

**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, JUNE 17, 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.

- II Roll Call:** Present: Eugene Lawrence, Chairman
Timothy Hoffman, Member
Thomas M. Youchak, Member
George Klein, Alternate Member
Larry Ochstein, Alternate Member
Robert S. Walton, Chief Code Compliance Officer
Rhoda Yen, Acting Town Attorney

- Absent: Pamela Hoffpauer, Vice Chair (excused)
Joel P. Koeppel, Member (unexcused)
Richard A. Raffo, Member (excused)
Hugh C. Davis, III, Member (excused)

Recording Secretary: Deborah A. Morakis

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

- ### III Approval of the Minutes of May 20, 2004:

(It was noted by Mr. Hoffman that a correction to page 7 of the May 20, 2004 Minutes needed to be made correcting the maker of the amended Motion in Case #04-1675 as Mr. Raffo.)

**MOTION BY MR. HOFFMAN FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. YOUCHAK.
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 #04-1646, 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.

Attorney Ann Lynch was here to represent Brighton Pavillion and Devonshire. She testified that Brighton Pavillion has obtained the Employee Identification Number and is working to correct an error with the state so that their fictitious name registration can be filed and the Town of Palm Beach Occupational License can then be obtained.

**MOTION BY MR. OCHSTEIN TO POSTPONE CASE #04-1646 UNTIL THE JULY 15, 2004 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. KLEIN.
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 MR. OCHSTEIN TO POSTPONE CASE #04-1646 UNTIL THE JULY 15, 2004 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

- C Case #04-1662, Sharon Talbot, 264 Seminole Avenue
Violation of Chapter 18, Section 18-242, Subsection 1 104.1.1, building permits are required to construct, install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.

After testimony was heard by Sharon Talbot, the property owner, the following motion was made:

**MOTION BY MR. HOFFMAN TO FIND THE DEFENDANT IN NON COMPLIANCE OF TOWN ORDINANCES AND ALLOW UNTIL OCTOBER 1, 2004 TO OBTAIN ALL NECESSARY PERMITS AND INSPECTIONS.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.**

- D Case #04-1665, Three 50 Realty Corporation, 350 So. County Road
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior surfaces shall be structurally sound, roofs must be maintained so as not to leak and all doors, windows and stairs shall be in a maintained condition.
Violation of Sections 22-57 and 22-58 of the Town of Palm Beach Code of Ordinances, all windows of buildings locating in the commercial zoning districts, either vacant or under renovation shall screen the interior for the full size of the window and this screen shall be decorated and lighted.

Brian K. House testified on behalf of Mr. Handlesman, the property owner. Mr. House asked the Board for 14 days in which to screen the interior of the windows in violation. He and the property owner are meeting with a roofing contractor next week and the roof work will begin as soon as possible. They will also meet with a general contractor who will order the custom windows. Mr. House asked for time to get this accomplished.

**MOTION BY MR. HOFFMAN TO FIND THE DEFENDANT IN NON COMPLIANCE AND GIVE 14 DAYS TO BRING THE VIOLATION OF SECTIONS 22-57 AND 22-58 INTO COMPLIANCE. IT IS FURTHER ORDERED THAT THE DEFENDANT COME BACK TO THE BOARD IN SIXTY DAYS WITH A REPORT ON THE STATUS OF THE VIOLATION OF CHAPTER 42, SECTION 42-87.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.**

- E Case #04-1667, Suzy Jafine Tr., 3460 So. Ocean Blvd., #512
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances, building permits (plumbing, electrical and HVAC) are required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.

**MOTION BY MR. HOFFMAN TO DISMISS CASE #04-1667 FOR COMPLIANCE.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

- F Case #04-1670, Peter & Henrietta Heydon, 307 Brazilian Avenue
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.

After testimony was heard by Robert Kennedy, Town of Palm Beach Trash Bureau Supervisor and Peter Broberg, Attorney for the property owner, the following motion was made:

**MOTION BY MR. HOFFMAN TO FIND THE DEFENDANT IN CASE #04-1670 IN NON COMPLIANCE AND WAIVE THE FINE.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.**

- G Case #04-1674, Haisfield Family Invest., 206 Dunbar 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.

After testimony was heard by Robert Kennedy, Trash Bureau Supervisor for the Town of Palm Beach and Ms. Kessler, who represented the owner of the property, the following motion was made.

**MOTION BY MR. OCHSTEIN TO FIND THE DEFENDANT IN CASE #04-1674 IN NON COMPLIANCE AND WAIVE THE FINE.
MOTION DIED FOR LACK OF A SECOND.**

**MOTION BY MR. HOFFMAN TO FIND THE DEFENDANT IN CASE #04-1674 IN NON COMPLIANCE OF TOWN ORDINANCE AND ORDER THEM TO PAY THE FINE IN THE AMOUNT OF \$50.00.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED FOUR (4) TO ONE (1) WITH MR. OCHSTEIN OPPOSED.**

- H Case #04-1676, Crystal Dreams, 256 Worth Avenue, 3rd Floor
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 MR. YOUCHAK TO DISMISS CASE #04-1676 FOR COMPLIANCE.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

- I Case #04-1677, Horace E. Beacham, 249 Peruvian Avenue
Violation of Sections 114-31 and 114-32 of the Town of Palm Beach Code of Ordinances: anyone failing to renew/obtain their occupational license is doing business without a license.
- MOTION BY MR. YOUCHAK TO DISMISS CASE #04-1677 FOR COMPLIANCE.**
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.
- J Case #04-1678, Frank Nasr, 243 Sunrise Avenue, #12
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 MR. YOUCHAK TO DISMISS CASE #04-1678.**
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.
- K 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.
- Mr. Robert Walton, Chief Code Compliance Officer requested a postponement until the July 15, 2004 Code Enforcement Board Hearing as the contractor has applied for a permit.
- MOTION BY MR. YOUCHAK TO POSTPONE CASE #04-1679 UNTIL THE JULY 15, 2004 CODE ENFORCEMENT BOARD HEARING.**
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.
- L 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.
- MOTION BY MR. KLEIN TO POSTPONE CASE #04-1680 UNTIL THE JULY 15, 2004 CODE ENFORCEMENT BOARD HEARING.**
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.
- M Case #04-1681, David A. Freeman, 216 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 42-87 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.

Chief Code Compliance Officer, Robert S. Walton, requested that the Violation of Chapter 42, Sections 42-86 and 42-37 of the Town of Palm Beach Code of Ordinances be dismissed for compliance. He further requested that the Board postpone the portion of the violation pertaining to Chapter 42, Section 42-87 of the Town of Palm beach Code of Ordinances until the July 15, 2004 Code Enforcement Board Hearing.

**MOTION BY MR. HOFFMAN TO DISMISS FOR COMPLIANCE THE SECTION OF THE VIOLATION PERTAINING TO CHAPTER 42, SECTIONS 42-86 AND 42-37. IT IS FURTHER ORDERED THAT SECTION 42-87 BE POSTPONED UNTIL THE JULY 15, 2004 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.**

- N Case #04-1682, Diana S. Wister, 335 El Vedado Road
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.

Mr. Walton indicated that the property owner would like to request that this Case be postponed until the November 18, 2004 Code Enforcement. She would like to address the Board.

**MOTION BY MR. HOFFMAN TO POSTPONE CASE #04-1682 UNTIL THE NOVEMBER 18, 2004 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.**

- O Case #04-1683, David J. Jenkins, 300 Indian 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. OCHSTEIN TO DISMISS CASE #'S 04-1683, 04-1684, 04-1685 AND 04-1686 FOR COMPLIANCE.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

- P Case #04-1684, Cynthia Wild, 230 Onondaga Avenue
Violation of Section 42-228 of the Town of Palm Beach Code of Ordinances, noise exceeding the allowable noise levels.

**MOTION BY MR. OCHSTEIN TO DISMISS CASE #'S 04-1683, 04-1684, 04-1685 AND 04-1686 FOR COMPLIANCE.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

- Q Case #04-1685, James C. & Julie E. Byers, 278 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. OCHSTEIN TO DISMISS CASE #'S 04-1683, 04-1684, 04-1685 AND 04-1686 FOR COMPLIANCE.

MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED UNANIMOUSLY.

- R Case #04-1686, Robert P. Stiber, 1451 North Lake Way
Violation of Chapter 42, Section 42-86 (3) 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 and other vegetation to become overgrown or accumulate.
Violation of Chapter 106, Section 106-159 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.

MOTION BY MR. OCHSTEIN TO DISMISS CASE #'S 04-1683, 04-1684, 04-1685 AND 04-1686 FOR COMPLIANCE.

MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED UNANIMOUSLY.

- S 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 MR. YOUCHAK TO POSTPONE CASE # 04-1687 UNTIL THE JULY 15, 2004 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED UNANIMOUSLY.

- T Case #04-1688, Frank Wilkens, 1565 No. Ocean Way
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.

MOTION BY MR. YOUCHAK REGARDING CASE #'S 04-1688 AND 04-1689, TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

- U Case #04-1689, Mobile Point Corp., 1053 North Lake Way
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.

MOTION BY MR. YOUCHAK REGARDING CASE #'S 04-1688 AND 04-1689, TO ACCEPT THE GUILTY PLEA AND PAYMENT OF THE FINE.

MOTION SECONDED BY MR. HOFFMAN.

MOTION CARRIED UNANIMOUSLY.

- V Case #04-1690, Reynco, Inc., 201 List 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.

After testimony was heard by Robert Kennedy, Trash Bureau Supervisor and Jeannie Zinner, representative of Moons Landscaping, the following motion was made:

**MOTION BY MR. KLEIN TO DISMISS CASE #04-1690.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

VI Presentation of New Cases to Set for Hearing:

- A 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.
- B 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.
- C 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.
- D 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.
- E 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.
- F 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.
- G 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.

- H 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.
- I 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.
- J 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.

**MOTION BY MR. HOFFMAN TO SET CASE #04-1691, 04-1692, 04-1693, 04-1694, 04-1695, 04-1696, 04-1697, 04-1698, 04-1699 AND 04-1700 FOR HEARING AT THE JULY 15, 2004 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. YOUCHAK.
MOTION CARRIED UNANIMOUSLY.**

VII New Business:

NONE

VIII Consideration of Foreclosure:

NONE

IX Old Business:

- A Case #03-1595, Herbert J. Richman, 350 Seaspray Avenue
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 systems. This permit must be obtained prior to commencing work.

Chief Code Compliance Officer Robert S. Walton reported that the gate has been removed.

**MOTION BY MR. OCHSTEIN TO DISMISS CASE #03-1595.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

- B Case #03-1612, Deborah Mullin, 2505 So. Ocean Blvd., #203
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 any building or building system, permits for plumbing and electric are also required by Chapter 18, Section 18-242. These permits are required to be obtained prior to commencing work.

**MOTION BY MR. YOUCHAK TO DISMISS CASE #03-1595.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

- C Case #04-1621, Boston Homes, Inc., 312 Cherry Lane
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, Medium Projects, all new or remodel construction projects of 4,000 sq. ft. to 8,999 sq. ft. under roof be allowed 20 months.

Attorney Peter Broberg testified on behalf of the Defendant. Copies of the "Road to C.O." schedule, prepared by the Defendant, was distributed to the Board. Mr. Broberg requested that the case be postponed until the July 15, 2004 Code Enforcement Board Hearing.

After further testimony, the following motion was made:

**MOTION BY MR. HOFFMAN TO FIND IN NON COMPLIANCE. IT IS FURTHER ORDERED THAT A FINE IN THE AMOUNT OF \$250.00 PER DAY BE IMPOSED STARTING TODAY AND CONTINUING TO COMPLETION.
MOTION SECONDED BY MR. KLEIN.
MOTION MODIFIED TO STATE THE FINE STARTS TODAY \$250.00 PER DAY AND CONTINUING TO CERTIFICATE OF OCCUPANCY.
MODIFIED MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.**

X Other Business:

NONE

- XI Adjournment: The meeting was adjourned at 3:11 p.m. without benefit of a motion.