

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

Thursday, January 15, 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:(02:00:44 PM)

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

Chairman Fried acknowledged Town Council President Pro Tem Diamond and Town Council Member Townsend in the audience and thanked them for their attendance at the hearing.

II. Roll Call:(02:01:01 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 Officers Michael Lane and Taylor Molinaro, Recording Secretary Joan Dunn, Zoning Administrator Paul Castro and Planning Administrator John Lindgren.

III. Approval of the Minutes of December 18, 2014:(02:01:06 PM)

**MOTION BY MS. GREENBERG TO APPROVE THE DECEMBER 18, 2014
MINUTES**

SECONDED BY MS. VAN BUREN

MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff:(02:01:25 PM)

V. Public Hearings:

- A. Case # CE 14-1373, 288 S. County Rd., Aegis Roofing Enterprise Inc.
Violation of Chapter 42, Section 42-199 of the Town of Palm Beach Code of Ordinances, Construction outside allowable days

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 \$125.00 fine. Road Patrol Officer Molinaro gave his testimony in the case. Road Patrol Officer Lane was present for the case but did not give any testimony.

The business 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 IN THE AMOUNT OF \$150.00 AND ORDER THEM TO PAY THE \$125.00 FINE
SECONDED BY MR. DOWELL
MOTION PASSED UNANIMOUSLY**

- B. Case # CE 14-1185, 301 Australian Ave., Leslie Diver
Violation of Chapter 134, Section 134-944 of the Town of Palm Beach Code of Ordinances, use of any building or land in the R-C medium density residential district for any commercial or quasi-commercial use or purpose is prohibited

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 order them to immediately cease all commercial activity at the property. Zoning Administrator Castro gave his testimony in the case.

Timothy Hanlon, attorney for Leslie Diver, testified that he did not believe his client violated any ordinances. Leslie Diver gave her testimony in the case.

Jonathan Chane, attorney for the Brazilian Court Hotel, testified that he believed the ordinance had been violated and requested the Board accept the Town's recommendation. Richard Schlesinger, owner of the hotel, gave his testimony in the case.

MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT

**OF \$150.00 AND ORDER THEM TO IMMEDIATELY CEASE ALL
COMMERCIAL ACTIVITY AT THE PROPERTY
SECONDED BY MS. VAN BUREN
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION PASSED 4 TO 3

- C. Case # CE 14-1204, 2565 S. Ocean Blvd., Palm Beach White House Assoc. No. 3
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all exterior surfaces required to be painted and in good repair

Code Enforcement Officer Moriarty testified this case is in compliance and requested the Board dismiss it for compliance.

The property 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**

- D. Case # CE 14-1261, 204 Brazilian Ave., AKA 214 Brazilian Ave., Leslie Robert Evans & Assoc. PA & RD of Palm Beach

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 or variances or special exceptions; Violation of Chapter 114, Section 114-32 and Chapter 114, Section 114-43, business tax receipt required

Leslie Evans was present at the hearing and testified that he recently turned in the paperwork and believed it was sufficient.

Code Enforcement Manager Houston verified the recently submitted paperwork was sufficient and requested the Board dismiss the case for compliance.

**MOTION BY MR. DONNELLEY TO DISMISS THE CASE FOR COMPLIANCE
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

- E. 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 presented the facts of the case and submitted photographs into evidence. 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 14, 2015 to comply.

John Marion, attorney for the property owner, was present at the hearing and testified they are working toward compliance. He requested until May 5, 2015. Robert Moore was present at the hearing on behalf of the property owner but did not testify.

**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 15, 2015 TO COMPLY.
SECONDED BY MR. BALLENTINE
MOTION PASSED UNANIMOUSLY**

VI. Fine Consideration:

- A. Case # CE 14-1023, 191 Bradley Pl., Meat Market Palm Beach LLC & NDL Palm Beach Property LLC

Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, exceeding maximum allowable dBAs for geographical area

Code Enforcement Manager Houston briefly reviewed the case. The Town recommended a fine in the amount of \$100.00 a day commence on January 1, 2015, and continue until compliance is achieved.

Maura Ziska, attorney for the business owner, was present at the hearing, advised they were working on a solution to mitigate the noise and requested more time to comply.

**MOTION BY MS. GREENBERG TO ASSESS A FINE IN THE AMOUNT OF \$100.00 A DAY COMMENCING ON JANUARY 1, 2015 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED.
SECONDED BY MR. OCHSTEIN**

MOTION OPPOSED

ROLL CALL VOTE

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

MOTION PASSED 5 TO 2

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. The Town recommended a fine in the amount of \$50.00 a day commence on December 31, 2014 and continue until compliance is achieved. Planning Administrator Lindgren gave his testimony in the case.

Roger Everingham, General Manager for the hotel, was present at the hearing and gave his testimony in the case.

**MOTION BY MR. BALLENTINE TO ASSESS A FINE IN THE AMOUNT OF \$50.00 A DAY COMMENCING ON DECEMBER 31, 2014 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED.
SECONDED BY MR. DOWELL
MOTION OPPOSED**

ROLL CALL VOTE

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

MOTION PASSED 5 TO 2

C. Case # CE 14-1160, 375 S. County Rd., Bricktop's & Three Seventy Five South County Assoc.

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 Manager Houston briefly reviewed the case. The Town recommended a fine in the amount of \$100.00 a day commence on January 15, 2015 and continue until compliance is achieved. Zoning Administrator Castro gave his testimony in the case.

Maura Ziska, attorney for the business, testified they are working toward compliance. She requested thirty more days to comply.

MOTION BY MR. DONNELLEY TO ASSESS A FINE IN THE AMOUNT OF \$100.00 A DAY COMMENCING ON JANUARY 15, 2015 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED.

SECONDED BY MR. BALLENTINE

MOTION PASSED WITH MS. GREENBERG OPPOSED

D. 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 Manager Houston briefly reviewed the case. The Town recommended a fine in the amount of \$250.00 a day commence on January 10, 2015 and continue until compliance is achieved. Zoning Administrator Castro gave his testimony in the case.

Leslie Evans, attorney for the property owner, was present at the hearing and testified they are working toward compliance.

John Eubanks, attorney for a nearby resident, advocated his client's position and requested the Board accept the Town's recommendation.

MOTION BY MS. GREENBERG THAT A FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCE ON JANUARY 10, 2015 AND CONTINUE UNTIL COMPLIANCE IS ACHIEVED

SECONDED BY MR. DONNELLEY

MOTION PASSED UNANIMOUSLY

VII. Fine Reduction

- A. Case # CE 13-275, 357 Seabreeze Ave., First Palm Beach Prop. Inc.
Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, all appurtenances and exterior surfaces to be painted and in a good state of repair so as not to allow weather elements or insects to enter the building

Code Enforcement Manager Houston advised the Town had no recommendation.

Maura Ziska, attorney for the property owner, was present at the hearing and testified as to the reasons a fine reduction should be considered. She requested the Board rescind the fine entirely. Mark Morse, contractor for the property owner, was present at the hearing but did not testify. Property Owner Tom Quick was present at the hearing but did not testify.

**MOTION BY MR. BALLENTINE TO REDUCE THE FINE TO \$22,250.00.
SECONDED BY MS. VAN BUREN
MOTION PASSED WITH MR. OCHSTEIN OPPOSED**

- B. 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 Manager Houston advised the property owner's flight was delayed and informed the Board the property owner requested a postponement until the February 19, 2015 hearing.

**MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL
THE FEBRUARY 19, 2015 HEARING
SECONDED BY MR. DONNELLEY
MOTION PASSED UNANIMOUSLY**

VIII. Board Comments:(04:35:03 PM)

There were no Board comments.

IX. Adjournment:(04:35:13 PM)

The meeting was adjourned without benefit of a motion