

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

Thursday, November 19, 2015, 02:00 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 Joan Dunn, Secretary to the Code Enforcement Board at (561) 227-6388. 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:(02:00:49 PM)

II. Roll Call:(02:00:51 PM)

Upon roll call, the following Board members were present: Chairman Harris S. Fried, Vice Chairman James Ballentine, Members Madelyn Greenberg, Cynthia Van Buren, Robert G. Donnelley, Matthew Natale, Scotch Peloso and Alternate Member Jay N.Nisberg.

Staff present: Town Attorney John Randolph, Code Enforcement Officer John Moriarty, and Recording Secretary Joan Dunn.

III. Approval of the Minutes of October 15, 2015:(02:00:55 PM)

**MOTION BY MS. GREENBERG TO APPROVE THE OCTOBER 15, 2015
MINUTES**

**SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(02:01:10 PM)

The Town staff were sworn in by Recording Secretary Dunn.

Code Officer Moriarty presented the statistical information about the Code Enforcement actions for the past month.

V. Public Hearings:

A. Case # CE 15-987, 237 Brazilian Ave., Florida Capital Mgmt LLC

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, grass/weeds in excess of 8 inches in height, accumulation of vegetative debris, nor stagnant water not allowed; Violation of Chapter 106, Section 106-159 a clearance of 8 feet, measured vertically from the edges and extending the full width of all sidewalks and bike trails in the Town to be maintained at all times for the unobstructed passage of pedestrians and others using such sidewalks and bike trails

Code Enforcement Officer Moriarty presented the case and submitted photographs into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until December 3, 2015 to comply.

The property owner was not present at the hearing and there was a finding of proper notice.

**MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL DECEMBER 3, 2015 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

B. Case # CE 15-975, 313 Worth Ave., #B, Blesk Jewelry Inc. & Love LLC

Violation of Chapter 46, Section 46-68 of the Town of Palm Beach Code of Ordinances, overdue annual fire and life safety inspections fees

Code Enforcement Officer Moriarty presented the case and submitted evidence into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to pay the overdue fees and fines.

The property owner was not present at the hearing and there was a finding of proper notice.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE OVERDUE FEES AND FINES
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

C. Case # CE 15-971, 150 Worth Ave., Gucci

Violation of Chapter 38, Section 38-35 of the Town of Palm Beach Code of Ordinances, overdue false alarm fines

Code Enforcement Officer Moriarty presented the case and submitted evidence into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to pay the overdue false alarm fines.

The property owner was not present at the hearing and there was a finding of proper notice.

MOTION BY MR. BALLETTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE OVERDUE FALSE ALARM FINES

SECONDED BY MR. NATALE

MOTION PASSED UNANIMOUSLY

D. Case # CE 15-970, 340 Royal Poinciana Way, #327, Blow and Go

Violation of Chapter 38, Section 38-35 of the Town of Palm Beach Code of Ordinances, overdue false alarm fines

Code Enforcement Officer Moriarty presented the case and submitted evidence into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to pay the overdue false alarm fines.

The property owner was not present at the hearing and there was a finding of proper notice.

MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE OVERDUE FALSE ALARM FINES

SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

E. Case # CE 15-969, 218 La Puerta Way, Champion Venture Holdings LLC

Violation of Chapter 18, Section 18-206 of the Town of Palm Beach Code of Ordinances, any site in which reconstruction does not commence within 30 days after demolition to be irrigated and sodded

Code Enforcement Officer Moriarty presented the case and submitted photographs into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until December 3, 2015 to comply.

The property owner was not present at the hearing and there was a finding of proper notice.

The Board discussed alternate compliance dates.

**MOTION BY MR. NATALE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 27, 2015 TO COMPLY
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY**

F. Case # CE 15-964, 1157 N. Lake Way, Matthew Gabelli

Violation of Chapter 38, Section 38-62 of the Town of Palm Beach Code of Ordinances, overdue annual alarm fee and fines

Code Enforcement Officer Moriarty presented the case and submitted evidence into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and order them to pay the overdue alarm fees.

The property owner was not present at the hearing and there was a finding of proper notice.

**MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE OVERDUE ALARM FEES
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

G. Case # CE 15-947, 232 Via Marila, Charles F. Willis IV Tr.

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, hedges infested with pests such as whitefly not allowed

Code Enforcement Officer Moriarty presented the case and submitted photographs into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs of \$150.00 and give them until December 3, 2015 to comply.

The property owner was not present at the hearing and there was a finding of proper notice.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL DECEMBER 3, 2015 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

- H. Case # CE 15-1068, 302 S. County Rd., Sheldon L. Kramer & Savecard Advertising
Violation of Chapter 78, Section 78-39 of the Town of Palm Beach Code of Ordinances, solicitation without a permit

Code Enforcement Officer Moriarty advised the violator requested a postponement until the January 21, 2016 as he was out of Town.

**MOTION BY MR. PELOSO TO POSTPONE THIS CASE UNTIL THE JANUARY 21, 2016 MEETING
SECONDED BY MS. GREENBERG
MOTION OPPOSED**

ROLL CALL VOTE

MR. PELOSO	YES
MS. GREENBERG	YES
MS. VAN BUREN	NO
MR. BALLENTINE	NO
MR. DONNELLEY	YES
MR. NATALE	NO
MR. FRIED	NO

MOTION FAILED 4 TO 3

**MOTION BY MS. VAN BUREN TO POSTPONE THIS CASE UNTIL THE DECEMBER 17, 2015 MEETING
SECONDED BY MR. BALLENTINE
MOTION OPPOSED**

ROLL CALL VOTE

MS. VAN BUREN	YES
MR. BALLENTINE	YES
MS. GREENBERG	NO
MR. DONNELLEY	YES
MR. NATALE	YES
MR. PELOSO	NO
MR. FRIED	YES

MOTION PASSED 5 TO 2

VI. Fine Consideration:

- A. Case # CE 15-978, 250 Seminole Av., #4, Scott Derrin & Rhona Lieberman
Violation of Chapter 18, Section 18-233 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 Moriarty briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$100.00 a day commencing on November 10, 2015.

Scott Derrin was present at the hearing, gave his testimony and requested more time to comply.

MOTION BY MR. NATALE TO GIVE THE VIOLATOR ADDITIONAL TIME TO COMPLY, UNTIL DECEMBER 14, 2015. HE FURTHER MOTIONED IF COMPLIANCE IS NOT ACHIEVED BY DECEMBER 14, 2015 A FINE IN THE AMOUNT OF \$100.00 A DAY WILL COMMENCE ON DECEMBER 15, 2015 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED.

**SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY**

VII. Fine Reduction:

- A. Case # CE 15-168, 3030 S. Ocean Blvd, #435, John & Sherry Sorochuk Tr.
Violation of Chapter 18, Section 18-241 and 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 Moriarty briefly reviewed the case. The Town had no recommendation.

John Sorochuk was present at the hearing and advised that Doug Campbell, the property owner in the subsequent case, would be speaking on his behalf. Doug Campbell gave his testimony in the case and requested a fine reduction.

**MOTION BY MR. NATALE TO REDUCE THE FINE TO \$1,000.00.
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

B. Case # CE 15-169, 3030 S. Ocean Blvd, #442, Doug Campbell

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 Moriarty briefly reviewed the case. The Town had no recommendation.

Doug Campbell was present at the hearing and gave his testimony in the case. He requested a fine reduction.

**MOTION BY MR. NATALE TO REDUCE THE FINE TO \$1,000.00.
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY**

C. Case # CE 15-289, 296 S. County Rd., Sartoria De Caria d/b/a Bennett Uomo & Milton Partnership LTD

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; Violation of Chapter 18, Section 18-175, ARCOM approval required prior to the issuance of certain permits; Violation of Chapter 134, Section 134-2372, permits required for the erection or installation of any sign with the Town

Code Enforcement Officer Moriarty briefly reviewed the case. The Town had no recommendation.

Graciela De Caria was present at the hearing and gave her testimony in the case. She requested a fine reduction.

**MOTION BY MR. NATALE TO REDUCE THE FINE TO \$1,650.00. HE
FURTHER MOTIONED IF THE REDUCED FINE OF \$1,650.00 WAS NOT
PAID BY DECEMBER 16, 2015, THE FINE WOULD RETURN TO ITS
ORIGINAL AMOUNT OF \$2,700.00
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

VIII. Board Comments:(03:45:50 PM)

Various Board members commented on the Code Enforcement statistics given at the beginning of the hearing by staff.

IX. Adjournment:(03:46:26 PM)

The meeting was adjourned without benefit of a motion