



TOWN OF PALM BEACH

TENTATIVE AGENDA:
SUBJECT TO REVISION

**CODE ENFORCEMENT BOARD
COUNCIL CHAMBERS
2ND FLOOR, TOWN HALL
360 SOUTH COUNTY ROAD**

OCTOBER 17, 2019

02:00 P.M.

The progress of this meeting maybe monitored by visiting the Town's web site. (www.townofpalmbeach.com), selecting the "Your Government" tab and clicking on "Audio (Live and Archived)." If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting."

I. Call to Order:

II. Roll Call:

Matthew Natale, Chair
Scotch Peloso, Vice Chair
Bram Majtlis
Daniel McDonnell
Rosemary G. Carpenter
Linda K. Wartow
Steven Meltzer
Jack Cohen, Alternate Member
Herbert A. Roemmele, Alternate Member

III. Approval of the Minutes of September 19, 2019:

IV. Administration of the Oath to Town Staff:

V. Code Statistics

VI. Public Hearings:

- A. Case #CE 18-255, 235 Sunrise Ave., CM23-CM26, Trainer's Gym of Palm Beach LLC
Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances requires a business tax receipt for any person who carries on, engages in or conducts an occupation, business or profession enumerated in Chapter 114-43 of the Code. Chapter 134, Section 134-117 requires Town Council special exception approval for certain businesses exceeding the permitted gross leasable area.
- B. Case #CE 19-1173, 1 Via Sunny, Sunny Sessa
Violation of Chapter 66, Section 66-312 of the Town of Palm Beach Code of Ordinances, removal of designated historic and specimen trees, and vegetation species identified as endangered or threatened, shall be prohibited
- C. Case #CE 19-1171, 350 S. County Rd., C.B.I.
Violation of Chapter 42, Section 42-197 of the Town of Palm Beach Code of Ordinances, Commercial loading and unloading operations, certain times prohibited for locations in or adjacent to residentially zoned areas. The commercial loading, and unloading of any vehicle or the opening destruction/and or disposal of bales, crates, containers, or any other item for business located in or adjacent to residential zoned areas, shall be prohibited between the hours of 8:00 pm and 8:00 am
- D. Case #CE 19-952, 331 Worth Ave., Worth Avenue Holdings LLC
Violation of Chapter 42, Section 42-86(15) of the Town of Palm Beach Code of Ordinances does not allow any accumulation of stagnant water permitted or maintained on any lot or piece of ground. Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances requires all outside appurtenances such be kept in a state of good repair
- E. Case #CE 19-931, 675 N. Lake Way, Richard Furland Trust
Violation of Chapter 126, Section 126-31 of the Town of Palm Beach Code of Ordinances requires trees and hedges located within the vicinity of any building or public utility facility or above ground utility that have reached a height or are in a condition that might render them dangerous to such buildings or public utility facilities or above ground utility shall be remove
- F. Case #CE 19-853, 123 Chilean Ave., Nancy Shubert
Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances does not allow vegetation infested with pests such as whitefly

VII. Board Comments

VIII. Adjournment

Note 1: If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Note 2: A disabled persons who need an accommodation in order to participate in this Commission Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least five (5) working days before this meeting.

Thursday, October 17, 2019, 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 from the item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting the Code Enforcement Board Secretary at (561)227-7080. 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: (02:00:00 PM)

II. Roll Call: (02:00:39)

Matthew Natale, Chair
Scotch Peloso, Vice Chair
Daniel McDonnell
Rosemary Carpenter
Linda K. Wartow
Steven Meltzer
Herbert A. Roemmele, Alternate Member

III. Approval of the Minutes of the September 19, 2019 (02:00:43 PM)

MOTION BY MR. MELTZER TO APPROVE THE SEPTEMBER 19, 2019 MINUTES
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY

IV. Administration of the Oath to Town Staff: (02:00:52 PM)

The Town staff were sworn in by Secretary Marcote.

V. Code Statistics: (02:01:11 PM)

- 1269 – year-to-date Code Enforcement cases
- 140 cases initiated since last Code Board Hearing
- 67 cases self-initiated
- 73 cases received (not self-initiated)
- 20 cases set to appear at the October Code Board
- 14 achieved compliance before Hearing
- 6 new cases to be heard today

VI. Public Hearings: (02:01:12 PM)

A. Case #CE 18-255, 235 Sunrise Ave., CM23-CM26, Trainer's Gym of Palm Beach LLC

Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances requires a business tax receipt for any person who Carries on, engages in or conducts an occupation, business or Profession enumerated in Chapter 114-43 of the Code. Chapter 134, Section 134-1107 requires Town Council special exception approval for certain businesses exceeding the permitted gross leasable area.

Code Enforcement Officer Felix briefly reviewed the facts of the case. The Town requested a postponement until the December 19, 2019 Code Enforcement Hearing.

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

MOTION BY MR. MELTZER TO GRANT A POSTPONEMENT UNTIL THE DECEMBER 19, 2019 CODE ENFORCEMENT HEARING.

SECONDED BY MS. CARPENTER.

MOTION PASSED UNANIMOUSLY.

B. Case #CE 19-1173, 1 Via Sunny, Sunny Sessa

Violation of Chapter 66, Section 66-312 of the Town of Palm Beach Code of Ordinances, removal of designated historic and specimen trees, And vegetation species identified as endangered or threatened, shall Be prohibited.

Code Enforcement Officer Moriarty presented the facts of the case and Submitted evidence into the record. The Town recommended Administrative costs in the amount of \$150.00 and one time violation fine not to exceed \$5,000.00.

The violators were not present at the hearing and there was a finding Of proper notice

Richard Maxwell the Town Arborist and Paul Colby Facilities Manager Public Works were present and gave testimony.

MOTION BY MS. CARPENTER TO ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JANUARY 14, 2020 TO COME INTO COMPLIANCE.

SECONDED BY MR. MCDONNELL.

MOTION PASSED UNANIMOUSLY.

Code Enforcement Officer Moriarty requested that the Board hear Case D next.

The Code Board granted the request.

D. Case #CE 19-952, 331 Worth Ave., Worth Avenue Holdings LLC

Violation of Chapter 42, Section 42-86(15) of the Town of Beach Code of Ordinances does not allow any accumulation of stagnant water Permitted or maintained on any lot or piece of ground. Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances requires All outside appurtenances such be kept in a state of good repair

Code Enforcement Officer Moriarty presented the facts of the case and submitted evidence into the record. The Town recommended Administrative costs in the amount of \$150.00 and give them until November 18, 2019 to come into compliance.

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

Stuart Dophill was present and gave testimony.

MOTION BY MR. MELTZER TO ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 18, 2019 TO COME INTO COMPLIANCE. SECONDED BY MS. WARTOW. MOTION PASSED UNANIMOUSLY.

Code Enforcement Officer Moriarty requested the Board hear case number #E next.

The Board granted the request.

E. Case #CE 19-931, 675 N. Lake Way, Richard Furland Trust

Violation Chapter 126, Section 126-31 of the Town of Palm Beach Code of Ordinances requires trees and hedges located within the vicinity of any building or public utility facility or above ground utility that have reached a height or are in a condition that might render them dangerous to such buildings or public utility facilities or above ground utility shall be removed.

Code Enforcement Officer Moriarty presented the facts of the case and submitted evidence into the record. The Town recommended Administrative costs in the amount of \$150.00 and give them until November 18, 2019 to come into compliance.

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

MOTION BY MR. MCDONNELL TO ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 18, 2019 TO COME INTO COMPLIANCE. SECONDED BY MR. MELTZER. MOTION PASSED UNANIMOUSLY.

C. Case #CE 19-1171, 350 S. County Road, C.B.I.

Violation of Chapter 42, Section 42-197 of the Town of Palm Beach Code of Ordinances, Commercial loading and unloading operations, certain times prohibited for locations in or adjacent to residentially zoned areas. The commercial loading, and unloading of any vehicle or the opening destruction/and or disposal of bales, crates, containers, or any other item for business located in or adjacent to residential

zoned areas, shall be prohibited between the hours of 8:00pm and 8:00am

Officer Moriarty presented the facts of the case and submitted evidence into the record. The Town recommended Administrative costs in the amount of \$150.00 and to pay a fine of \$125.00 within 10 days of this order.

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

MOTION BY MR. MELTZER TO ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND TO PAY A FINE OF \$125.00 WITHIN 10 DAYS OF THIS ORDER. SECONDED BY MS. WARTOW. MOTION PASSES UNANIMOUSLY.

F. Case #CE 19-853, 123 Chilean Ave., Nancy Shubert

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances does not allow vegetation infested with pests such as whitefly.

Officer Moriarty presented the facts of the case and submitted evidence into the record. The Town recommended Administrative costs in the amount of \$150.00 and give them until November 18, 2019 to come into compliance.

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

MOTION BY MR. MCDONNELL TO ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL NOVEMBER 18, 2019 TO COME INTO COMPLIANCE. SECONDED BY MS. CARPENTER. MOTION PASSED UNANIMOUSLY.

VII. Board Comments: (02:47:35)

Chair Natale expressed it was a pleasure to work with the Board.

VIII. Adjournment: (02:47:45)

**MOTION TO ADJOURN BY MR. MELTZER
SECONDED BY MR. MCDONNELL
MOTION PASSED UNANIMOUSLY**