

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

Thursday, July 16, 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:(02:03:43 PM)

The meeting was called to order by Chairman Fried at 2:03 p.m.

II. Roll Call:

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 and Alternate Members Scotch Peloso and Jay N.Nisberg. Chairman Fried advised Mr. Peloso would be a voting member today.

Staff present: Town Attorney John Randolph, Support Services Lieutenant Nicholas Caristo, Code Enforcement Officer John Moriarty, Code Enforcement Officer David Nault, Zoning Administrator Paul Castro, Planning Administrator John Lindgren and Recording Secretary Joan Dunn.

III. Approval of the Minutes of June 18, 2015:(02:04:17 PM)

**MOTION BY MR. NATALE TO APPROVE THE JUNE 18, 2015 MINUTES
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(02:05:06 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

- 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 presented the facts of the case and submitted photographs into the record. Zoning Administrator Castro 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 August 10, 2015 to comply.

Thomas Tomas was present on behalf of the business and gave his testimony in the case. Leslie Blackner, attorney for Mr. Tomas, advocated for her client. Mr. Tomas requested the case be postponed until the Town Council reviewed the sign ordinances.

There was no motion to postpone the case so it was heard.

**MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL AUGUST 10, 2015 TO COMPLY
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

- B. Case # CE 15-429, 270 S. County Rd., Key to Life Therapies, Inc. & 270 South County Road Corp.

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

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into the record. Planning 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 August 10, 2015 to comply.

Thomas Tomas was present on behalf of the business and gave his testimony in the case. Jamie Tomas gave her testimony in the case.

**MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL AUGUST 10, 2015 TO COMPLY
SECONDED BY MS. VAN BUREN
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 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 August 10, 2015 to comply.

Natalie LeClerc, general manager for the hotel, was present on behalf of the hotel and gave her testimony in the case.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL AUGUST 10, 2015 TO COMPLY
SECONDED BY MR. BALLENTINE
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 presented the facts of the case and submitted photographs into the record. He corrected a scrivener's error in the notice letter and advised Section 18-242 of the Code has now been changed to Section 18-233. The Town recommended the Board find the violator in non-compliance, assess administrative costs in the amount of \$150.00 and give them until August 18, 2015 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 AUGUST 18, 2015 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

E. Case # CE 15-454, 232 Cherry Ln., Joshua & Celeste Leader

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, vegetative debris and dead or dying vegetation 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 July 27, 2015 to comply.

Neighbor Harriet Golding gave her testimony in the case.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL JULY 20, 2015 TO COMPLY
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

F. 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 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 July 27, 2015 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 OF \$150.00 AND GIVE THEM UNTIL JULY 27, 2015 TO COMPLY
SECONDED BY MR. NATALE
MOTION PASSED UNANIMOUSLY**

G. Case # CE 15-471, 260 Clarke Ave., Arij Gasiunasen

Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances, 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 106-159(b), 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

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 August 7, 2015 to comply.

David Mariano was present on behalf of the property owner and gave his testimony in the case.

**MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL AUGUST 7, 2015 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

H. Case # CE 15-482, 220 Sunrise Ave., #218, Marvin H. Davidson & 140 North County Road LLC

Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required for any person who carries on, engages in or conducts an occupation, business or profession enumerated in Chapter 114-43 of the Code

Code Enforcement Officer Nault presented the facts of 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 August 10, 2015 to obtain their BTR and pay all outstanding fees and fines.

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 OF \$150.00 AND GIVE THEM UNTIL AUGUST 10, 2015 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

I. Case # CE 15-563, 221 Oleander Ave., #3, Jerson Castillo Remedio

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 Nault advised the violator paid the citation just prior to the hearing. The Town recommended the Board accept payment of the fine and no further action be taken.

**MOTION BY MR. DONNELLEY TO ACCEPT PAYMENT OF THE FINE
AND NO FURTHER ACTION BE TAKEN
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VI. Fine Reductions:

A. Case # CE 15-165, 198 Via Linda, Jyrki Salminen

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 briefly reviewed the case. The Town had no recommendation.

Benno Janssen was present on behalf of the property owner, gave his testimony in the case and requested a fine reduction.

Due to a lack of motion by the Board to reduce the fine, the fine remains at \$11,000.00.

VII. Board Comments:(03:50:58 PM)

Mr. Fried thanked Raychel Houston for her service to the Town.

VIII. Adjournment:(03:51:41 PM)

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