

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

Thursday, March 16, 2017, 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:(01:59:34 PM)

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

II. Roll Call:(01:59:52 PM)

Upon roll call, the following Board members were present: Chair James Ballentine, Jr., Vice Chair Madelyn Greenberg, Members Cynthia Van Buren, Robert G. Donnelley, Matthew Natale, Scotch Peloso, Jay N. Nisberg, Alternate Members Donald B. Scott, Jr. and Daniel McDonnell.

Staff present: Town Attorney John Randolph, Code Enforcement Manager Benjamin Alma, Code Enforcement Officer John Moriarty, Code Enforcement Officer Julien Felix, Fire Marshall Martin DeLoach and Recording Secretary Joan Dunn.

III. Approval of the Minutes of February 16, 2017:(02:00:10 PM)

**MOTION BY MR. NISBERG TO APPROVE THE FEBRUARY 16, 2017
MINUTES
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(02:00:32 PM)

The Town staff were sworn in by Recording Secretary Dunn.

V. Code Statistics:(02:00:47 PM)

Code Enforcement Officer Felix reviewed the Code Enforcement statistics for the month.

VI. Old Business:

A. Case # CE 14-1212, 160 Royal Palm Way, 160 Royal Palm LLC

Violation of Chapter 134, Section 134-326(b) of the Town of Palm Beach Code of Ordinances, application for site plan review must be filed and approved by the Town Council prior to the altering of the use of any land; Violation of Chapter 134, Section 134-7, compliance with requirements of grants of variances or exceptions required; Violation of Chapter 134, Section 134-226, compliance with Declaration of Use Agreements required

Code Enforcement Officer Moriarty advised the receiver for the property was present to request an extension of the fine abatement that was granted by the Board on November 17, 2016.

Cary Glickstein, the court appointed receiver, was present at the hearing and requested an extension of the fine abatement.

MOTION BY MR. DONNELLEY TO AGREE TO ABATE THE DAILY RUNNING FINE FOR AN ADDITIONAL 120 DAYS BEGINNING FROM THE DATE OF THIS HEARING. HE FURTHER ORDERED THAT THE ABATEMENT IS CONDITIONED UPON THE RECEIVER BEING SUCCESSFUL IN SECURING THE FUNDING NECESSARY TO COMPLETE THE WORK THE TOWN IS REQUESTING TO BE CONDUCTED AT THE 160 ROYAL PALM WAY PROPERTY AND IN THE EVENT SAID FUNDING IS NOT SECURED WITHIN THE PERIOD FOR WHICH THIS ABATEMENT HAS BEEN GRANTED, THE ABATED FINE SHALL BE DUE AND PAYABLE RETROACTIVE TO THE DATE THE FINE WAS FIRST ABATED I.E. NOVEMBER 17, 2016. THIS IS AN ABATEMENT ONLY AND DOES NOT RELIEVE THE PROPERTY OWNER OR RESPONSIBLE PARTY FROM THE OBLIGATION TO PAY THE FULL AMOUNT OF THE CODE ENFORCEMENT FINE IMPOSED PURSUANT TO THE ORIGINAL ORDER OF THIS BOARD SECONDED BY MR. NATALE
MOTION PASSED UNANIMOUSLY

VII. Public Hearings:

A. Case # CE 17-206, 313 1/2 Worth Ave. AKA 320 Peruvian Ave., Bice Restaurante & Via 313 1/2 Worth Ave. LTD

REPEAT 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

Code Enforcement Officer Felix presented the facts of the case and submitted diagrams into the record. The Town recommended the Board order a finding of non-compliance, assess administrative costs in the amount of \$150.00 and order them to pay a fine to be determined by the Board for the two days out of compliance.

Jose Gonzalez, manager of Bice Restaurant, was present at the hearing and gave his testimony in the case.

MOTION BY MS. VAN BUREN TO FIND THE VIOLATOR IN REPEAT NON-COMPLIANCE, ASSESS THE ADMINISTRATIVE COSTS OF \$150.00 AND ORDER THEM TO PAY A FINE IN THE AMOUNT OF \$250.00

MOTION FAILED FOR LACK OF A SECOND

MOTION BY MR. DONNELLEY TO FIND THE VIOLATOR IN REPEAT NON-COMPLIANCE, ASSESS THE ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY A FINE IN THE AMOUNT OF \$1000.00

SECONDED BY MR. NISBERG

MOTION PASSED WITH MS. VAN BUREN OPPOSED

B. Case # CE 16-1091, 270 El Bravo Way, Gary & Terri Schottenstein

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

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into the record. The Town recommended the Board order a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until April 17, 2017 to comply.

Gary Schottenstein and John Lang were present at the hearing and gave their testimony in the case. They requested more time to comply.

Timothy Hanlon, attorney for the neighbors, was present at the hearing and gave his testimony in the case.

**MOTION BY MR. NISBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS THE ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JULY 17, 2017 TO COMPLY
SECONDED BY MS. VAN BUREN
MOTION PASSED UNANIMOUSLY**

Ms. Greenberg temporarily left the hearing after this case, Alternate Member Mr. Scott became a voting member for the following case:

C. Case # CE 16-1107, 301 Australian Ave., Brazilian Court Hotel

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, alter, repair, convert or replace any electrical, mechanical or plumbing system

Code Enforcement Officer Felix presented the facts of the case and submitted photographs into the record. The Town recommended the Board order a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until April 17, 2017 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 THE ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL APRIL 17, 2017 TO COMPLY
SECONDED BY MR. NISBERG
MOTION PASSED UNANIMOUSLY**

Ms. Greenberg returned to the hearing and resumed her voting status on the remaining cases:

D. Case # CE 16-1116, 226 Pendleton Ave., Susan C. Gibson

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, all appurtenances and exterior surfaces to be maintained in a good and safe repair and painted

Code Enforcement Officer Moriarty presented the facts of the case and submitted photographs into the record. The Town recommended the Board order a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until April 17, 2017 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 THE ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL APRIL 17, 2017 TO COMPLY
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**

E. CE 17-110, 2150 Ibis Isle Rd., PH5, Vere & Susan Gaynor

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, alter, repair, 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 order a finding of non-compliance, assess administrative costs in the amount of \$150.00 and give them until April 17, 2017 to comply.

Susan Gaynor was present at the hearing, gave her testimony in the case and requested more time to comply.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS THE ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL MAY 16, 2017 TO COMPLY
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

VIII. Fine Consideration:

A. Case # CE 16-947, 691 N. County Rd., Robert B. Cohen, James S. Cohen and Harriet Cohen

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, alter, repair, convert or replace any electrical, mechanical or plumbing system

Code Enforcement Officer Moriarty briefly reviewed the case. The Town recommended the Board assess a fine in the amount of \$100.00 a day commencing on March 16, 2017 and continuing until compliance is achieved.

Mike Walsh was present on behalf of the property owner, gave his testimony in the case and requested more time to comply.

**MOTION BY MR. PELOSO TO GIVE MORE TIME TO COMPLY, UNTIL MAY 16, 2017. HE FURTHER MOTIONED THAT IF COMPLIANCE IS NOT ACHIEVED BY MAY 16, 2017 A FINE IN THE AMOUNT OF \$100.00 A DAY WILL COMMENCE ON MAY 17, 2017, RETROACTIVE TO MARCH 16, 2017
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

IX. Board Comments:(03:55:24 PM)

Chairman Ballentine expressed the Board's appreciation for Ms. Greenberg's service as this was her last meeting due to term limits.

Ms. Greenberg thanked the Town of Palm Beach and her fellow Board Members.

X. Adjournment:(03:57:53 PM)

**MOTION BY MR. NISBERG TO ADJOURN THE HEARING
SECONDED BY MS. GREENBERG
MOTION PASSED UNANIMOUSLY**