

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

Thursday, June 17, 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: (2:04:40 p.m.)

The meeting was called to order in the EOC at 2:00 p.m. by Chairman Timothy Hoffman. Mr. Hoffman acknowledged the presence of Council Member Diamond in the audience.

II. Roll Call: (2:05:00 p.m.)

Upon roll call, the following Board members were present: Chairman Timothy Hoffman, Vice Chairman Harris S. Fried, Joel P. Koepfel, Larry Ochstein, Madelyn Greenberg, Cynthia Van Buren, James M. Ballentine, Jr. and alternate members, W. Anthony Dowell and Scotch Peloso.

Staff present: Captain John Maio, Code Enforcement Officer Nick Gerry and Recording Secretary Raychel Houston.

III. Approval of the Minutes of May 20, 2010: (2:05:20 p.m.)

**MOTION BY MR. KOEPPEL FOR APPROVAL OF THE MAY 20, 2010
MINUTES**

SECONDED BY MR. FRIED

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff: (2:05:32 p.m.)

Town Staff who would be testifying were sworn in by Recording Secretary Houston.

V. Public Hearings: (2:05:56 p.m.)

A. Case # CE 10-182, 237 Brazilian Ave., Florida Capital Management 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 such a dilapidated condition that it is unfit for human habitation and Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances which requires foundations and structural members to provide a firm and substantial base and support for the structure and interior walls and ceilings to be structurally sound and for exterior walls to be kept painted and in good repair and appurtenances such as walls, fences and balconies to be kept in a safe and good state of repair

Code Enforcement Officer Nick Gerry presented the facts of the case and said the property was an apartment complex, lettered A through D. It is a multi-storied condominium on the east side of the property and on the north side is an office building along Royal Palm Way. Mr. Gerry presented photographs of the property into evidence. Building C has severe roof and interior damage and the doors were all unlocked. The interior walls are leaning and collapsed and the roof truss is missing hurricane straps. The main electrical meters were still attached to the north side of the building and were still on. The rear doors to Building D were found open so entry was made to find out if anyone was inside. There was interior damage and signs of mold in this apartment. Lead Code Enforcement Officer Walton contacted the Chief Electrical Inspector, Tim Wright and asked him to inspect the property. Inspector Wright found exposed wiring and determined the building to be unsafe and instructed FP&L to disconnect the electrical power to Building C & D. The buildings have since been secured by the property owner. The property was also posted as unsafe by Jeff Taylor, the Town Building Official. There has been no sign of repairs being made to the buildings and no applications for building permits.

Bill Bucklew, Acting Building Official, said he had accompanied Mr. Gerry to this building yesterday and has a real concern with Building C because the roof has deteriorated beyond any type of repair. The trusses or the joists for the ceiling are only strapped every other joist. If there is a high wind event, the roof is going to come off of this building and will pose a hazard to the surrounding area. The walls of this building are concrete block and appear to be structurally sound but because of what is inside and because of the roof issue, the building needs to be taken down as quickly as possible. The mold in Building D is black mold and the property owner is going to have to get a mold inspector and a mold remediation team to find out how extensive it is. Mr. Bucklew said there is a balcony on Building D that could collapse at any time and needs to be taken care of as soon as possible.

Mr. Gerry said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to remove the balcony structure

by June 28, 2010 and the remaining violations relating to Building A, C and D to be brought into compliance by July 9, 2010. Mr. Gerry detailed the specific violations which needed to be brought into compliance.

Frederick Keitel, the property owner, was sworn in by Recording Secretary Houston and entered some photographs of the property into evidence. He said the property is a 75 year old apartment building which has been empty for three to four years. He said he is getting ready to go in and demolish the whole property. Capt. Maio asked when Mr. Keitel's photographs were taken and Mr. Keitel said it was this morning. Mr. Keitel continued to discuss the photographs he was showing the Board and disputed the fact that the balcony of Building D was unsafe. Mr. Keitel said he purchased the property about five years ago and he decided to just let it sit and he understands the concern and the complaint. He is going to ARCOM so he can demolish the entire property sometime the end of July or early August. Mr. Keitel said he had gotten bids to demolish the property.

Mr. Ballentine asked Mr. Keitel if he had filed the necessary paperwork to demolish the property and he said he had not but he was working on it and hoped you have them filed by next week. Mr. Ballentine asked if he could address the other issues such as the roof and the balcony in the interim so if there should be a hurricane prior to the buildings being demolished. Mr. Keitel said the balcony could be taken care of in an hour but the roof would require a permit.

Mr. Gerry said the loose debris in C Building should be removed within a week and that would not require a permit. Mr. Bucklew said the best thing to do for Building C is obtain a partial demolition permit so the roof could be taken down, the debris removed and then all that would be left is the walls. The walls are structurally sound. Mr. Hoffman asked Mr. Gerry how long it would take to get on the ARCOM agenda and Mr. Keitel said to get on the July agenda, he would have to do it by next Thursday. Mr. Hoffman asked if he would be able to do that and Mr. Keitel said he hoped so but it depends on the lawyers and it is a new process.

Ms. Greenberg asked why Mr. Keitel why he waited until he was cited to begin the demolition process and he said he did not know the property was in such bad shape. Ms. Greenberg said it is a fact that the building was neglected. Ms. Van Buren said the Board hears a lot of cases and they are few and far between where the Town has to put up a sign that says danger, keep out. She said the safety issues are very troubling to the code officers and the building department. Mr. Keitel said he had not been in the building for years and no one else has.

Mr. Fried asked if there was any point in giving Mr. Keitel some time to get the property repaired or demolished or should they just go with the Town's recommendation. Mr. Gerry said the Town will stay with its recommendation due to the condition of the property and request the violations be corrected by July 9th. Mr. Fried asked if that was too much time based on the condition of Building C

and he believed something should be done immediately. Mr. Gerry said the balcony should be removed by June 28th. Mr. Bucklew said a building permit is good for 6 months and Mr. Keitel could get one and then just demolish the rear balcony and not proceed with the repair part. A permit could also be obtained to repair the roof and then just remove all of the rotten wood that is there and wait for ARCOM approval to demolish the buildings.

There was additional discussion about what it would take to correct the safety issues and how long it would take to accomplish that. Mr. Koeppel asked Mr. Gerry or Mr. Bucklew if they could itemize specifically the issues they would like to see Mr. Keitel take care of that are dangerous. Mr. Fried asked Mr. Keitel if he had selected a contractor yet and he said he had bids from two or three.

Mr. Gerry said the Town recommends that the balcony on Building D and the roof and framing on Building C as well as all of the inside debris be brought into compliance by July 1, 2010 and all remaining violations be corrected by July 9, 2010. Mr. Ballentine said he believed the demolition should also take place on some type of time frame. Mr. Ochstein said this was one of the most egregious things he had seen before the Board and he said it was time for the code enforcement officer to give his recommendation and inform the property owner what he needed to do by what date so if he does not do it, a fine could commence. He said this property is a danger to the community.

Mr. Gerry said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and the balcony on Building D and the roof and framing on Building C as well as all of the inside debris be brought into compliance by July 1, 2010 and all remaining violations be corrected by August 2, 2010. Mr. Koeppel asked when a permit for the demolition could be obtained if Mr. Keitel got on the July ARCOM agenda. Mr. Bucklew said if Mr. Keitel got on the July 17th ARCOM agenda, he could apply for the permit after the ten day waiting period.

**MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COST OF \$150.00 AND GIVE HIM UNTIL JULY 1, 2010 TO ACHIEVE COMPLIANCE BY DEMOLISHING THE BALCONY ON BUILDING D AND REMOVING THE ROOF AND FRAMING ON BUILDING C AS WELL AS ALL OF THE DEBRIS INSIDE BUILDING C. IT IS FURTHER ORDERED THAT ALL REMAINING VIOLATIONS BE CORRECTED BY AUGUST 2, 2010
SECONDED BY MR. FRIED
MOTION PASSED UNANIMOUSLY**

B. [Case # CE 10-145, 106 Hammon Ave., Sirenty Investors Ltd.](#)

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, building surfaces, exterior walls, windows and exterior lights to be

kept painted and maintained in good condition and Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required

Code Enforcement Officer Gerry presented the facts of the case and entered the photographs into evidence. Mr. Gerry said the Town recommends a finding of non-compliance, administrative costs in the amount of \$150.00 and to give them until July 9, 2010 to achieve compliance by completing all work necessary to correct all outstanding violations and obtaining a business tax receipt.

MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JULY 9, 2010 TO ACHIEVE COMPLIANCE BY COMPLETING ALL WORK NECESSARY TO CORRECT ALL OUTSTANDING VIOLATIONS AND OBTAINING A BUSINESS TAX RECEIPT
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY

- C. [Case # CE 10-227, 205 Worth Ave., # 116, Linda Vandyck and Lendan, Inc.](#)
Violation of Chapter 46, Section 46-68 of the Town of Palm Beach Code of Ordinances, annual fire and life safety inspection fee not paid

Code Enforcement Officer Nick Gerry said the Town recommends the case be dismissed for compliance.

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

- D. [Case # CE 10-289, 220 Clarke Ave., J.M.E. Landscape](#)
Violation of Chapter 102, Section 102-45 of the Town of Palm Beach Code of Ordinances, trash out of line with schedule

Code Enforcement Officer Nick Gerry said the Town recommends this case be postponed to July 15, 2010.

MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL JULY 15, 2010
SECONDED BY MR. KOEPPEL
MOTION PASSED UNANIMOUSLY

- E. [Case # CE 10-238, 2842 S. Ocean Blvd., Omphoy Ocean Resort and 2401 2301 00 Trust](#)
Violation of Chapter 134, Section 134-2443 of the Town of Palm Beach Code of Ordinances, only one aid-to-traffic sign permitted for each access drive serving a

parking area and Chapter 18, Section 18-175 of the Town of Palm Beach Code of Ordinances, any demolition, building, structure, sign or other development of property, or appurtenances or alterations thereto requires ARCOM approval

Code Officer Nick Gerry said the Town recommends this case be postponed until July 15, 2010.

**MOTION BY MS. GREENBERG TO POSTPONE THE CASE UNTIL
JULY 15, 2010
SECONDED BY MR. KOEPPPEL
MOTION PASSED UNANIMOUSLY**

F. [Case # CE 10-244, 235 Sunrise Ave., # 3214, Maria Boni](#)

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 Officer Nick Gerry 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 compliance by August 13, 2010.

Bill Monroy was present on behalf of the property owner and was sworn in by Recording Secretary Houston. Mr. Monroy said he received the notice from the property owner on June 8th and acted as quick as he could to apply for the general permit. He said he is in the process of speaking with the plumbers and electricians to get those bids in and then he could apply for those permits. Mr. Gerry said Mr. Monroy is with Gemco and they did apply for a permit on June 11th and it was issued on June 15th. Mr. Fried asked Mr. Gerry if he knew who started the work and he said there was no one there when Mr. Walton inspected the property so he issued a stop work order and made contact with the property owner. Mr. Gerry said the property owner told Mr. Walton she hired a friend from Montreal to do the work. Mr. Fried asked Mr. Monroy how long he thought it would take to get the work done and Mr. Monroy said about six weeks. He said the property owner was going to be here in two weeks to select the flooring and the tile and until she did that, he could not do anything but the electrical and the plumbing. Mr. Monroy asked the Board to waive the \$150.00 fee and Mr. Hoffman said it was administrative costs, not a fine.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-
COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT
OF \$150.00 AND GIVE THEM UNTIL AUGUST 13, 2010 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

VI. Old Business: (3:16:31 p.m.)

A. Case # CE 10-49, 1 Ocean Lane, # 3, Gary L. Marder

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 Nick Gerry said this case was heard at the April board meeting. The property owner was found in non-compliance, ordered to pay administrative costs of \$150.00 and to obtain all permits and final inspections by May 14, 2010. According to Town records, a building permit was applied for on April 13th and issued on April 16th. The final inspection was obtained on May 12th, 2010 and no fine was issued.

Caren Marder was sworn in by Recording Secretary Houston and read a signed affidavit from her husband, Gary L. Marder into the record and the affidavit said he was told by building department personnel that he did not need to attend the hearing if he got the permit. Mr. Fried asked Mr. Gerry to explain what may have happened and Mr. Gerry said the building department staff is very aware of code enforcement's procedures and he does not believe they would have told Dr. Marder he did not need to come to the hearing. Mr. Gerry said the Town recommends the administrative fee remain as it is not a fine. Mr. Bucklew asked Ms. Marder if she had the name of the person her husband spoke to in the building department and Ms. Marder said it was one of the women in the front office. Mr. Bucklew said that typically they would not inform someone they would not have to be at a meeting when the citation has been issued by another department. Mr. Bucklew said they would probably refer them to the code enforcement officer that issued the citation or the violation.

Mr. Koeppel said it appeared they were found in non-compliance because they did work without a permit and that was the issue. Therefore, there was a need for a hearing whether Dr. Marder was there or not and that is what the administrative fee covers. Ms. Marder said they did not know they needed a permit to do the work and then once the permit had been obtained, her husband was told he did not need to attend the hearing. Mr. Koeppel said that was not the issue, a permit was required and whoever did the work should have known a permit was required and that is why there was a hearing and the fee.

**MOTION BY MR. KOEPPEL TO NOT RESCIND THE \$150.00 IN
ADMINISTRATIVE COSTS ORDERED BY THE BOARD AT THE APRIL
15, 2010 HEARING
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

(Mr. Koepfel excused himself from the meeting to catch a flight and Mr. Hoffman advised that Mr. Dowell would be a voting member for the next case.)

VII. Fine Consideration: (3:28:27 p.m.)

A. Case # CE 10-154, 2000 S. Ocean Blvd., # 201N, Lloyd Macklowe

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 Officer Nick Gerry said this case was heard at the May 20, 2010 hearing and the property owner was found in non-compliance for installing a sliding glass door to a cabana without a permit, assessed administrative costs in the amount of \$150.00 and given until June 10, 2010 to obtain all permits and final inspections. A building permit was applied for on May 4, 2010 and it was returned to the contractor on May 10th for corrections. No building permit was obtained and the Town recommends a fine of \$100.00 a day, commencing on June 12, 2010 and continuing until compliance is achieved.

Edward Hinckley was sworn in by Recording Secretary Houston and appeared on behalf of the property owner. Mr. Hinckley said he is the contractor who applied for the permit to correct the situation but he was not the one who installed the doors. He said the permit was returned to him by the building department with comments, one was a increased permit fee which the owner did not have a problem with and the building department also wanted the engineering plans he submitted signed and sealed in an original copy as he had turned in a photocopy. The building department also wanted a letter from the condo association approving the door. Originally, the condo association wanted to wait until their next board meeting to approve the door but today they agreed to go ahead and accept this door. The condo association sent a letter to his office which he has not seen yet but he can provide it to the building department today or tomorrow and then resubmit his permit. Mr. Hinckley said he could not get the letter from the condo association before the June 12, 2010 deadline.

Ms. Greenberg asked if the door had been installed by another contractor without a permit and Mr. Hinckley said he did not know if it was a contractor or a handyman. Mr. Hinckley said the building has a balcony restoration going on and this is the exact type of door that is in every other opening in the building so he does not understand the condo's original problem with approving the door. In response to Mr. Ballentine's question about the fine, Mr. Gerry said the Town is recommending that the fine start June 12th because no permit has been obtained yet and no final inspection. Mr. Hinckley said he is asking for leniency on this because the condo association is what held him up. Mr. Ochstein asked how

much delay was caused by the association and Mr. Hinckley said he got the comments back on May 14th and had four or five phone calls back and forth with the engineer. He said the condo association delayed him a whole month. Mr. Gerry said the case originated on April 15th. Ms. Greenberg said she sympathized with what happened but originally the owner did the wrong thing and the Town is lenient to start out with by giving property owners additional time to get permits they should have known they needed. Mr. Fried asked how much the fine was and Mr. Gerry said it would be \$100.00 a day until they get their final inspection. Mr. Hinckley advised the Board he had to leave the state for his father's funeral and that was going to delay obtaining the permit and final inspection and asked for consideration for that. He said that even if he paid an expedited permit fee, he would not have the permit until Monday and the engineer wants the screws removed from the door for inspection and then the drywall and stucco will have to be patched and this could run on for two weeks. Mr. Bucklew said there are actually going to be three inspections involved to get to the final. Mr. Gerry said the reason for the fine is to get the process expedited. Mr. Hinckley said both he and the property owner are motivated to get this done.

Ms. Van Buren told Mr. Hinckley he had made a good faith effort to get the situation resolved and she suggested the fine start tomorrow which would give Mr. Hinckley an opportunity to file for the permit today or tomorrow. Mr. Gerry said the Town had no objection to that if that was the Board's decision. Mr. Hinckley asked if there was some way the deadline could be extended and Mr. Gerry said that was up to the Board. Mr. Hoffman said he thought Ms. Van Buren's suggestion was a good one.

**MOTION BY MR. OCHSTEIN TO ASSESS A FINE IN THE AMOUNT OF \$100.00 A DAY COMMENCING ON JUNE 12, 2010 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. FRIED
MOTION OPPOSED**

ROLL CALL VOTE:

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

MOTION PASSED 4-3

VIII. Board Comments: (3:45:49 p.m.)

Ms. Greenberg said the Town's ordinance should be a little stricter in dealing with property owners who do not obtain permits. Mr. Hoffman said property owners who do not get permits have to pay four times the permit fee if they do get caught. Mr. Hoffman also said he wanted to remind everyone that the next meeting will be held at the Town Council chambers and the Board members are going to be there a half hour earlier to get oriented.

Major Szarszewski said the police department is going through reorganization and with the recent announcement of the retirement of one of the captains, Captain Maio is going to be moved from Support Services to the Patrol Division. He said Raychel Houston had been named the manager of the code enforcement and parking unit and the department was in the process of taking applications and hiring her replacement.

IX. Adjournment: (3:48:56 p.m.)

The meeting was adjourned without benefit of motion.