

Thursday, December 15, 2022, 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: (2:00:29)

II. Roll Call: (2:00:30)

Bram Mahtlis, Chairman
Scotch Peloso, Vice Chairman
Ms. Wartow
Martin Klein
Chris Larmoyeux
Pamela Saba
Harris S. Fried, Alternate Member
Pamela Davies, Alternate Member

III. Approval of the Minutes of the November 17, 2022, Minutes: (2:00:57)

MR. KLIEN ADDED A CHANGE TO THE ADDENDUM.

MOTION BY MR. KLEIN TO APPROVE THE NOVEMBER 17, 2022, MINUTES WITH THE CHANGE.

SECONDED BY MS. WARTOW

MOTION PASSED UNANIMOUSLY.

IV. Administration of the Oath to Town Staff (2:02:14)

The Town staff were sworn in by Secretary Marcote.

V. Code Statistics: (2:03:18)

- 2037 Year to date Code Enforcement cases.
- 209 cases initiated since the last Code Board Hearing
- 115 cases officer generated
- 94 cases were received (not self-initiated)
- 9 cases set to appear at the November Code Board
- 4 cases achieved compliance before the hearing
- 1 new case to be heard today
- 4 fine consideration cases to be heard today
- 0 fine reduction cases to be heard today
- 0 old business case to be heard today

VI. Public Hearing: (2:03:24)

A. Case # CE 22-1800, 221 Onondaga Ave., Cheryl Noska: (2:03:24)

Violation of Chapter 88, Section 88-16 of the Town of Palm Beach Code of Ordinances requires exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep the part of the exterior property that such occupant occupies or controls in a clean and sanitary condition. Chapter 88, Section 88-16(I) dead or dying trees, stumps, roots, dead dying or defoliated hedges or trees; and hedges, trees or other plants infested with exotic pests such as whitefly are prohibited. Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances states it shall be unlawful for any person to have, keep, maintain, cause or permit within the town any collection of standing water or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as effectually to prevent such breeding.

Officer Felix presented the facts and requested that this case be dismissed since compliance was met just prior to the hearing.

MOTION BY KLIEN TO DISMISS THE CASE.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 22-1562, 124 Cocoanut Row, Nedim & Rebecca Soylemez: (2:05:27)

Violation of Chapter 88, Section 88-16 of the Town of Palm Beach Code of Ordinances requires exterior property and premises shall be maintained in a clean and sanitary condition. Chapter 88, Section 88-16(d) of the Town of Palm Beach Code of Ordinances states premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches.

Officer Felix presented the facts of the case and entered evidence into the record.

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

MOTION BY MR. KLEIN OF FINDING OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY JANUARY 16, 2023. IF COMPLIANCE IS NOT MET THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 22-1451, 1157 N Lake Way, Matthew Gabelli: (2:09:21)

Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances requires a clearance of 8 feet, measured vertically from the edges and extended the full width of all sidewalks and bike trails in the Town to be maintained at all times for the unobstructed passage of pedestrians and others using such sidewalks and bike trail.

Officer Felix presented the facts of the case and requested that this case be dismissed for compliance just prior to the hearing.

MOTION BY MR. KLEIN TO DIMISS THE CASE.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

D. Case # CE 22-1334, 1435 N Ocean Way (Blvd), Platinum Palm Beach Holdings LLC: (2:11:05)

Violation of Chapter 18, Section 18-277(b) of the Town of Palm Beach Code of Ordinances states where public has established an accessway through private lands to lands Seaward of the mean high tide or water line prescription, perspective easement, or other legal means, development or construction shall not interfere with such right of access unless a comparable alternative accessway is provided. The property owner or developer shall have the right to improve, consolidate or relocate such public accessways so long as they are: (1) Of substantially similar quality and convenience to the public. (2) Approved by the local government and approved by the Florida Department of Environmental Protection (DEP) whenever improvements are involved seaward of the coastal construction control line; and (3) Consistent with the coastal management element of the local comprehensive plan adopted pursuant to F.S. 163.3178.

Mr. McGowan recused himself from this case due to a conflict.

Mr. Fried declared ex parte communications.

Officer Felix presented the facts of the case and ask that this case be dismissed, as it is not a code enforcement issue.

Christopher Kammer gave testimony and presented evidence into the record.

John Dottery and Minnie Pulitzer gave testimony.

Mr. Brennan gave testimony.

MOTION BY MR. KLEIN TO DISMISS THE CASE.

MOTION SECONDED BY MS. SABA.

THE CHAIRMAN CALLED FOR A ROLLCALL VOTE.

MR. FRIED – YES

MS. WARTOW – YES

MR. KLEIN – YES

MR. LARMOYEUX – YES

MR. PELOSO – YES

MR. MAJTLIS – YES

MOTION PASSED UNANIMOUSLY.

VII. Fine Consideration: (2:50:12)

A. Case # CE 22-1046, 304 S. County Road, Thomas Campaniello: (2:18:46)

Violation of Chapter 18, Section 18-16 of the Town of Palm Beach Code of Ordinances states sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

Officer Moriarty represented the facts of the case.

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

MOTION BY MR. LARMOYEAUX TO POSTPONE THE CASE UNTIL THE JULY 20, 2023 HEARING.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 22-516, 100 Everglade Ave. Leslie Daniels: (2:56:29)

Violation of Chapter 134, Section 134-1472 of the Town of Palm Beach Code of Ordinances states the permitted uses and structures in the beach area district are as follows; (1) Swimming pools and associated appurtenances associated with a permitted use within 1,500 feet. (2) Beach chairs and umbrellas, (3) Seawalls, dune cross overs and stairs.

Officer Moriarty requested that this case be postponed to the February 16, 2023 hearing due to civil litigation.

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

MOTION BY MR. KLEIN TO POSTPONE THE CASE UNTIL THE FEBRUARY 16, 2023 HEARING.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.

VIII. Board Comments: (2:59:32)

The Chairman addressed the board on the importance of refraining from becoming involved with residents regarding a case that will come before the board. The Chairman requested that the board secretary email all members regarding this matter and ex parte communications.

Mr. Klein wished all members of the board and staff a happy holiday.

IX. Adjournment: (3:01:55)

MOTION TO ADJOURN BY MR. McGOWAN

MOTION SECONDED BY MS. SABA

MOTION PASSED UNANIMOUSLY.