

**TOWN OF PALM BEACH
CODE ENFORCEMENT BOARD MINUTES
2:00 P.M. THURSDAY, FEBRUARY 19, 2004
AT THE TOWN COUNCIL CHAMBERS, 360 S. COUNTY ROAD**

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

II Roll Call: Present: Eugene Lawrence, Chairman
 Pamela Hoffpauer, Vice Chair
 Timothy Hoffman, Member
 Richard A. Raffo, Member
 Hugh C. Davis, III, Member
 Joel P. Koepfel, Member
 Thomas M. Youchak, Member
 George Klein, Alternate Member
 Larry Ochstein, Alternate Member (arrived at 2:01pm)
 Robert S. Walton, Code Compliance Officer
 John C. Randolph, Town Attorney

Recording Secretary: Deborah A. Morakis

III Approval of the Minutes of January 15, 2004:
 MOTION BY MR. HOFFMAN FOR APPROVAL OF THE MINUTES.
 MOTION SECONDED BY MR. YOUCHAK.
 MOTION CARRIED UNANIMOUSLY.

IV Public Hearings:

A Case #03-1602, Mark & Deborah Remson, 2270 Ibis Isle 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.

 Chief Code Compliance Officer Robert Walton requested that the Board dismiss Case #03-1602 for compliance.

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

Let the record show that while it was clearly the Board's intention to make a motion for dismissal of this case, as that was Mr. Walton's recommendation, no motion was actually stated. The intended motion for dismissal was, however, seconded by Mr. Davis and carried unanimously.

B Case #03-1610, 332 South County Road, LLC, 332 South County Road

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach, it shall constitute a nuisance for any owner to permit on their property sand or soil to be stock piled resulting from any construction project.

MOTION BY MR. KOEPPPEL TO DISMISS CASE #03-1610 FOR COMPLIANCE.

MOTION SECONDED BY MR. DAVIS.

MOTION CARRIED UNANIMOUSLY.

C Case #03-1611, William Condren, 240 Banyan Road

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.

Chief Code Compliance Officer Walton received a request that this case be postponed until the March 18, 2004 Code Enforcement Board Hearing as the Attorney for Mr. Condren could not be here today.

MOTION BY MR. HOFFMAN TO POSTPONE CASE #03-1611 UNTIL THE MARCH 18, 2004 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. KOEPPPEL.

MOTION CARRIED UNANIMOUSLY.

D Case #04-1614, Leonard Sessa, 1 Via Sunny

Violation of Chapter 126, Section 126-58 of the Town of Palm Beach Code of Ordinances: it is unlawful for any person to trim (*or materially alter the character of a tree by trimming*) any historic or specimen tree without written permission from the Town Manager.

Chief Code Compliance Officer Walton stated that Case #04-1614 and #04-1615 both involve historic tree issues and requested that both cases be postponed until the March 18, 2004 Code Enforcement Board Hearings.

MOTION BY MR. KOEPPPEL TO POSTPONE CASE #04-1614 AND 04-1615 UNTIL THE MARCH 18, 2004 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

E Case #04-1615, Roger Hertog, 10 Blossom Way

Violation of Chapter 126, Section 126-58 of the Town of Palm Beach Code of Ordinances: it is unlawful for any person to cut down, remove or move, or effectively destroy through damage any historic or specimen tree without written permission and a hearing before the Town Council.

MOTION BY MR. KOEPPPEL TO POSTPONE CASE #04-1614 AND 04-1615 UNTIL THE MARCH 18, 2004 CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MS. HOFFPAUER.

MOTION CARRIED UNANIMOUSLY.

F Case #04-1616, SLM Palm Beach Associates, LLC, 2305 South 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 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.

Mr. Walton testified that the property was inspected today by himself and a

representative of Boynton Landscape who now has a contract to maintain the property, and would like to recommend that this case be dismissed for compliance. Chairman Lawrence recused himself since this property owner is one of his clients.

**MOTION BY MR. KOEPPPEL TO DISMISS CASE #04-1616 FOR COMPLIANCE.
MOTION SECONDED BY MR. HOFFMAN.
MOTION CARRIED UNANIMOUSLY.**

- G Case #04-1617, Sebastian Licata, 3475 So. Ocean Blvd., #310
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. Plumbing and electrical permits are also required. These permits must be obtained prior to commencing work.

Mr. Walton stated that Mr. Licata started the work without permits. They have since obtained the permits but have not obtained all the required inspections or completed all the work. They still need to obtain the plumbing permit. The Town is requesting a finding of noncompliance and would like to give them thirty (30) days to obtain compliance.

**MOTION BY MR. KOEPPPEL THAT THE DEFENDANT BE FOUND IN NONCOMPLIANCE AND GIVEN THIRTY (30) DAYS TO ACHIEVE COMPLIANCE.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.**

- H Case #04-1618, Breakers Properties, Cocoanut Row
Violation of Chapter 106, Section 106-59 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.
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances: it shall constitute a nuisance for any owner to permit on their property sand or soil to be stockpiled and land that has been cleared must be replanted or sodded.

Mr. Walton indicated that the hedges have been cut back and the uncovered area has been sodded. The Town asks for dismissal for compliance.

**MOTION BY MR. KOEPPPEL TO DISMISS CASE #04-1618 FOR COMPLIANCE.
MOTION SECONDED BY MR. RAFFO.
MOTION CARRIED UNANIMOUSLY.**

V Presentation of New Cases to Set for Hearing:

- A Case #04-1619, Greg & Karen Golnick, 146 Seabreeze Avenue
Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances: a building permit is required to install, repair, or alter any building or building system. These permits must be obtained prior to commencing work.
- B Case #04-1620, Robert Grossman, 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 Section 42-126 of the Town of Palm Beach Code of Ordinances, it is unlawful for any person to permit any collection of standing water in which mosquitoes are likely to breed.
- 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.

- D Case #04-1622, Kean Investments, Inc., 260 Miraflores Drive
Violation of Chapter 42, Section 42-86 (3) of the Town of Palm Beach Code of Ordinances, grass shall not grow to a height greater than 8" and debris shall not be allowed to accumulate on property in the Town of Palm Beach.
Violation of Chapter 42, Section 42-86 (5) of the Town of Palm Beach Code of Ordinances, sand, soil, or other material shall not be allowed to accumulate.
- E Case #04-1623, Frank Coniglio, Cucina Dell' Arte, 257 Royal Poinciana Way
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 install, repair, or alter any building or system.
Violation of Chapter 132, Section 132-2372 of the Town of Palm Beach Code of Ordinances, strip lighting of any nature shall not be used to outline any building or structure.
Violation of Chapter 42, Section 42-197 of the Town of Palm Beach Code of Ordinances, noise to attract attention is prohibited.
Violation of Chapter 134, Section 134-2 of the Town of Palm Beach Code of Ordinances, allows that only background music is permitted in a restaurant.
- F Case #04-1624, Peruvian Condominium Association, 122 Peruvian Avenue
Violation of Chapter 42, Section 42-87 (2) & (7) of the Town of Palm Beach Code of Ordinances, all fences, gates and exterior walls shall be reasonably free of cracks, painted and shall be kept in sound condition and good repair.
Violation of Chapter 34, Section 2401.6 of the Town of Palm Beach Code of Ordinances, all devices or safeguards required by the technical codes shall be maintained in good working order. According to the National Electrical Code Section 400.8 (1), N.F.P.A. 70-2002 flexible cord or cables shall not be used as a substitute for fixed wiring on a structure and all repairs shall be made in a safe and workman like manner.
- G Case #04-1625, Michael I. Keller, 126 Peruvian Avenue
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.
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior walls shall be kept painted and in good repair and debris shall not be allowed to accumulate.
- H Case #04-1626, Bank of America, NA, 140 No. County Road
Violation of Section 134-229 (12) of the Town of Palm Beach Zoning Ordinances: "(1) Failure to submit evidence satisfactory to the Town Council at renewal time that not less than fifty (50) percent of the customers of the proposed use will be "Town Persons."
- I Case #04-1627, Bank of America, NA, 396 Royal Palm Way
Violation of Section 134-229 (12) of the Town of Palm Beach Zoning Ordinances: "(1) Failure to submit evidence satisfactory to the Town Council at renewal time that not less than fifty (50) percent of the customers of the proposed use will be "Town Persons."
- J Case #04-1628, Harry Loy Anderson, Colonial Bank, 125 Worth Avenue

Violation of Section 134-229 (12) of the Town of Palm Beach Zoning Ordinances: “(1) Failure to submit evidence satisfactory to the Town Council at renewal time that not less than fifty (50) percent of the customers of the proposed use will be “Town Persons.”

- K Case #04-1629, Escada USA Retail, Inc., 222 Worth Avenue
Violation of Section 134-229 (12) of the Town of Palm Beach Zoning Ordinances: “(1) Failure to submit evidence satisfactory to the Town Council at renewal time that not less than fifty (50) percent of the customers of the proposed use will be “Town Persons.”
- L Case #04-1630, J. P. Morgan Trust Company NA, 205 Royal Palm Way
Violation of Section 134-229 (12) of the Town of Palm Beach Zoning Ordinances: “(1) Failure to submit evidence satisfactory to the Town Council at renewal time that not less than fifty (50) percent of the customers of the proposed use will be “Town Persons.”
- M Case #04-1631, Sak’s & Company, 172 Worth Avenue
Violation of Section 134-229 (12) of the Town of Palm Beach Zoning Ordinances: “(1) Failure to submit evidence satisfactory to the Town Council at renewal time that not less than fifty (50) percent of the customers of the proposed use will be “Town Persons.”
- N Case #04-1632, Sak’s & Company, 150 Worth Avenue
Violation of Section 134-229 (12) of the Town of Palm Beach Zoning Ordinances: “(1) Failure to submit evidence satisfactory to the Town Council at renewal time that not less than fifty (50) percent of the customers of the proposed use will be “Town Persons.”
- O Case #04-1633, WA Boutique of Palm Beach Inc., Sonia Rykiel, 150 Worth Avenue
Violation of Section 134-229 (12) of the Town of Palm Beach Zoning Ordinances: “(1) Failure to submit evidence satisfactory to the Town Council at renewal time that not less than fifty (50) percent of the customers of the proposed use will be “Town Persons.”
- P Case #04-1634, Westminster Financial Securities, Inc., 2875 So. Ocean Blvd., #101
Violation of Section 134-229 (12) of the Town of Palm Beach Zoning Ordinances: “(1) Failure to submit evidence satisfactory to the Town Council at renewal time that not less than fifty (50) percent of the customers of the proposed use will be “Town Persons.”

**MOTION BY MS. HOFFPAUER TO SET CASE #'S 04-1619, 04-1620, 04-1621, 04-1622, 04-1623, 04-1624, 04-1625, 04-1626, 04-1627, 04-1628, 04-1629, 04-1630, 04-1631, 04-1632, 04-1633, 04-1634 FOR HEARING AT THE MARCH 18, 2004 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. DAVIS.
MOTION CARRIED UNANIMOUSLY.**

VI New Business:

NONE.

VII Consideration of Foreclosure:

NONE.

VIII Old Business:

- A Case #01-1384, 332 South County Road, LLC, 332 South County Road
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all exterior walls, doors and windows shall be reasonably free of cracks, painted and shall be kept in sound condition and good repair.

Mr. Walton testified that the property has now been brought into compliance. Attorney Brooks Ricca is out of town and is asking for a 30-day continuance. To date, a total of \$23,000.00 in fines have been paid and a balance of \$51,250.00 remains. They would like to speak to the Board for consideration of the remaining amount of the fine due.

Town Attorney Skip Randolph advised the Board that they have full discretion and based upon the circumstances as presented to the Board, the Board may determine if an abatement of the fine is appropriate.

After further discussion, the following motion was made:

**MOTION BY MS. HOFFPAUER TO POSTPONE CASE #01-1384 UNTIL THE MARCH 18, 2004 CODE ENFORCEMENT BOARD HEARING.
MOTION SECONDED BY MR. YOUCHAK.
MOTION PASSED UNANIMOUSLY.**

- B Case #03-1603, David Hruda, 143 Reef 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.

Mr. Walton stated that all required permits and inspections have been obtained and completed and the Town would ask for dismissal for compliance.

**MOTION BY MR. KOEPEL TO DISMISS CASE #03-1603 FOR COMPLIANCE.
MOTION SECONDED BY MR. YOUCHAK.
MOTION PASSED UNANIMOUSLY.**

- C Case #02-1482, Washington Mutual, 159 Sunset Avenue
Violation of Section 42-87 of the Town of Palm Beach Code of Ordinances: Brush, weeds or grass may not be allowed to grow to a height greater than eight (8) inches; and decayed or decaying buildings or structures, ruins of any kind or buildings, docks, walls or other structures in a falling or dangerous condition are unlawful; and Section 42-87 requires exterior walls to be reasonably free of cracks or holes through which weather elements can enter the building or structures, and all exterior surfacing material shall be kept painted and in good repair.

Mr. Walton stated that this Case took a long time to bring into compliance. This building was demolished and the property is now in compliance. There is an outstanding fine due in the amount of \$83,250.00. The fine stopped on January 16,

2004.

Attorney Ray Royce was here on behalf of Washington Mutual. Testimony was heard about the previous ownership and condition of the property. Pictures were presented to indicate the condition of the property. Attorney Royce stated that there were four proposed contracts for the sale of the property that fell through. In October 2003, Washington Mutual gave up and decided to demolish the property. After ARCOM approval was obtained and the permits were issued, the property was finally demolished and the property was brought into compliance on January 16, 2004. Attorney Royce asked for some fair consideration of the fine.

After Mr. Walton answered questions of the Board and further discussion, the following motion was made:

**MOTION BY MR. RAFFO TO REDUCE THE FINE TO \$75,000.00 AND REQUIRE PAYMENT WITHIN TEN DAYS.
MOTION SECONDED BY MR. KOEPPPEL.
MOTION CARRIED UNANIMOUSLY.**

IX Reports:

- A Case #03-1608, Timothy Dale, 5 South Lake Trail
Violation of Chapter 18, Section 18-242, Subsection 104.5.1.6, of the Town of Palm Beach Code of Ordinances, Large Projects, all new or remodel construction projects of 9,000 sq. ft. or more shall be allowed 27 months.

Mr. Tim Dale of Dale Construction reported that work on the theater is in progress. Power has been turned on. The pool has been marcited and filled. The wall coverings are installed and the landscaping is underway. Exterior gates, fencing, colonial shutters have been installed. The carpeting has been delayed until March 1 since the landscaping is not completed. The project is on schedule.

Mr. Walton stated that at last month's meeting, the Board postponed Case #03-1608 until the March 18, 2004 Code Enforcement Board Hearing, but had asked for this report.

X Adjournment: The meeting was adjourned at 2:50 p.m. without benefit of a motion.