

Thursday, June 16, 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 Majtlis, Chairman
Linda Wartow
Martin Klein
Scotch Peloso, Vice Chairman
Chris Larmoyeux
John McGowan, Alternate Member
Victoria Piroso, Alternate Member

Mr. McGowan and Ms. Piroso were voting members for this hearing replacing Ms. Saba and Mr. McDonnell.

III. Approval of the Minutes of the May 19, 2022: (2:01:44)

**MOTION BY MR. KLEIN TO APPROVE THE MAY 19, 2022 MINUTES.
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY.**

IV. Administration of the Oath to Town Staff (2:02:01)

The Town staff were sworn in by Secretary Marcote.

V. Code Statistics: (2:02:24)

- 1069 Year to date Code Enforcement cases.
- 166 Cases initiated since the last Code Board Hearing
- 102 cases officer generated
- 64 cases were received (not self-initiated)
- 49 cases set to appear at the April Code Board
- 32 cases achieved compliance before the hearing
- 13 new cases 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: (2:03:19)

A. Case # CE 22-774, 200 N. Ocean Blvd., Warden House Association Inc.:(2:04:38)

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 fee. (2) Beach chairs and umbrellas, (3) Sewall's dune crossovers and stairs.

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

Tom Warkey, Palm Beach Liaison was present addressed the Board.

The business owner was not present but was represented by their attorney Vanessa Bolton.

MOTION BY MR. KLEIN OF NON-COMPLIANCE, TO POSTPONE THIS CASE UNTIL THE DECEMBER 15, 2022, HEARING AND TO WAIVE THE ADMINISTRATIVE FEE UNTIL THE DECEMBER 15, 2022 HEARING.

MOTION SECONDED BY MR. PELOSO.

THE CHAIRMAN CALLED FOR A ROLL CALL VOTE:

MS. WARTOW – YES

MR. KLEIN - YES

MR. LARMOYEUX - YES

MR McGOWAN - YES

MS. PIROSO - YES

MR. PELOSO - YES

MR. MAJTLIS - YES

MOTION PASSED UNANIMOUSLY.

B. Case # CE 22-910, 400 Blk. S. Ocean Blvd., Infinite Haulers Inc. (3:07:04)

Violation of Chapter 106, Section 106-1 of the Town of Palm Beach Code of Ordinances states it shall be unlawful to obstruct or cause to be obstructed any sidewalk or crossing in any way. It shall be unlawful to erect, build, construct, deposit, or place upon or in any street, or any place where the public has a right of passage, any structure or obstruction of any kind.

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

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

MOTION BY MR. KLEIN OF NON-COMPLIANCE AND ASSESS ADMINISTRATIVE FEE OF \$150.00 AND TO PAY A FINE OF \$125.00 WITHIN 30 DAYS OF THIS ORDER AND TO COME.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 22-781, 217 Debra Lane, Vasquez Landscaping: (3:09:31)

Violation of Chapter 42, Section 42-199 of the Town of Palm Beach Code of Ordinances states beginning on the Monday preceding Thanksgiving and during the months of December, January, February, March and April of each year construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8 a.m. and shall cease at the hour of 5 p.m., except Saturday, Sunday and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other outdoor construction-related and lawn maintenance noise be permitted before 9 a.m.

Officer Moriarty presented the facts of the case.

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

MOTION BY MR. LARMOYEUX OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE OF \$150.00 AND A FINE OF \$250.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER.

SECONDED BY MR. PELOSO.

MOTION PASSES UNANIMOUSLY.

D. Case # CE 22-768, 353 Peruvian Ave., Lifestyle Holdings LLC: (3:115:01)

Violation of Chapter 42, Section 42-199 of the Town of Palm Beach Code of Ordinances states beginning on the Monday preceding Thanksgiving and during the months of December, January, February, March and April of each year construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8 a.m. and shall cease at the hour of 5 p.m., except Saturday, Sunday and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other outdoor construction-related and lawn maintenance noise be permitted before 9 am.

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

The Business Owner was not present and there was a finding of proper notice.

MOTION BY MR. KLEIN OF NON-COMPLIANCE; ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND A FINE OF \$250.00 FOR CITATION 10148 AND \$250.00 FOR CITATION 10149 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO OBTAIN PERMITS BY JULY 18, 2022.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY

E. Case # CE 22-751, 1500 N. Ocean Blvd., G7 Holdings: (3:19:05)

Violation of Chapter 42, Section 42-199 of the Town of Palm Beach Code of Ordinances states beginning on the Monday preceding Thanksgiving and during the months of December, January, February, March and April of each year construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8 a.m. and shall cease at the hour of 5 p.m., except Saturday, Sunday and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other outdoor construction-related and lawn maintenance noise be permitted before 9 am.

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

The property owners were present Mr. Christopher and Ms. Ziska, and Mr. Christopher gave testimony in this case.

Mr. Klein disclosed ex parte communication.

MOTION BY MR. LARMOYEUX TO POSTPONE THIS CASE UNTIL THE JANUARY 19, 2023 HEARING.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

F. Case # CE 22-615, 227 Sunrise Ave., Paradise Lost: (3:43:59)

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.

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

The Business Owner was not present and there was a finding of proper notice.

MOTION BY MR. KLEIN OF A FINDING OF NON-COMPLIANCE, ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY JULY 18, 2022.

MOTION SECONDED BY MS. PIROSO.

MOTION PASSED UNANIMOUSLY.

G. Case # CE 22-524, 289 Sandpiper Drive, Charles Hennessey: (3:46:11)

Violation of Chapter 88, Section 88-16(L) of the Town of Palm Beach Code of Ordinances prohibits vegetation infested with pests such as whitefly.

Officer Moriarty presented 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 A 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 JULY 18, 2022.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

H. Case # CE 22-821, 100 Royal Palm Way, One Royal Palm Way Association Inc.:(3:50:36)

Violation of Chapter 42, Section 42-196 of the Town of Palm Beach Code of Ordinances states it shall be unlawful for any person to make, continue, or cause to be made or continued: (1) Any loud or raucous noise; (2) Any noise that tends to annoy the community or injure the health of the citizens in general; or (3) Any noise that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any considerable number of persons. A considerable number of persons, for this section, shall mean three or more unrelated persons in separate households.

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

Courtney Cox and Michelle Newman addressed the board regarding this case.

Vicky Garish was present on behalf of the property owner and gave testimony in the case.

MOTION BY MR. KLEIN OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY JULY 18, 2022.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

I. Case # CE 22-181, 100 Royal Palm Way, One Royal Palm Way Association Inc.:(4:22:18)

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances adopts the Florida Building Code, which requires building permits to construct, enlarge, alter, repair, move, convert or replace any electrical, mechanical or plumbing system.

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

Vicki Garish was present on behalf of the property owner and gave testimony in the case.

MOTION BY MR. WARTOW OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND A FINE OF \$250.00 TO BE PAID WITHIN 320 DAYS OF THIS ORDER AND GIVEN UNTIL OCTOBER 17, 2022 TO COME INTO COMPLIANCE.

MOTION SECONDED BY MS. KLEIN.

MOTION PASSED UNANIMOUSLY.

CHAIRMAN GRANTED A RECESS: (4:30:02)

HEARING RESUMED: (4:37:11)

J. Case # CE 21-1540, 168 Reef Road, Lea Butler: (4:38:02)

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances adopts the Florida Building Code, which requires building permits to construct, enlarge, alter, repair, move, convert or replace any electrical, mechanical or plumbing system.

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

Lea Butler was present and gave testimony in this case.

MOTION BY MR. KLEIN TO POSTPONE THIS CASE UNTIL SEPTEMBER 15, 2022.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

K. Case # CE 22-892, 158 Dunbar Road, JME Landscape Services: (4:44:55)

Violation of Chapter 42, Section 42-197(b) of the Town of Palm Beach Code of Ordinances starts the use of gasoline powered leaf blowers is prohibited on any property within the town, which is less than one acre in size. Effective May 1, 2022, gasoline powered leaf blowers shall be prohibited on any size property within the town.

Officer Rodriguez presented the facts of the case and presented evidence into the record.

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

MOTION BY MR. KLEIN OF A FINDING OF NON-COMPLIANCE. ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND TO PAY A FINE OF \$125.00 WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

L. Case # CE22-776, 300 Arabian Road, Lopez Group Inc.: (4:47:26)

Violation of Chapter 42, Section 42-197(b) of the Town of Palm Beach Code of Ordinances starts the use of gasoline powered leaf blowers is prohibited on any property within the town, which is less than one acre in size. Effective May 1, 2022, gasoline powered leaf blowers shall be prohibited on any size property within the town.

Officer Rodriguez presented the facts of the case and presented evidence into the record.

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

MOTION BY MR. KLEIN OF A FINDING OF NON-COMPLIANCE. ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$125.00 AND TO PAY A FINE OF \$125.00 WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

VII. Fine Consideration: (04:49:57)

A. Case # CE 22-617, 340 Royal Poinciana Way #M322B, Zadig & Voltaire:

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.

Officer Rodriguez re-presented the facts of the case.

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

MOTION BY MR. KLEIN TO ASSESS A DAILY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON JUNE 14, 2022 AND TO CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSES UNANIMOUSLY.

B. Case # CE 22-611, 337 Worth Ave., Style Paris: (4:54:20)

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.

Officer Rodriguez re-presented the facts of the case.

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

MOTION BY MR. KLEIN TO ASSESS A DAILY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON JUNE 14, 2022 AND TO CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSES UNANIMOUSLY.

C. Case # CE 22-570, 204 Worth Ave., Valentino: (4:57:09)

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. (7)

Officer Rodriguez re-presented the facts of the case.

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

MOTION BY MR. KLEIN TO ASSESS A DAILY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON JUNE 14, 2022 AND TO CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

D. Case # CE 21-1550, 205 Worth Ave. Suite 115 & 121, Valentino USA LLC: (4:59:07)

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. (7)

Officer Rodriguez re-presented the facts of the case.

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

MOTION BY MR. KLEIN TO ASSESS A DAILY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON JUNE 14, 2022, AND TO CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

VIII. Board Comments: (5:01:23)

Chairman Mr. Majtlis recognized Mr. McDonnell's service to the Code Enforcement Board and thank him for all of his hard work and dedication to the board.

Mr. Larmoyeux requested to be able to put a presentation together to be presented to the board members at the next hearing.

XI. Adjournment: (5:02:36)

MOTION TO ADJOURN BY MS. WARTOW.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.