

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

Thursday, August 20, 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:

II. Roll Call:(04:00:04 PM)

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

Mr. Fried congratulated Mr. Peloso on his appointment as a regular member.

Staff present: Attorney for the Board Matthew Ramenda, Support Services Lieutenant Nicholas Caristo, Code Enforcement Officer John Moriarty, Road Patrol Officer Eric Scarbrough, Zoning Administrator Paul Castro, Building Official William Bucklew and Recording Secretary Joan Dunn.

III. Approval of the Minutes of July 16, 2015:(04:00:42 PM)

**MOTION BY MS. GREENBERG TO APPROVE THE JULY 16, 2015 MINUTES
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(04:01:03 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

A. Case # CE 15-780, 515 N. Lake Way, Steve Demetro & Crown PDR & Collision Center LLC

Violation of Chapter 78, Section 78-39 of the Town of Palm Beach Code of Ordinances, door to door solicitation without a permit

Code Enforcement Officer Moriarty presented the case and submitted evidence into the record. Road Patrol Officer Scarbrough 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 order them to pay the \$250.00 fine.

The violator 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 ORDER THEM TO PAY THE \$250.00 FINE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

B. Case # CE 15-781, 515 N. Lake Way, Steve Adams & Crown PDR & Collision Center LLC

Violation of Chapter 78, Section 78-39 of the Town of Palm Beach Code of Ordinances, door to door solicitation without a permit

Code Enforcement Officer Moriarty presented the case and submitted evidence into the record. Road Patrol Officer Scarbrough 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 order them to pay the \$250.00 fine.

The violator 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 OF \$150.00 AND ORDER THEM TO PAY THE \$250.00 FINE
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

C. Case # CE 15-459, 168 Reef Rd., Paul Pomfret

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, vegetation 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 in the amount of \$150.00 and give them until September 14, 2015 to comply.

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

The Board discussed alternative dates for compliance.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL AUGUST 30, 2015 TO COMPLY
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

D. Case # CE 15-541, 212 Oleander Ave., JLZ Realty South LLC

Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances, Business Tax Receipt required as enumerated in Chapter 114, Section 114-43

Code Enforcement Officer Moriarty advised the Board that compliance was achieved on this case just prior to the hearing. The Town recommended the Board dismiss this case for compliance.

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

**MOTION BY MS. GREENBERG TO DISMISS THIS CASE FOR COMPLIANCE
SECONDED BY MR. NATALE
MOTION PASSED UNANIMOUSLY**

E. Case # CE 15-589, 174 Via Del Lago, Beatrice Tollman

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, grass in excess of 8 inches in height and an accumulation of trash and debris 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 in the amount of \$150.00 and give them until September 14, 2015 to comply.

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

The Board discussed alternative dates for compliance.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL AUGUST 30, 2015 TO COMPLY
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY**

F. Case # CE 15-594, 403 Brazilian Ave., Leanor Segal

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, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system; Violation of Chapter 18, Section 18-175, ARCOM approval required prior to the issuance of certain permits

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 in the amount of \$150.00 and give them until September 14, 2015 to comply.

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

The Board discussed alternative dates for compliance.

**MOTION BY MR. PELOSO TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL OCTOBER 12, 2015 TO COMPLY
SECONDED BY MR. NATALE
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION PASSED 4 TO 2

- G. Case # CE 15-657, 232 Cherry Ln., Joshua & Celeste Leader
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, accumulations of stagnant water 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 in the amount of \$150.00 and give them until September 1, 2015 to comply.

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

The Board discussed alternative dates for compliance.

**MOTION BY MR. NATALE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL AUGUST 28, 2015 TO COMPLY
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

- A. Case # CE 15-288, 302 S. County Rd., The Sweet Spot & Milton Partnership LTD
Violation of Chapter 18, Section 18-175 of the Town of Palm Beach Code of Ordinances, ARCOM approval required prior to any changes to the appearance of a building visible from the right-of-way; Violation of Chapter 134, Section 134-2372(7), painted logos not allowed on awnings

Code Enforcement Officer Moriarty briefly reviewed the case and advised the violation of Chapter 134, Section 134-2372(7) was now in compliance. The Town recommended the Board assess a fine in the amount of \$50.00 a day commencing on August 11, 2015.

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

The Board discussed extending the time for compliance with a fine to start after that time and retroactive to August 10, 2015.

MOTION BY MR. NATALE TO DISMISS THE VIOLATION OF CHAPTER 134, SECTION 134-2372(7) FOR COMPLIANCE AND GIVE

**THE VIOLATOR ADDITIONAL TIME TO COMPLY ON THE VIOLATION OF CHAPTER 18, SECTION 18-175, UNTIL SEPTEMBER 14, 2015. HE FURTHER MOTIONED IF COMPLIANCE IS NOT ACHIEVED BY SEPTEMBER 14, 2015 A FINE IN THE AMOUNT OF \$50.00 A DAY WILL COMMENCE ON SEPTEMBER 15, 2015, RETROACTIVE TO AUGUST 10, 2015 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

B. 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 recommended the Board assess a fine in the amount of \$50.00 a day commencing on August 19, 2015.

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

**MOTION BY MS. VAN BUREN TO ASSESS A FINE IN THE AMOUNT OF \$50.00 A DAY TO COMMENCE ON AUGUST 19, 2015 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

C. Case # CE 15-358, 363 Cocoanut Row, Chesterfield Hotel & Chesterfield PB Hotel Property Inc.

Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, noise level exceeds maximum allowable dBA level for the area

Code Enforcement Officer Moriarty briefly reviewed the case. Building Official Bucklew gave his testimony in the case. The Town recommended the Board assess a fine in the amount of \$50.00 a day commencing on August 11, 2015.

Natalie LeClerc was present at the hearing on behalf of the property owner. She gave her testimony in the case and requested more time to comply.

The Board discussed extending the time for compliance with a fine to start after that time and retroactive to August 11, 2015.

**MOTION BY MR. DONNELLEY TO GIVE THE VIOLATOR ADDITIONAL TIME TO COMPLY, UNTIL SEPTEMBER 15, 2015. HE FURTHER MOTIONED IF COMPLIANCE IS NOT ACHIEVED BY SEPTEMBER 15, 2015 A FINE IN THE AMOUNT OF \$50.00 A DAY WILL COMMENCE ON SEPTEMBER 16, 2015, RETROACTIVE TO AUGUST 11, 2015 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

D. Case # CE 15-412, 1 Ocean Ln., Gary & Caren Marder

Violation of Chapter 42, Section 42-86(17) of the Town of Palm Beach Code of Ordinances, conditions that constitute a fire hazard not allowed; Violation of Chapter 46, Section 46-66 which adopts NFPA 70, electrical components required to be maintained in a safe manner and in compliance with the National Electrical Code; Violation of Chapter 18, Section 18-242, 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. Building Official Bucklew gave his testimony in the case. Zoning Administrator Castro gave his testimony in the case. The Town recommended the Board assess a fine in the amount of \$50.00 a day commencing on August 19, 2015.

Scott Sandstrom of Action Windows gave his testimony in the case and requested more time to comply.

The Board discussed extending the time for compliance with a fine to start after that time and retroactive to September 9, 2015.

**MOTION BY MS. VAN BUREN TO GIVE THE VIOLATOR ADDITIONAL TIME TO COMPLY, UNTIL SEPTEMBER 16, 2015. SHE FURTHER MOTIONED IF COMPLIANCE IS NOT ACHIEVED BY SEPTEMBER 16, 2015 A FINE IN THE AMOUNT OF \$50.00 A DAY WILL COMMENCE ON SEPTEMBER 17, 2015, RETROACTIVE TO SEPTEMBER 9, 2015 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MR. FRIED REQUESTED A ROLL CALL VOTE**

ROLL CALL VOTE

MS. VAN BUREN	YES
MS. GREENBERG	YES
MR. DONNELLEY	YES
MR. NATALE	YES
MR. PELOSO	YES
MR. FRIED	YES

MOTION PASSED UNANIMOUSLY

E. Case # CE 15-461, 1047 S. Ocean Blvd., Karin Jack

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, accumulation of vegetative debris, grass/weeds over 8 inches in height, worn out/unusable materials or stagnant water not allowed; Violation of Chapter 42, Section 42-87, all exterior walls to be kept painted and in good repair

Code Enforcement Officer Moriarty briefly reviewed the case. He advised the stagnant pool and exterior disrepair remain, but other violations have been corrected. The Town recommended the Board assess a fine in the amount of \$100.00 a day commencing on July 28, 2015.

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

**MOTION BY MS. GREENBERG TO ASSESS A FINE IN THE AMOUNT OF \$100.00 A DAY TO COMMENCE ON JULY 28, 2015 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY**

VII. Fine Reduction:

A. Case # CE 14-1388, 301 Australian Ave., CSC Brazilian LP

Violation of Chapter 134, Section 134-387 of the Town of Palm Beach Code of Ordinances, no nonconforming use shall be enlarged, increased, intensified, substituted or extended to occupy a greater area than it occupied at the effective date of adoption or amendment

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

Adam Schlesinger was present at the hearing on behalf of the property owner and gave his testimony requesting a fine reduction.

**MOTION BY MR. NATALE TO REDUCE THE FINE TO \$3,000.00.
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

VIII. 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 and advised the property owners of 224 Atlantic Ave. requested the opportunity to have the Board Order revised to include a third option for compliance. Zoning Administrator Castro gave his testimony in the case.

Maura Ziska, attorney for the property owners of 224 Atlantic Ave. advocated for her clients and requested the Board consider revising the Board Order.

Code Board Attorney Ramenda gave advice to the Board. John Sheppard, attorney for 223 Atlantic Ave. advocated for his clients. Rick Shankman, President of the condominium association, gave his testimony. Mark Dahlmeier, attorney with Jones, Foster, Johnston and Stubbs, provided clarification for the Board in the case.

Due to the lack of a motion to consider revising the Board Order in this case, no further action was taken.

IX. Board Comments:(06:13:01 PM)

There were no Board comments.

X. Adjournment:(06:13:20 PM)

The meeting was adjourned without benefit of a motion.