

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

Thursday, March 19, 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:(02:00:26 PM)

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

II. Roll Call:(02:00:33 PM)

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

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

III. Approval of the Minutes of February 19, 2015:(02:00:51 PM)

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

SECONDED BY MR. DONNELLEY

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff:(02:01:08 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Public Hearings:

A. Case # CE 15-88, 196 Via Del Mar, Zachary Bultema & ISS List

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

Code Enforcement Officer Moriarty presented the facts of the case and submitted evidence into the record. 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. Road Patrol Officer Newby gave his testimony in the case.

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

**MOTION BY MR. BALLENTINE TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$250.00 FINE
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

B. 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 presented the facts of the case and submitted evidence 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 10, 2015 to achieve compliance by restoring the units back to their original number and condition. Zoning Administrator Castro gave his testimony in the case.

Richard Schlesinger, property owner, gave his testimony in the case and requested a thirty day extension.

MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL APRIL 10, 2015 TO ACHIEVE

**COMPLIANCE BY RESTORING THE UNITS BACK TO THEIR
ORIGINAL NUMBER AND CONDITION
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

C. 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 presented the facts of the case and submitted evidence 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 10, 2015 to achieve compliance by obtaining the required zoning approval from the Town to modify the condition of approval of Special Exception #10-79 or recreate the condominium document which provides for the Unity of Title. Zoning Administrator Castro gave his testimony in the case.

Several residents of 223 Atlantic Ave. gave their testimony in the case. John Shepard, attorney for the Palm Beach Atlantic Condominium, gave his testimony in the case.

**MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN NON-
COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT
OF \$150.00 AND GIVE THEM UNTIL APRIL 10, 2015 TO ACHIEVE
COMPLIANCE BY OBTAINING THE REQUIRED ZONING APPROVAL
FROM THE TOWN TO MODIFY THE CONDITION OF APPROVAL OF
SPECIAL EXCEPTION #10-79 OR RECREATE THE CONDOMINIUM
DOCUMENT WHICH PROVIDES FOR THE UNITY OF TITLE
SECONDED BY MR. OCHSTEIN
MOTION PASSED UNANIMOUSLY**

D. Case # CE 15-104, 330 Island Rd., Milan E.A.T., LLC

Violation of Chapter 54, Section 54-71(a) of the Town of Palm Beach Code of Ordinances, no landmark or any building on a landmark site or within a historic district shall be altered until an application for a certificate of appropriateness has been submitted and approved by the Commission; Violation of Chapter 18, Section 18-242, building permits required to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, alter, repair, removed, 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 April 30, 2015 to achieve compliance.

Eugene Pandula, architect for the property owner, and Jane Day were present on behalf of the property owner, gave their testimony in the case and advised they were working toward compliance.

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 7, 2015 TO ACHIEVE COMPLIANCE
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY

E. Case # CE 14-1386, 189 Bradley Pl., Three Pearls LLC

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, doors and windows to be maintained in a good condition as to exclude weather elements or insects from entering; Violation of Chapter 18, Section 18-241 and Section 18-242, dryer exhausts to be vented to the outside; Violation of Chapter 42, Section 42-86(17), conditions that constitute a fire hazard not allowed; 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

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

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

MOTION BY MS. GREENBERG TO DISMISS THE CASE FOR COMPLIANCE
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY

F. 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 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 March 31, 2015 to achieve compliance.

MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MARCH 31, 2015 TO ACHIEVE COMPLIANCE
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY

G. Case # CE 15-4, 401 S. County Rd., Hals Realty Associates LTD

Violation of Chapter 106, Section 106-159(b) of the Town of Palm Beach Code of Ordinances, required clearance of eighteen 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; Violation of Chapter 134, Section 134-1667(b), screening hedges of not less than three feet in height required on the street side of yard walls/fence

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 March 31, 2015 to achieve compliance.

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

Stephen Mittman, a nearby resident, gave his testimony in the case.

MOTION BY MR. DOWELL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MARCH 31, 2015 TO ACHIEVE COMPLIANCE
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY

H. 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 requested this case be postponed to the April 16, 2015 meeting as the Town needs to research this issue further.

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

**MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL
THE APRIL 16, 2015 MEETING
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

- A. Case # CE 14-1360, 129 Chilean Ave., Robert & Beverly Lowden
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, no outside storage of debris on private property

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended a fine in the amount of \$250.00 a day commence on February 27, 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 MR. BALLENTINE TO ASSESS A FINE IN THE AMOUNT
OF \$250.00 A DAY COMMENCING ON FEBRUARY 27, 2015 AND
CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

VII. Board Comments:(03:29:47 PM)

The Board was informed of a letter in their packets from Mr. Leader of 232 Cherry Ln. requesting they re-consider his case for fine reduction. Attorney Randolph advised that a motion would first be needed to decide if they would discuss the case.

**MOTION BY MR. BALLENTINE TO ALLOW DISCUSSION ON CASE #
CE 13-433
SECONDED BY MR. DONNELLEY
MOTION OPPOSED**

ROLL CALL VOTE

MR. BALLENTINE	YES
MR. DONNELLEY	YES
MS. GREENBERG	YES
MS. VAN BUREN	YES
MR. OCHSTEIN	NO

MR. DOWELL	NO
MR. FRIED	YES

MOTION PASSED 5 TO 2

The Board discussed the letter that Mr. Leader sent and if they would re-hear the case.

**MOTION BY MR. DONNELLEY TO EXTEND THE PAYMENT DUE DATE OF THE FINE REDUCTION GRANTED AT THE FEBRUARY 19, 2015 BOARD HEARING FROM FEBRUARY 20, 2015 TO APRIL 27, 2015 AND RE-CONSIDER THE CASE AT THE APRIL 16, 2015 HEARING
SECONDED BY MS. GREENBERG
MOTION PASSED OPPOSED**

ROLL CALL VOTE

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

MOTION PASSED 5 TO 2

Various Board Members gave their well wishes to Mr. Ochstein is leaving the Board due to term limits.

VIII. Adjournment:

The meeting was adjourned without benefit of a motion.