

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

Thursday, October 19, 2017, 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:(02:01:54 PM)

The meeting was called to order by Chairman Ballentine at 2:00 p.m.

II. Roll Call:(02:02:03 PM)

Upon roll call, the following Board members were present: Chairman James Ballentine Jr., Vice Chair Cynthia Van Buren, Members Robert G. Donnelley, Matthew Natale, Jay N. Nisberg, Daniel McDonnell, Alternate Members Donald B. Scott, Jr. and Rosemary G. Carpenter. Member Scotch Peloso had an excused absence. Mr. Ballentine informed Mr. Scott that he would be a voting member in Mr. Peloso's absence.

Staff present: Code Enforcement Manager Benjamin Alma, Code Enforcement Officer John Moriarty, Building Official William Bucklew, Zoning Administrator Paul Castro and Recording Secretary Joan Dunn.

III. Approval of the Minutes of August 17, 2017:(02:02:22 PM)

**MOTION BY MR. MCDONNELL TO APPROVE THE AUGUST 17, 2017
MINUTES
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(02:02:46 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Code Statistics(02:03:01 PM)

Code Enforcement Officer Felix reviewed the Code Enforcement statistics for the month as follows:

- 1270 - year-to-date Code Enforcement cases
- 272 cases initiated since last Code Board Hearing
 - 111 cases self initiated
 - 161 cases received (not self initiated)
- 40 cases set to appear at October Code Board
- 30 achieved compliance before Hearing
- 6 new cases to be heard today
- 1 fine consideration to be heard today
- 1 fine reduction consideration to be heard today
- 2 old Business to be heard today

VI. Old Business:

A. Case # CE 15-57, 224 Atlantic Ave., 224 Atlantic LLC

Violation of Chapter 134, Section 134-7 of the Town of Palm Beach Code of Ordinances, failure to comply with conditions established in connection with grants of variances or special exceptions; Violation of Chapter 134, Section 134-227, special exception uses and their related accessory uses or any expansion, enlargement, or modification of an existing special exception use or any physical expansion of an existing special use or facility shall be permitted only upon authorization by the Town Council

Code Enforcement Officer Moriarty briefly reviewed the case. The Town had no recommendation. Zoning Administrator Paul Castro gave the Board a review of the Town Council's request of the Code Board to consider a temporary suspension of the daily running fine.

Maura Ziska, attorney for 224 Atlantic Ave., gave her testimony in the case and requested the Code Enforcement Board grant a temporary suspension of the daily running fine.

John Sheppard, attorney for 223 Atlantic Ave., and Rick Shankman of 223 Atlantic Ave. both gave their testimony in the case and requested the Code Enforcement Board not grant a temporary suspension of the daily running fine.

MOTION BY MS. VAN BUREN TO TEMPORARILY SUSPEND THE DAILY RUNNING FINE AS OF OCTOBER 19, 2017 UNTIL THE LEGAL ISSUES BETWEEN 224 ATLANTIC AVE. AND 223 ATLANTIC AVE.

**HAVE BEEN RESOLVED OR UNTIL THE TOWN COUNCIL TAKES ACTION TO ENTER INTO AN ALTERNATE AGREEMENT WITH THE PROPERTY OWNER(S)
SECONDED BY MR. DONNELLEY
MOTION OPPOSED**

Roll Call Vote

MS. VAN BUREN	YES
MR. DONNELLY	YES
MR. NATALE	NO
MR. NISBERG	NO
MR. MCDONNELL	YES
MR. SCOTT	NO
MR. BALLENTINE	YES

MOTION PASSED 4 TO 3

B. 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

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

Carey Glickstein, court appointed receiver for the property, gave his testimony in the case and requested a fine suspension for 120 days.

MOTION BY MR. NATALE TO SUSPEND THE DAILY RUNNING FINE FOR 63 DAYS. THE SUSPENSION IS CONDITIONED UPON THE RECEIVER BEING SUCCESSFUL IN SECURING THE FUNDING NECESSARY TO COMPLETE THE WORK THE TOWN IS REQUESTING TO BE CONDUCTED AT THE 160 ROYAL PALM WAY PROPERTY AND THE PAYMENT OF THE CURRENT ACCRUED FINE OF \$203,400.00. HE FURTHER MOTIONED IF SAID FUNDING IS NOT SECURED WITHIN THE PERIOD FOR WHICH THIS SUSPENSION HAS BEEN GRANTED OR THE FINE BALANCE IS NOT PAID WITHIN THE 63 DAYS, THE SUSPENDED FINE SHALL BE DUE AND PAYABLE RETROACTIVE TO THE DATE THE FINE WAS FIRST ABATED IE.

**NOVEMBER 17, 2016. THIS IS A SUSPENSION ONLY AND DOES NOT RELIEVE THE PROPERTY OWNER OR RESPONSIBLE PARTY FROM THE OBLIGATION TO PAY THE FULL AMOUNT OF THE CODE ENFORCEMENT FINE IMPOSED PURSUANT TO THE ORIGINAL ORDER OF THIS BOARD
SECONDED BY MR. DONNELLEY
MOTION PASSED WITH MR. NISBERG OPPOSED**

VII. Public Hearings:

A. Case # CE 17-747, 306 Worth Ave., Love 300

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, appurtenances to be maintained in safe and good repair

Code Enforcement Officer Moriarty advised this case is now in compliance. The Town recommended this case be dismissed for compliance.

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

**MOTION BY MR. NATALE TO DISMISS THE CASE FOR COMPLIANCE
SECONDED BY MR. NISBERG
MOTION PASSED UNANIMOUSLY**

B. Case # CE 17-776, 301 Polmer Park, Bracxa Palm Beach 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 presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until November 14, 2017 to comply.

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

**MOTION BY MR. NISBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 14, 2017 TO COMPLY
SECONDED BY MR. SCOTT
MOTION PASSED UNANIMOUSLY**

C. Case # CE 17-868, 205 Colonial Ln., John J. Hayes III

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 evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until November 14, 2017 to comply.

Mr. & Mrs. Hayes were present at the hearing, gave their testimony in the case and requested more time to comply.

**MOTION BY MR. NISBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL DECEMBER 19, 2017 TO COMPLY
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

D. Case # CE 17-883, 401 S. County Rd., Hals Realty Associates LTD

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

Code Enforcement Officer Moriarty presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until November 14, 2017 to comply.

Dan Miller was present at the hearing on behalf of the property owner, gave his testimony in the case and requested more time to comply.

**MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 16, 2017 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

E. Case # CE 17-907, 1290 N. Ocean Blvd., 1290 Investments 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; Violation of Chapter 46, Section 46-66 which adopts NFPA 70, electrical components such as wiring to be maintained in a safe manner and in compliance with the National Electrical Code; Violation of Chapter 42, Section 42-87, all exterior surfaces to be maintained in a good and safe condition and painted

Code Enforcement Officer Moriarty presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until November 14, 2017 to comply.

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

**MOTION BY MR. NISBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 14, 2017 TO COMPLY
SECONDED BY MR. SCOTT
MOTION PASSED UNANIMOUSLY**

F. Case # CE 17-1079, 225 Eden Rd., Liselotte Heiligenstein

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 evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until November 14, 2017 to comply.

The property 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 OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 14, 2017 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

VIII. Fine Consideration:

A. Case # CE 17-758, 226 Australian Ave. #4, Anna K. Karayiannakis

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 daily running fine in the amount of \$200.00 a day start on September 19, 2017 and continue until compliance is achieved.

Anna Karayiannakis and Thomas Schweizer were present at the hearing, gave their testimony in the case and requested more time to comply.

**MOTION BY MR. NATALE TO GRANT MORE TIME TO COMPLY, UNTIL DECEMBER 19, 2017. HE FURTHER MOTIONED IF COMPLIANCE IS NOT ACHIEVED BY DECEMBER 19, 2017, A FINE IN THE AMOUNT OF \$200.00 A DAY WILL COMMENCE ON DECEMBER 20, 2017 RETROACTIVE TO SEPTEMBER 19, 2017 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

IX. Fine Reduction Considerations:

A. Case # CE 16-680, 232 Cherry Ln., Joshua & Celeste Leader

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, convert or replace any electrical, mechanical or plumbing system

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

Joshua Leader was present at the hearing, gave his testimony in the case and requested a reduction in the fine.

MOTION BY MR. NISBERG TO REDUCE THE FINE TO \$45,000.00 TO BE PAID BY NOVEMBER 18, 2017. HE FURTHER MOTIONED IF THE REDUCED FINE OF \$45,000.00 IS NOT PAID BY NOVEMBER 18, 2017, THE FINE WILL RETURN TO ITS ORIGINAL AMOUNT OF \$64,400.00

**AND THE CASE WILL BE REFERRED TO THE TOWN COUNCIL FOR
FORECLOSURE CONSIDERATION
SECONDED BY MR. MCDONNELL
MOTION PASSED UNANIMOUSLY**

X. Board Comments:(04:38:42 PM)

There were no Board comments.

XI. Adjournment:(04:38:57 PM)

**MOTION BY MR. NATALE TO ADJOURN THE HEARING
SECONDED BY MR. MCDONNELL
MOTION PASSED UNANIMOUSLY**