Ocean Blvd.
Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eighteen (18) feet above all roadways must be maintained to allow for unobstructed passage of vehicles.
- MOTION BY MR. KOEPPPEL TO DISMISS CASE #04-1694, 04-1695, 04-1696, 04-1697 FOR COMPLIANCE.**
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.
- J Case #04-1696, Lawrence K. McCreery, Jr., 265 La Puerta Way
Violation of Section 106-159 of the Town of Palm Beach Code of Ordinances, a vertical clearance of eighteen (18) feet above all roadways must be maintained to allow for unobstructed passage of vehicles.
- MOTION BY MR. KOEPPPEL TO DISMISS CASE #04-1694, 04-1695, 04-1696, 04-1697 FOR COMPLIANCE.**
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.
- K Case #04-1697, Palm Beach Ventures I., LLC, 149 Australian Avenue
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 are likely to breed.
- MOTION BY MR. KOEPPPEL TO DISMISS CASE #04-1694, 04-1695, 04-1696, 04-1697 FOR COMPLIANCE.**
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.
- L Case #04-1698, Salvatore Mittica, 401 Peruvian Avenue, Suite 401
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.
- MOTION BY MR. KOEPPPEL TO POSTPONE CASE #04-1698 AND 04-1699 FOR THIRTY (30) DAYS.**
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.
- M Case #04-1699, Rocco Romanelli Trust, 3475 So. Ocean Blvd., #701
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.
- MOTION BY MR. KOEPPPEL TO POSTPONE CASE #04-1698 AND 04-1699 FOR THIRTY (30) DAYS.**
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.
- N Case #04-1700, Pamela & Leigh Dunston, 282 Monterey Road

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

Robert Kennedy, Trash Bureau Supervisor for the Town of Palm Beach testified that on Friday, April 16, 2004 the violation was noted and an attempt was made to notify the homeowner. No one was at home so the violation notice was mailed to the property owner.

Pamela Dunston, the property owner, testified that the yard trash came from her neighbor to the east. She noticed the pile herself and went next door to advise them. Attorney Rhoda Yen stated that the property owner is responsible if the waste is abutting the property.

MOTION BY MS. HOFFPAUER TO FIND THE DEFENDANT IN NON COMPLIANCE BUT TO WAIVE THE FINE.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

VI Presentation of New Cases to Set for Hearing:

- A Case #04-1701, First Allied Jax Corporation, 1200 So. Ocean Blvd.
Violation of Chapter 66, Section 66-121 of the Town of Palm Beach Code of Ordinances, it is unlawful for any property owner to alter any sand dune or dune vegetation without first having obtained a permit.
- B Case #04-1702, Casa Cajco, Inc., 441 North Lake Way
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 debris to accumulate on property in the Town of Palm Beach.
- C Case #04-1703, Jennifer S. Baqaj, 1520 No. Ocean Way
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.
- D Case #04-1704, Kean Investments, Inc., 260 Miraflores Drive
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.
- E Case #04-1705, Richard J. & Irene T. Miller, 270 El Dorado 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.
- F Case #04-1706, Mr. Thomas Campaniello, 308 So. County Road
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior walls shall be free of cracks and painted, interior walls and ceilings shall be structurally sound, roofs must be maintained so as not to leak, all doors and windows shall be in a maintained condition and other appurtenances shall be kept in a good state of repair.
- G Case #04-1707, Mr. Thomas Campaniello, 306 So. County Road

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior walls shall be free of cracks and painted, interior walls and ceilings shall be structurally sound, roofs must be maintained so as not to leak, all doors and windows shall be in a maintained condition and other appurtenances shall be kept in a good state of repair.

- H Case #04-1708, Mr. Thomas Campaniello, 304 So. County Road
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior walls shall be free of cracks and painted, interior walls and ceilings shall be structurally sound, roofs must be maintained so as not to leak, all doors and windows shall be in a maintained condition and other appurtenances shall be kept in a good state of repair.
- I Case #04-1709, Joshua Teverow, 3120 So. Ocean Blvd., Apt. #101
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.
- J Case #04-1710, Milton G. Dresner, 300 So. Ocean Blvd., Apt. #3G
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, building permits are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.
- K Case #04-1711, David J. Jenkins, 300 Indian Road
Violation of Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances, is shall be unlawful for any person to permit any collection of standing water in which mosquitoes are likely to breed.
- L Case #04-1712, James & Julie Byers, 278 La Puerta Way
Violation of Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances, is shall be unlawful for any person to permit any collection of standing water in which mosquitoes are likely to breed.
- M Case #04-1713, James Zisson, 1600 No. Ocean Blvd.
Violation of Section 18-205 of the Town of Palm Beach Code of Ordinances, the Architectural Commission may approve building plans with conditions.

MOTION BY MR. KOEPEL TO SET CASE #'S 04-1701, 04-1702, 04-1703, 04-1704, 04-1705, 04-1706, 04-1707, 04-1708, 04-1709-04-1710, 04-1711, 04-1712, 04-1713 FOR HEARING AT THE AUGUST 19, 2004 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MS. HOFFPAUER.
MOTION CARRIED UNANIMOUSLY.

VII New Business:

NONE

VIII Consideration of Foreclosure:

NONE

IX Old Business:

- A Case #04-1646, Brighton Pavillion, 336 Worth Avenue
Violation of Chapter 14, Section 114-32 of the Town of Palm Beach Code of Ordinances, no person shall conduct business without first having obtained a valid occupational license from the Town.

Mr. Walton testified that both Brighton Pavillion and Devonshire have met all the requirements and now have their occupational licenses. He requested that both Case #04-146 and 04-1647 be dismissed for compliance.

MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 04-1646 AND 04-1647 FOR COMPLIANCE.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

- B Case #04-1647, Devonshire, 340 Worth Avenue
Violation of Chapter 14, Section 114-32 of the Town of Palm Beach Code of Ordinances, no person shall conduct business without first having obtained a valid occupational license from the Town.

MOTION BY MS. HOFFPAUER TO DISMISS CASE #'S 04-1646 AND 04-1647 FOR COMPLIANCE.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

- X Other Business:

NONE.

- XI Adjournment: The meeting was adjourned at 2:27 p.m. without benefit of a motion.