

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

Thursday, November 17, 2016, 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:(02:00:47 PM)

II. Roll Call:(02:01:01 PM)

Upon roll call, the following Board members were present: Chair James Ballentine, Jr., Vice Chair Madelyn Greenberg, Members Robert G. Donnelley, Matthew Natale and Scotch Peloso, Alternate Members Donald B. Scott, Jr. and Daniel McDonnell. Member Cynthia Van Buren had an excused absence. Member Jay N. Nisberg had an unexcused absence.

Staff present: Town Attorney John Randolph, Code Enforcement Manager Benjamin Alma, Code Enforcement Officer John Moriarty, Code Enforcement Officer Julien Felix, and Recording Secretary Joan Dunn

Mr. Ballentine welcomed Mr. McDonnell to the Board and advised both Alternate Members Mr. Scott and Mr. McDonnell that they would be voting members today.

III. Approval of the Minutes of October 20, 2016:(02:01:21 PM)

MOTION BY MS. GREENBERG TO APPROVE THE OCTOBER 20, 2016 MINUTES

SECONDED BY MR. DONNELLEY

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff:(02:01:56 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Code Statistics(02:02:25 PM)

Code Enforcement Officer Moriarty reviewed the Code Enforcement statistics for the month.

VI. Old Business

A. Case # CE 14-1212, 160 Royal Palm Way, 160 Royal Palm LLC

Violation of Chapter 134, Section 134-326(b) of the Town of Palm Beach Code of Ordinances, application for site plan review must be filed and approved by the Town Council prior to the altering of the use of any land; Violation of Chapter 134, Section 134-7, compliance with requirements of grants of variances or exceptions required; Violation of Chapter 134, Section 134-226, compliance with Declaration of Use Agreements required

Town Attorney Randolph discussed the Town Council's actions concerning this property and their decision to temporarily abate the Town's running fines and requested the Code Enforcement Board consider doing the same on the Code Enforcement running fine for this property.

Attorney for the court appointed receiver for the Palm House, Cary Glickstein, was present at the hearing and reviewed the issues surrounding this property and requested the temporary fine abatement.

**MOTION BY MR. NATALE TO ABATE THE PRESENT FINES
COMMENCING UPON THE ENTRY OF THE ORDER BY THE COURT
AUTHORIZING THE RECEIVER TO SPEND THESE FUNDS FOR PURPOSES
OF REIMBURSING THE TOWN FOR MONIES ALREADY SPENT TO
ASSUAGE PUBLIC SAFETY CONCERNS AND FOR OTHER MONIES THAT
MAY BE REQUIRED TO BE SPENT FOR THOSE CONCERNS AND ANY
OTHER IMPROVEMENTS TO THE PALM HOUSE. THAT THIS
ABATEMENT RUN FOR A PERIOD OF 120 DAYS OR THE DATE THE
WORK IS COMPLETED, WHICHEVER IS EARLIER. AND, IF THAT IS NOT
ACCOMPLISHED THAT THE ABATEMENT REVERTS BACK TO THE DATE
OF THE JUDGE'S ORDER.
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

VII. Public Hearings:

A. Case # CE 16-561, 7 Ocean Ln., Janina K. Radtke Trust

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all outside appurtenances to be maintained in a state of safe and good repair

Town Attorney Randolph discussed the issues surrounding this piece of property and requested the Board dismiss this case without prejudice.

Attorney Timothy Hanlon was present on behalf of the property owner and gave his testimony in the case.

**MOTION BY MR. NATALE TO DISMISS THIS CASE WITHOUT PREJUDICE
SECONDED BY MS. GREENBERG
MOTION PASSED WITH MR. DONNELLEY OPPOSED**

B. Case # CE 16-709, 353 Seaspray Ave., Cornelia M. Lorentzen

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 and accumulations of vegetative debris not allowed

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and give them until December 2, 2016 to comply.

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

**MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL DECEMBER 2, 2016 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

C. Case # CE 16-758, 2259 Ibis Isle Rd. E., Cocobeach LLC

Violation of Chapter 126, Section 126-31 of the Town of Palm Beach Code of Ordinances, vegetative growth located within the vicinity of any above ground utility line that has reached a height or is in a condition that might render it dangerous to the public utility line not allowed

Code Enforcement Officer Felix presented the facts of the case and submitted photographs into the record. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and give them until December 2, 2016 to comply.

Janet Otero was present on behalf of the property owner and gave her testimony in the case.

The Board discussed an alternate compliance date.

**MOTION BY MR. PELOSO TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL DECEMBER 14, 2016 TO COMPLY
SECONDED BY MR. NATALE
MOTION PASSED UNANIMOUSLY**

- D. Case # CE 16-933, 330 Brazilian Ave., Casa VW Properties LLC
REPEAT Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, accumulations of stagnant water on any property not allowed

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into the record. The Town recommended the Board find the violator in REPEAT non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay a \$500.00 a day fine for the 9 days out of compliance for a total fine of \$4,500.00.

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 REPEAT NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY A \$500.00 A DAY FINE FOR THE NINE DAYS OUT OF COMPLIANCE, FOR A TOTAL FINE OF \$4,500.00
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VIII. Fine Consideration:

- A. Case # CE 16-592, 2560 S. Ocean Blvd. #217, 2560 S. Ocean LLC
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 a fine in the amount of \$50.00 a day commence on November 5, 2016 and continue until compliance is achieved by obtaining all required permits and passing all required inspections.

The property owner was not present at the hearing.

**MOTION BY MR. NATALE TO ASSESS A FINE IN THE AMOUNT OF \$50.00 A DAY, COMMENCING ON NOVEMBER 5, 2016 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED BY OBTAINING ALL REQUIRED PERMITS AND PASSING ALL REQUIRED INSPECTIONS
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

- B. Case # CE 16-680, 232 Cherry Ln., Joshua & Celeste Leader
Violation of Chapter 42, Section 42-164 of the Town of Palm Beach Code of Ordinances, conditions which promote fugitive dust and blowing sand prohibited; Violation of

Chapter 42, Section 42-87, all exterior walls to be maintained in a state of good repair and painted; Violation of Chapter 18, Section 18-233, 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 a fine in the amount of \$250.00 a day commence on November 5, 2016 and continue until compliance is achieved by obtaining all required permits and passing all required inspections.

The property owner was not present at the hearing.

**MOTION BY MS. GREENBERG TO ASSESS A FINE IN THE AMOUNT OF \$250.00 A DAY, COMMENCING ON NOVEMBER 5, 2016 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED BY OBTAINING ALL REQUIRED PERMITS AND PASSING ALL REQUIRED INSPECTIONS
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

IX. Foreclosure Hearings:

A. Case # CE 15-1166, 1556 N. Ocean Blvd., Fatemeh & Niaz Nazarian

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, exterior surfaces required to be painted and in a good state of repair

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended the Board defer the case to the Town Council for foreclosure consideration.

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

The Board commented on adding wording to the motion that further correspondence or contact should be attempted before referring to the Town Council

**MOTION BY MR. DONNELLEY TO DEFER THE CASE TO THE TOWN COUNCIL FOR FORECLOSURE CONSIDERATION WITH THE CONDITION THAT A LETTER BE SENT TO THE PROPERTY OWNER AND ANY OTHER MEANS TAKEN TO COLLECT THIS FINE PRIOR TO FORECLOSURE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

X. Board Comments:(03:09:54 PM)

Mr. Ballentine questioned the time limits on construction and how they are determined. Code Enforcement Officer Moriarty advised permit issuance and time limitations are functions of the Planning Zoning and Building Department.

XI. Adjournment:

**MOTION BY MR. SCOTT TO ADJOURN THE MEETING
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY**