

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

Thursday, October 20, 2016, 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 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:(01:59:31 PM)

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

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

Staff present: Attorney Kelly Gardner, Code Enforcement Manager Benjamin Alma, Code Enforcement Officer John Moriarty, Code Enforcement Officer Julien Felix, Zoning Administrator John Lindgren, Accounting Clerk Mary McQuaig and Recording Secretary Joan Dunn.

III. Approval of the Minutes of September 15, 2016:(02:00:05 PM)

MOTION BY MS. GREENBERG TO APPROVE THE SEPTEMBER 15, 2016 MINUTES

SECONDED BY MR. NISBERG

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff:(02:00:21 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Code Statistics(02:00:39 PM)

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

VI. Public Hearings:

A. Case # CE 16-547, 312 Worth Ave., J. Burton Trust & L. Franz Trust

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 advised this case has recently come into compliance and the Town recommended the Board dismiss this case for compliance.

**MOTION BY MS. VAN BUREN TO DISMISS THIS CASE FOR COMPLIANCE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

B. 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

Code Enforcement Officer Moriarty advised this case is being reviewed by the Town Attorney and the Town recommended the Board postpone this case until the November 17, 2016 meeting.

**MOTION BY MR. DONNELLEY TO POSTPONE THIS CASE UNTIL THE
NOVEMBER 17, 2016 MEETING
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

C. Case # CE 16-592, 2560 S. Ocean Blvd. #217, 2560 S. Ocean LLC & 2560 S. Ocean Blvd. Condo Assoc Inc.

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 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 November 4, 2016 to comply.

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 GIVE THEM UNTIL NOVEMBER 4, 2016 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

D. Case # CE 16-606, 135 Bradley Place, Publix Super Markets Inc.

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

Code Enforcement Officer Felix presented the facts of the case and submitted evidence into the record. Finance Accounting Clerk McQuaig gave her testimony in the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00, and order them to pay all outstanding alarm fines, late fees and the Code Enforcement administrative costs by November 11, 2016.

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

**MOTION BY MR. NATALE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY ALL OUTSTANDING ALARM FINES, LATE FEES AND THE CODE ENFORCEMENT BOARD ADMINISTRATIVE COSTS BY NOVEMBER 11, 2016
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

E. Case # CE 16-608, 434 Seaspray Ave., Christopher & Andrea Kaufmann

Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances, a clearance of 18 feet measured vertically from the edges of the pavement and extending the full width of all streets and roadways to be maintained at all times for the unobstructed passage of vehicles and 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; Violation of Chapter 106, Section 106-1 does not allow vegetation to obstruct street signs, regulatory signage, street lighting or traffic signals

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 November 4, 2016 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 NOVEMBER 4, 2016 TO COMPLY
SECONDED BY MR. NISBERG
MOTION PASSED UNANIMOUSLY**

F. Case # CE 16-664, 232 Coral Ln., Linda J. Saville

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 presented the facts of the case and submitted photographs into the record. Zoning Administrator Lindgren gave his testimony in the case. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00, and give them until November 4, 2016 to comply.

Chris Simon was present at the hearing on behalf of the property owner and gave his testimony in the case. Neighbor Edna Caruso was present at the hearing and gave her testimony in the case.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 11, 2016 TO COMPLY INCLUDING REMOVING THE REMAINING OLD HEDGES AND STUMPS FROM THE PROPERTY
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

G. Case # CE 16-666, 307 Chilean Ave. #1, Dar Ahlam II 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 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 November 4, 2016 to comply.

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 GIVE THEM UNTIL NOVEMBER 4, 2016 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

H. Case # CE 16-667, 307 Chilean Ave. #2, Dar Ahlam II 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 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 November 4, 2016 to comply.

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 GIVE THEM UNTIL NOVEMBER 4, 2016 TO COMPLY
SECONDED BY MR. NISBERG
MOTION PASSED UNANIMOUSLY**

I. Case # CE 16-668, 307 Chilean Ave. #3, Dar Ahlam II 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 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 November 4, 2016 to comply.

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

**MOTION BY MR. PELOSO TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 4, 2016 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

J. Case # CE 16-669, 307 Chilean Ave. #4, Dar Ahlam II 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 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 November 4, 2016 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 NOVEMBER 4, 2016 TO COMPLY
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY**

K. 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 42-86, grass/weeds in excess of 8 inches in height not allowed; Violation of Chapter 42, Section 42-87, all exterior walls to be maintained in a state of good repair and painted; Violation of Chapter 46, Section 46-66, electrical components such as wiring required to be maintained in a safe manner and in compliance with the National Electrical Code; Violation of Chapter 42, Section 42-86 unsanitary conditions or accumulations of stagnant water not allowed; 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 presented the facts of the case and submitted photographs into the record. He advised the violations of Chapter 42, Section 42-86 and Chapter 46, Section 46-66 are now in compliance. The Town recommended the Board dismiss the violations of Chapter 42, Section 42-86 and Chapter 46, Section 46-66 for

compliance and find the violator in non-compliance for the remaining violations, assess administrative costs in the amount of \$150.00, and give them until November 11, 2016 to comply.

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

There was discussion on changing the compliance date to November 4, 2016.

**MOTION BY MR. NISBERG TO DISMISS THE VIOLATIONS OF CHAPTER 42, SECTION 42-86 AND CHAPTER 46, SECTION 46-66 AND FIND THE VIOLATOR IN NON-COMPLIANCE FOR THE REMAINING VIOLATIONS, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 4, 2016 TO COMPLY
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY**

VII. Board Comments:(03:34:07 PM)

Ms. Greenberg had comments as to the Code of Ordinances and hedge heights.

VIII. Adjournment:(03:36:20 PM)

**MOTION BY MR. DONNELLEY TO ADJOURN THE MEETING
SECONDED BY MR. NISBERG
MOTION PASSED UNANIMOUSLY**