

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

Thursday, May 21, 2015, 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:

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

II. Roll Call:(01:58:32 PM)

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 he would be a voting member today.

Staff present: Town Attorney John Randolph, Code Enforcement Manager Raychel Houston, Code Enforcement Officer John Moriarty, Code Enforcement Officer David Nault, Recording Secretary Joan Dunn, Road Patrol Officer Jose Rodriguez, Zoning Administrator Paul Castro.

III. Approval of the Minutes of April 16, 2015:(01:58:57 PM)

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

IV. Administration of the Oath to Town Staff:(01:59:22 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

- A. Case # CE 15-352, 300 Blk. S. County Rd., David Altimio & NP Yellow Cab
Violation of Chapter 130, Section 130-105 of the Town of Palm Beach Code of Ordinances, taxis required to park in taxi stands

Code Enforcement Officer Moriarty presented the facts of the case and submitted evidence into the record. Road Patrol Officer Rodriguez 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 him to pay the \$125 fine.

David Altimio was present at the hearing and gave his testimony in the case.

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER HIM TO PAY THE \$125.00 FINE
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

- B. Case # CE 15-26, 234 Queens Ln., Adam & Karin Canepa
Violation of Chapter 134, Section 134-889 of the Town of Palm Beach Code of Ordinances, commercial or quasi-commercial use in the R-B residential district

Code Enforcement Officer Moriarty presented the facts of the case and submitted evidence 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, order them to pay a \$5,000.00 fine and comply with the Town ordinance.

Guy Rabideau, attorney for the property owner, advised his client is asserting that they have only rented the property twice this year.

The following residents from Queens Lane gave their testimony in the case:

Ben Alexander	214 Queens Ln.
Katie Alexander	214 Queens Ln.
Chris Vila	269 Queens Ln.
Frazier Wellmeier	206 Queens Ln.
Joan Sherman	221 Queens Ln.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00, ORDER THEM TO PAY A \$5,000.00 FINE AND COMPLY WITH THE TOWN ORDINANCE
SECONDED BY MR. DONNELLEY
MOTION PASSED WITH MR. BALLENTINE OPPOSED**

- C. Case # CE 15-285, 232 Worth Ave., Nikolas LLC d/b/a Christopher Kaufman Le Salon & Palm V Assoc. LTD

Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required

Code Enforcement Manager Houston 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 June 15, 2015 to obtain their Business Tax Receipt.

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 GIVE THEM UNTIL JUNE 15, 2015 TO OBTAIN THEIR BUSINESS TAX RECEIPT
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

- D. Case # CE 15-334, 256 Worth Ave., #T, Jackie Rogers & Power Love Assoc.
Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances, business tax receipt required; Violation of Chapter 134, Section 134-2372 permit required for the erection or installation of any sign within the Town

Code Enforcement Manager Houston presented the facts of the case and submitted photographs into evidence. She advised the violation of Chapter 114, Section 114-32 was now in compliance. The Town recommended the Board dismiss the violation of Chapter 114, Section 114-32 for compliance, find the violator in non-compliance for the violation of Chapter 134, Section 134-2372, assess administrative costs in the amount of \$150.00 and give them until June 15, 2015 to comply.

Zlata Kotmina was present on behalf of the business owner and gave her testimony in the case.

Chairman Fried decided to have two separate votes on this case due to one of the violations being dismissed.

**MOTION BY MS. VAN BUREN TO DISMISS THE VIOLATION OF
CHAPTER 114, SECTION 114-32 FOR COMPLIANCE
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

**MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN NON-
COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND
GIVE THEM UNTIL JUNE 15, 2015 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

- E. Case # CE 15-168, 3030 S. Ocean Blvd, #435, John & Sherry Sorochuk Tr.
Violation of Chapter 18, Section 18-241 and 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

Code Enforcement Officer Moriarty 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 June 15, 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 JUNE 15, 2015 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

- F. Case # CE 15-169, 3030 S. Ocean Blvd, #442, Doug Campbell
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

Code Enforcement Officer Moriarty 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 June 15, 2015 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 OF \$150.00 AND GIVE THEM UNTIL JUNE 15, 2015 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

Chairman Fried acknowledged and thanked Town Council Member Moore for her attendance at the meeting.

- G. Case # CE 15-224, 411 S. County Rd., Hals Realty Associates LTD
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, accumulation of debris/trash on private 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 non-compliance, assess administrative costs in the amount of \$150.00 and give them until May 29, 2015 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 OF \$150.00 AND GIVE THEM UNTIL MAY 29, 2015 TO COMPLY
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

- H. Case # CE 15-262, 251 Sunrise Ave. AKA 235 Sunrise Ave., PB Catch & Palm Beach Hotel Condominium Assoc. Inc.

Violation of Chapter 134, Section 134-326(b) of the Town of Palm Beach Code of Ordinances, Town Council approval required for any changes to site plan land usage; Violation of Chapter 42, Section 42-88, accumulation of debris or discarded items 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 May 29, 2015 to comply.

Dr. Rhonda Nasser, a neighboring property owner, gave her testimony in the case and submitted photographs that she had taken.

Theirry Beaud and Daniel Smith were present on behalf of the business and gave their testimony in the case.

MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS OF \$150.00 AND GIVE THEM UNTIL MAY 29, 2015 TO COMPLY
SECONDED BY MR. PELOSO
MOTION PASSED UNANIMOUSLY

I. Case # CE 15-288, 302 S. County Rd., The Sweet Spot Inc. & 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 requested a postponement of this case until the June 18, 2015 meeting.

MOTION BY MR. DONNELLEY TO POSTPONE THIS CASE UNTIL THE JUNE 18, 2015 MEETING
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY

J. 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 presented the facts of the case and submitted photographs into the record. Planning Administrator John Lindgren gave this 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 June 15, 2015 to comply.

Garcelia De Caria was present on behalf of the business owner and gave her testimony in the case.

Thomas Tomas, a nearby business owner, gave his 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 JUNE 15, 2015 TO COMPLY

SECONDED BY MS. GREENBERG
MOTION OPPOSED

ROLL CALL VOTE

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

MOTION FAILED 4 TO 3

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 MR. BALLENTINE
MOTION OPPOSED

ROLL CALL VOTE

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

MOTION PASSED 5 TO 2

K. Case # CE 15-300, 224 Worth Ave., Palm V Assoc. LTD

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsightly, unsafe or unsanitary conditions and the storage of trash/debris on private property not allowed; Violation of Chapter 102, Section 102-71, suitable watertight containers of sufficient size and number to handle the accumulation of garbage, rubbish and waste matter required; Violation of Chapter 102, Section 102-73, the area where cans or containers are kept pending collection to be maintained in a clean condition, free of spilled garbage or foul-smelling water or residue; Section 102, Section 102-77, requires all garbage containers to be kept tightly covered at all times

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 June 8, 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 JUNE 8, 2015 TO COMPLY
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

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 Manager Houston briefly reviewed the case. She advised she had been in contact with Mr. Schelsinger and he is working toward compliance but needs more time. The Town recommended if the Town grants additional time, a \$250.00 a day fine commence at the end of that time if compliance is not achieved.

**MOTION BY MR. NATALE TO GIVE THE VIOLATOR ADDITIONAL TIME TO COMPLY, UNTIL JULY 6, 2015. HE FURTHER MOTIONED IF COMPLIANCE IS NOT ACHIEVED BY JULY 6, 2015 A FINE IN THE AMOUNT OF \$250.00 A DAY WILL COMMENCE ON JULY 7, 2015 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

B. Case # CE 14-1203, 1100 S. Ocean Blvd., Mar A Lago Club Inc.

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, seawalls to be maintained in a state of good repair so as not to allow the erosion of adjacent land

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended if the Town grants additional time, a \$100.00 a day fine commence at the end of that time if compliance is not achieved.

Robert Moore and attorney John Marion were present on behalf of the property owner, advised they are working toward compliance and requested more time to comply, until August 31, 2015.

**MOTION BY MR. BALLENTINE TO GIVE THE VIOLATOR
ADDITIONAL TIME TO COMPLY, UNTIL AUGUST 31, 2015. HE
FURTHER MOTIONED IF COMPLIANCE IS NOT ACHIEVED BY
AUGUST 31, 2015 A FINE IN THE AMOUNT OF \$100.00 A DAY WILL
COMMENCE ON SEPTEMBER 1, 2015 AND CONTINUE UNTIL
COMPLIANCE IS ACHIEVED
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

C. 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 recommended a fine in the amount of \$250.00 a day commence on April 28, 2015.

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

**MOTION BY MR. DONNELLEY TO ASSESS A FINE IN THE AMOUNT
OF \$250.00 A DAY TO COMMENCE ON APRIL 28, 2015 AND
CONTINUE UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

VII. Fine Reductions:

A. Case # CE 15-120, 189 Bradley Pl., Unit South, Three Pearls LLC

Violation of Chapter 18, Section 18-241 and 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

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

Property owner Tara Pearl was present at the hearing, gave her testimony and requested the fine be rescinded entirely.

Mr. Peloso stepped away from the dais during this case. Mr. Nisberg became a voting member for this case.

**MOTION BY MS. VAN BUREN TO REDUCE THE FINE IN THIS CASE
TO \$700.00**

**SECONDED BY MR. NATALE
MOTION OPPOSED**

ROLL CALL VOTE

MS. VAN BUREN	YES
MR. NATALE	YES
MS. GREENBERG	NO
MR. BALLENTINE	NO
MR. DONNELLEY	NO
MR. FRIED	YES
MR. NISBERG	YES
MOTION PASSED 4 TO 3	

Victoria Miracle was present at the hearing on behalf of the Colony Hotel. Code Enforcement Manager Houston said the Colony Hotel was requesting reconsideration of the fine reduction granted at last month's meeting. Manager Houston said that could only be done if someone on the prevailing side of the motion made a motion to reconsider the case. Due to lack of a motion to re-hear the case was not re-heard.

VIII. Board Comments:(04:47:00 PM)

Newly hired Code Enforcement Officer David Nault was introduced to the Board.

Mr. Ballentine asked for clarification reference the Town's liens being foreclosed on at 242 Cherry Lane. Town Attorney Randolph explained the courts had determined the Town's liens were not superior to a first mortgage.

Ms. Greenberg discussed frequency of home rentals.

Mr. Nisberg advised he would not be at the June or August Code Board meetings.

IX. Adjournment:(04:59:04 PM)

The meeting was adjourned without benefit of a motion.