



PW- 6338

**PUBLIC WORKS DEPARTMENT  
(561) 838-5440**

**R.O.W. VIOLATION NOTICE**

NAME: Willoughby Construction DATE: 10/22/21

JOB ADDRESS: 257 West Indies

- Working in right-of-way without permit \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- Failure to have permit on job \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- Construction parking without permit\* *# strike* \$ 150 X 1 = \$150  
1<sup>st</sup> = \$150 2<sup>nd</sup> = \$250 and thereafter = \$500
- Inadequate Maintenance of Traffic \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- Right-of-way littered by site dirt or debris \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- Failure to maintain safe sidewalk \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- Failure to carry-out permit terms/conditions \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- Storage of materials in right-of-way \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- Use of right-of-way as work area \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- Damage to infrastructure in right-of-way \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- Dewatering without a permit \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- Illegal discharges to Town sewers\*\* \$ 500 X \_\_\_\_\_ = \_\_\_\_\_
- Other \_\_\_\_\_ \$ \_\_\_\_\_ X \_\_\_\_\_ = \_\_\_\_\_
- 2nd and added days of violation, double fine \$ \_\_\_\_\_ X \_\_\_\_\_ = \_\_\_\_\_

**TOTAL FINE:** \_\_\_\_\_

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Public Works Office at 561-838-5440.

\* Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.

\*\* Fine plus clean-up cost.

\*\*\* Includes but not limited to:

Dumpster in Right of Way - \$100 per incident.

Right of Way restoration - \$30 per day until restored.

ISSUER \_\_\_\_\_

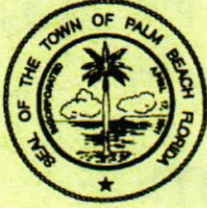
white/violator

yellow/PW

pink/issuer

*Strike*

*Strike 1*



1) Speedy concrete cutting  
Box truck half in road

PW- 5678

**PUBLIC WORKS DEPARTMENT  
(561) 838-5440**

**R.O.W. VIOLATION NOTICE**

NAME: Willoughby Const DATE: 11.18.21

JOB ADDRESS: 257 W Indies

- Working in right-of-way without permit \$ 150 X 1 = 150
- Failure to have permit on job \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- Construction parking without permit\* \$ 150 X 1 = 150  
1<sup>st</sup> = \$150 2<sup>nd</sup> = \$250 and thereafter = \$500
- Inadequate Maintenance of Traffic \$ 150 X 1 = 150
- Right-of-way littered by site dirt or debris \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- Failure to maintain safe sidewalk \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- Failure to carry-out permit terms/conditions \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
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- Use of right-of-way as work area \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
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- Dewatering without a permit \$ 150 X \_\_\_\_\_ = \_\_\_\_\_
- Illegal discharges to Town sewers\*\* \$ 500 X \_\_\_\_\_ = \_\_\_\_\_
- Other \_\_\_\_\_ \$ \_\_\_\_\_ X \_\_\_\_\_ = \_\_\_\_\_
- 2nd and added days of violation, double fine \$ \_\_\_\_\_ X \_\_\_\_\_ = \_\_\_\_\_

2) Speedy concrete cutting  
parked in road.

TOTAL FINE: 450

Total fine to be paid within 10 working days to: Town of Palm Beach, Finance Dept., PO Box 2029, Palm Beach, FL 33480, may also be paid in person at 360 S. County Road, Palm Beach, FL 33480. Please attach a copy of this violation with payment, check must reference violation number. No further permits will be issued until fine is paid. Should you wish to contest this violation call the Public Works Office at 561-838-5440.

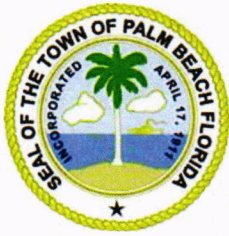
\* Parking violations are per vehicle per day. Parking placard must be displayed in vehicle.  
\*\* Fine plus clean-up cost.  
\*\*\* Includes but not limited to:  
Dumpster in Right of Way - \$100 per incident.  
Right of Way restoration - \$30 per day until restored.

ISSUER: Pa B

white/violator      yellow/PW      pink/issuer

Strike 1

Strike 2



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department

November 19, 2021

Via email: [office@willoughbyconstruction.com](mailto:office@willoughbyconstruction.com)

Willoughby Construction LLC  
% Craig Willoughby  
354 Toney Penna Dr, 1  
Jupiter, FL 33458

Re: **Warning Notice** Construction Vehicle Parking Citations – 257 West Indies Drive, B-21-90720

On November 18, 2021 you received a second citation for violation of the “3-Strike Rule”, which regulates the number of construction-related vehicles that can be parked on Town streets in conjunction with building sites. These regulations are contained in the Town of Palm Beach Standards Applicable To Public Rights-Of-Way And Easements Within The Town Of Palm Beach and information regarding these regulations is attached to all construction permits issued to a job site. Specifically, when possible all vehicles should be parked on private property. Permits (up to three in number) can be approved when private parking availability is limited and sufficient spaces in the right-of-way are available.

If three parking citations are received, the Director of Public Works may notify the Planning, Zoning & Building Department of these violations, and request that a “**Stop Work**” order be issued as allowed by Section 18-204 of Town Code (referred to as the “3-strike” rule).

You have received parking citations on **two** separate occasions: November 18, 2021 (PW-5678 for 1 vehicle) and again on October 22, 2021 (PW-6338 for 1 vehicle).

This is to notify you that if you receive another citation, under the Town’s rules a “Stop Work” order will be issued by this Department. Please note that if a “Stop Work” order is issued by the Building Official, no work may be performed at the site under any permits issued by the Town of Palm Beach, until the Town Council determines if and under what conditions the work may proceed.

Your cooperation in observing the parking regulations of the Town will assist in ensuring that your job proceeds without disruption.

Sincerely,

*Wayne Bergman*

Wayne Berman  
Director, Planning, Zoning & Building Department

cc: 257 W Indies Dr LLC, 368 Engle St, Englewood, NJ 07631  
Jay Boodheshwar, Deputy Town Manager  
H. Paul Brazil, Public Works Director  
Nicholas Caristo, Police Chief  
Benjamin Alma, Support Services Manager

# TOWN OF PALM BEACH

10216



## POLICE DEPARTMENT Code Enforcement Unit Notice of Violation

Strike 3



Manuel Garcia  
Respondent's Name

Willoughby Construction LLC  
Name of Company/Resident/Business

\_\_\_\_\_  
Respondent's Address

561-744 0637  
Property/Business Address

YOU ARE NOTIFIED that on Saturday, March 5, 2022 at 1030 hrs

a violation of Construction hours / Working on Saturday doing framing

which violate the following Town of Palm Beach Code of Ordinances: 42-199

occurred at: 257 W Indies Dr Palm Beach FL, 33480

### YOUR OPTIONS ARE INDICATED BELOW:

1) YOU MAY ADMIT to the violation by making payment by mail or in person between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, at the Town's Finance Department at 360 South County Road., Palm Beach, Florida 33480. **NO LATER THAN 5:00 P.M. ON THE MONDAY BEFORE THE SCHEDULED HEARING NOTED BELOW.** The fine amount is \$ 250.00

OR

YOU MAY ELECT TO APPEAR IN PERSON before the Code Enforcement Board on Thursday, April 21, 2022 at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

2) THIS CASE WILL BE HEARD BEFORE THE CODE ENFORCEMENT BOARD on Thursday, \_\_\_\_\_ at 2 P.M. in the Town Council Chambers, Town Hall, located at 360 South County Road., Palm Beach, Florida 33480. For further information call 561/227-7080

I ACKNOWLEDGE RECEIPT OF THIS CODE ENFORCEMENT NOTICE OF VIOLATION

[Signature]  
Signature of Respondent

This will be your only notice of the hearing. Failure to pay the fine or appear at the hearing will result in this matter being held in absentia. The maximum fine imposed may be \$250 for a first offense, \$500 for repeat offenses, or a maximum of \$5,000 if irreparable in nature, in addition to the administrative costs.

J Olivares / 0272      3-5-22      1037 hrs      2022-064-071  
Code Enforcement/Police Officer - I.D.      Date      Time      Case/CAD #

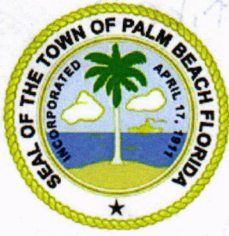
I WISH TO ADMIT TO THE CHARGES, WAIVE MY RIGHT TO A HEARING AND PAY FINE.

\_\_\_\_\_  
Signature of Respondent

WHITE - PD Case File      BLUE - PD Log      GREEN - Finance      CANARY - Respondent

CE-449

CM



# TOWN OF PALM BEACH

Planning, Zoning & Building Department

March 10, 2022

Willoughby Construction LLC  
% Craig Willoughby  
354 Toney Penna Dr. 1  
Jupiter, FL 33458

Via email: [office@willoughbyconstruction.com](mailto:office@willoughbyconstruction.com);  
[crentas@smithnyc.com](mailto:crentas@smithnyc.com); [tdebosco@smithnyc.com](mailto:tdebosco@smithnyc.com)

Re: Construction Vehicle Parking Citations –257 West Indies Dr – WARNING OF **STOP WORK ORDER**

As you know, the Town of Palm Beach Standards Applicable To Public Rights-Of-Way And Easements Within The Town of Palm Beach regulates construction parking on public streets and construction site management. Attached to all construction permits issued to a job is information regarding these regulations. When possible, all vehicles should be parked on private property. Permits (up to three in number) can be approved when private parking availability is limited.

This letter is to serve as notice that on **three** separate occasions you have received violation notices/citations:

|          |   |
|----------|---|
| Strike 3 | March 5, 2022 (NOV-10216 for Working on Saturday) |
| Strike 2 | November 18, 2021 (PW-5678 for 1 vehicle)         |
| Strike 1 | October 22, 2021 (PW-6338 for 1 vehicle)          |

In addition to the fees that are due for these citations, Res. No 1-2022 assesses \$750.00 in fines that are now due.

Under the Town's rules (referred to as the "3-strike" rule), the Director of Public Works has notified the Planning, Zoning & Building Department of these violations, and requested that a "Stop Work" order be issued as allowed by Section 18-204 of Town Code.

**An appeal to the Police Chief needs to be submitted in writing no later than March 15, 2022. If an appeal is denied or is not filed in a timely fashion, a "Stop Work" order will be issued by the Building Official effective the end of the working day March 15, 2022. After that date, no work may be performed at the site under any permits issued by the Town of Palm Beach.**

All requests to lift a "Stop Work" order would need to be decided by the Town Council. The next Town Council meeting date is Tuesday, April 12, 2022. In order for this item to be considered at that meeting, you would need to submit a written request to me no later than Wednesday, April 6, 2022 prior to 5:00 PM.

Truly yours,

*Wayne Bergman*

Wayne Bergman  
Director, Building Official

cc: 257 W Indies Dr LLC, 368 Engle St, Englewood, NJ 07631  
J. Boodheshwar, Deputy Town Manager; H. Paul Brazil, Public Works Director; Nicholas Caristo, Police Chief;  
Benjamin Alma, Parking and Code Enforcement Manager

Post Office Box 2029 \* 360 South County Road \* Palm Beach, FL 33480 \* (561) 838-5430



March 15, 2022

**VIA HAND DELIVERY AND EMAIL (ncaristo@palmbeachpolice.com)**

Chief Nicholas Caristo  
Town of Palm Beach Police Department  
345 South County Road  
Palm Beach, FL 33480

**Re: Potential Stop Work Issue at 257 West Indies and Notice of Appeal**

Chief Caristo,

Our firm represents Willoughby Construction. It was brought to our client's attention late last week that they may have a potential Stop Work issue at 257 West Indies. Enclosed are copies of the following:

- 1) October 22, 2021 PW-6638;
- 2) November 18, 2021 PW-5678; and
- 3) March 5, 2022 NOV-10216.

We would like to formally appeal the warning of stop work order notice dated March 10th, 2022, for 257 West Indies Dr. and plead for mercy and forgiveness of the violation notices/citations as noted therewith.

Strike 1: Violation notice PW-6338 was issued on October 22, 2021, because Wells Brother's Construction temporarily parked in right-of-way so they could safely unload steel & rebar needed for the renovation. Wells Brothers Construction would have unloaded in the driveway, but their truck and trailer were unable to safely maneuver through the tight security gate without causing property damage. The entire unloading process lasted no more than an hour.

There will be no further infractions in the future since all demolition has been completed and all major construction deliveries have been made.

Strike 2: Violation notice PW-5678 issued on November 18, 2021, because Speedy Concrete was unable to fit their truck and equipment within the small driveway. As a result, the front of the truck extended slightly past the curb into the right-of-way. Willoughby Construction Superintendent, Brian Crowley, constantly monitored traffic movement around the truck to ensure safe passage. At no time was Speedy Concrete's truck allowed to impede and/or pose a hazard to the flow of traffic.



There will be no further infractions in the future since all demolition and concrete cutting has been completed.

Upon receiving notice from Town of Palm Beach regarding our two strikes as noted above, Willoughby Construction immediately implemented the following measures:

- We re-educated our Trade Partners /and workers to ensure that they were aware of Willoughby Construction's and the Town of Palm Beach's policies with respect to parking within the right-of-way.
- We drafted an internal logistical plan for all staging and parking for the project.
- We secured off-site parking with One Parking, 222 Lakeview, Inc.
- We secured three (3) right-of-way construction parking permits.
- We purchased a 2022 Ford Transit Connect Van for shuttling on and off the island.
- We have dedicated a single employee, Constantino Arias Morales, to shuttle workers from their assigned parking to and from the job site.
- We have installed construction gates at the entrance to ensure that vehicles cannot extend into the right-of-way while parked.
- Lastly, we have dedicated an employee, Genry Novoa, to monitor and direct all construction traffic safely in and around the project site during normal construction hours.

Strike 3: Violation notice NOV-10216 for Working on Saturday issued on March 5, 2022. Willoughby Construction was unaware that an ordinance regarding "No Saturday Work" had been adopted and formally implemented into Law. Willoughby Construction never received any notice that work restrictions had been placed on our permit and the 3-Strike Rule that Willoughby signed and notarized at the issuance of the permit had been modified. Further, this violation occurred when the new rule was just recently enacted and it is our understanding that the Town of Palm Beach's policy during the transition period was to notify contractors of the new rule rather than to issue them a citation.

Willoughby Construction was operating under the previous rule that allowed interior Saturday, "Quiet Work", between the hours of 9:00 am – 5:00 pm. Every precaution was taken to be quiet, and the scope of work was limited to indoor activities. Personnel were scheduled to work from 9:00 am – 12:00 pm, installing minor A/C vent, cabinet, and speaker wood blocking. The use of a battery drill and saw was allowed in small durations for this scope of work.

Upon arrival of J Olivares, Town of Palm Beach Code Enforcement Police Officer, Willoughby Construction immediately stopped all work and secured the property. Willoughby Construction regrets that we unintentionally broke the 3-Strike Rule and apologize for having to consume your



time with this matter. Moving forward, Willoughby Construction will become more aware of all pending and existing rules for construction, and pledges to be more sensitive to the Town Palm Beach Residence.

Our client has taken all corrective actions necessary and that the application of the 3-strike rule would be unfairly prejudicial given the facts and circumstances surrounding the incidents and the immediate actions taken by our client to ensure that no further such violations occur. In short, our client has not willfully or habitually violated the Town of Palm Beach's ordinances in a manner that merits the application of the 3-strike rule and thereby appeals the Warning of Stop Work Order.

Respectfully,

*s/Daniel A. Thomas*

DANIEL A. THOMAS





# TOWN OF PALM BEACH POLICE DEPARTMENT

DEDICATED TO EXCELLENCE



March 16, 2022

Mr. Daniel A. Thomas  
Attorney for Willoughby Construction  
505 South Flagler Drive, Suite 600  
West Palm Beach, FL 33401

Re: Code Violations  
257 West Indies

Dear Mr. Thomas,

I am in receipt of your appeal request on the behalf of Willoughby Construction.

Town Ordinance allows ten days after each violation to contest the violation.

PW Citation #6338 for construction parking issued on October 22, 2021. This citation was not contested and was paid in full.

PW Citation #5678 for construction parking issued on November 18, 2021. This was not contested; however, has not been paid.

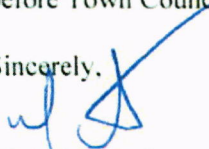
The third strike was a Notice of Violation, #10216, for construction hours outside the allowable hours permitted, was issued on March 05, 2022. As of March 15, 2022, this fine has not been paid.

Additionally, on November 18, 2021, Code Enforcement issued verbal warnings for Obstruction of Street Signs – Sec 106-1(3) and Obstruction of Right of Way – Sec. 106-1.

After thorough review of the Town Ordinance and the Town's Right-of Way Manual, along with the violations and the subsequent actions of the construction staff, the request for dismissal of the violations is denied.

With the recent changes in Town ordinances and the Town's commitment to strongly enforce construction site violations, I have an obligation to ensure consistencies in the enforcement and appeal process. You may contact the Planning, Zoning, and Building Department for any next steps in appearing before Town Council or restarting work.

Sincerely,

  
Nicholas Caristo  
Chief of Police

cc: Paul Brazil Public Works Director  
Wayne Bergman, Planning Zoning Building Director