

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

Thursday, April 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:(02:01:11 PM)

The meeting was called to order by Chairman Fried at 2:00 p.m. Mr. Fried acknowledged and thanked Council Member Townsend for her attendance at the hearing. Mr. Fried congratulated Mr. Ballentine and Ms. Van Buren on their re-appointment to the Code Enforcement Board. He congratulated Mr. Natale on his appointment as a regular member to the Board and welcomed Mr. Nisberg to the Code Enforcement Board as an alternate member.

II. Roll Call:(02:01:34 PM)

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

Staff present: Town Attorney John Randolph, Code Enforcement Manager Raychel Houston, Code Enforcement Officer John Moriarty, Recording Secretary Joan Dunn and Zoning Administrator Paul Castro.

III. Election of Officers:(02:01:48 PM)

Town Attorney Randolph opened the floor for nominations for Chairperson. Ms. Van Buren nominated Mr. Fried. There were no other nominations for Chairperson. Mr. Ballentine made the motion to elect Mr. Fried as Chairman and Mr. Dowell seconded the motion. Mr. Fried was elected as Chairman by an unanimous vote.

Chairman Fried opened the floor to nominations for Vice Chairperson and Mr. Dowell nominated Mr. Ballentine. There were no other nominations for Vice Chairperson. Mr. Dowell made the motion to elect Mr. Ballentine as Vice Chairman and it was seconded by Mr. Donnelley. Mr. Ballentine was elected as Vice Chairman by an unanimous vote.

IV. Approval of the Minutes of March 19, 2015:(02:03:23 PM)

MOTION BY MS. GREENBERG TO APPROVE THE MARCH 19, 2015 MINUTES

SECONDED BY MR. NATALE

MOTION PASSED UNANIMOUSLY

V. Code Enforcement Board Member Oath:(02:03:48 PM)

Newly appointed Alternate Member Jay N. Nisberg took the Oath of Office.

VI. Administration of the Oath to Town Staff:(02:05:26 PM)

The Town staff were sworn in by Recording Secretary Dunn.

VII. Public Hearings:

A. Case # CE 15-64, 130 Sunrise Ave., LaBarre by Anushka & Sun and Surf One Hundred Thirty Assoc. Inc.

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 Manager Houston advised this case is now in compliance. The Town recommended the case be dismissed.

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

MOTION BY MR. DONNELLEY TO DISMISS THE CASE FOR COMPLIANCE

SECONDED BY MS. GREENBERG

MOTION PASSED UNANIMOUSLY

B. Case # CE 15-114, 145 Chilean Ave., Antoine Ohannessian

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; Violation of Chapter 114, Section 114-32, business tax receipt required

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into the record. He advised the violation of Chapter 114, Section 114-32 no longer exists. The Town recommended the Board dismiss the violation of Chapter 114, Section 114-32 for compliance and find the violator in non-compliance for the violation of Chapter 18, Section 18-242, assess administrative costs in the amount of \$150.00 and give them until May 18, 2015 to achieve compliance.

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

**MOTION BY MR. BALLENTINE TO DISMISS THE VIOLATION OF CHAPTER 114, SECTION 114-32 FOR COMPLIANCE AND FIND THE VIOLATOR IN NON-COMPLIANCE FOR THE VIOLATION OF CHAPTER 18, SECTION 18-242, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 18, 2015 TO ACHIEVE COMPLIANCE
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

C. Case # CE 15-138, 44 Cocoanut Row, Palm Beach Towers Condominium Assoc. Inc.

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 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 18, 2015 to achieve compliance.

John Grosskopf, General Manager for the Palm Beach Towers, was present at the hearing and gave his testimony.

**MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 18, 2015 TO ACHIEVE COMPLIANCE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

D. 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 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 April 27, 2015 to achieve compliance.

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 APRIL 27, 2015 TO ACHIEVE COMPLIANCE

**SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VIII. 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. Zoning Administrator Castro explained that the Town needed some time to review this case. The Town recommended a postponement of this case for review.

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

MOTION BY MR. NATALE TO POSTPONE THIS CASE UNTIL THE MAY 21, 2015 MEETING

**SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

B. 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 Manager Houston briefly reviewed the case. The Town recommended a fine in the amount of \$250.00 a day commencing on April 11, 2015 and continuing until compliance is achieved. Zoning Administrator Castro gave his testimony in the case.

Guy Shir, attorney for the property owner of 224 Atlantic Ave. advised they had not received notice of the hearing and presented an affidavit from the individual who had signed for the certified mail noticing them of the hearing. He asked the Board to re-hear the case.

John Sheppard, Jr., attorney for the property owners of 223 Atlantic Ave., advised he supported the Town's recommendation.

MOTION BY MS. GREENBERG TO RE-HEAR THE CASE
SECONDED BY MR. NATALE
MOTION OPPOSED

ROLL CALL VOTE

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

MOTION FAILS 5 TO 2

**MOTION BY MR. NATALE TO ASSESS A FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON APRIL 11, 2015 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

C. 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 recommended a fine in the amount of \$50.00 a day commence on April 1, 2015 and continue until compliance is achieved.

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 \$50.00 A DAY COMMENCING ON APRIL 1, 2015 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

IX. Fine Reductions:

A. Case # CE 13-433, 232 Cherry Ln., Louisa A. Dean

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, accumulated debris, dead or dying hedges or vegetation and whitefly infestation not allowed; Violation of Chapter 42, Section 42-87, all exterior surfaces to be painted and in a good state of repair

Code Enforcement Officer Moriarty briefly reviewed the case.

Celeste Leader, the current property owner, gave her testimony in the case and requested the fine be reduced to twenty percent of the original amount.

**MOTION BY MR. NATALE TO REDUCE THE FINE TO \$16,080.00, TO BE PAID WITHIN 30 DAYS. HE FURTHER ORDERED IF THE REDUCED FINE IS NOT PAID WITHIN 30 DAYS IT RETURNS TO THE ORIGINAL REDUCED FINE AMOUNT OF \$40,200.00
SECONDED BY MS. GREENBERG
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION PASSED 4 TO 3

B. Case # CE 14-1152, 155 Hammon Ave., Colony Hotel Inc.

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 briefly reviewed the case.

Karen Knier, Assistant General Manager of the hotel, and Victoria Miracle were present at the hearing, gave her testimony and requested the fine be eliminated completely.

**MOTION BY MS. VAN BUREN TO REDUCE THE FINE TO \$2,500.00, TO BE PAID WITHIN 30 DAYS. SHE FURTHER ORDERED IF THE REDUCED FINE IS NOT PAID WITHIN 30 DAYS IT RETURNS TO THE ORIGINAL FINE AMOUNT OF \$5,050.00
SECONDED BY MS. GREENBERG
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION PASSED 4 TO 3

X. **Board Comments:(03:27:58 PM)**

There were no Board comments.

XI. **Adjournment:(03:28:10 PM)**

The meeting was adjourned without benefit of a motion.