

Thursday, May 18, 2023, 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: (2:00:00)

II. Roll Call: (2:00:01)

Bram Majtlis, Chairman
Scotch Peloso, Vice Chairman
Linda Wartow
Martin Klein
Pamela Saba
Harris S. Fried, Alternate Member
Pamela Davies, Alternate Member

Board Secretary Marcote informed the Chairman that Mr. Larmoyeux and Mr. McGowan would not be present for this hearing and that Ms. Davies and Mr. Fried would be voting members for today’s hearing.

III. Election of the Chair and Vice Chair of Code Enforcement Board: (2:00:45)

The Board Secretary informed the Code Enforcement Board that there was only one submission for the Chair’s position and that Mr. Majtlis was requesting to be re-elected. The Board Secretary asked for a motion.

MOTION BY MR. KLEIN TO RE-ELECT MR. MAJTLIS AS THE CHAIRMAN OF THE CODE ENFORCEMENT BOARD.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

The Board Secretary informed the Chairman that there was only one submission for Vice-Chair and Mr. Peloso was requesting to be re-elected.

MOTION BY MR. KLEIN TO RE-ELECT MR. PELOSO AS THE VICE-CHAIRMAN OF THE CODE ENFORCEMENT BOARD.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

IV. Approval of the Minutes of the April 20, 2023, Minutes: (2:02:14)

MOTION BY MR. KLEIN TO APPROVE APRIL 20, 2023, MINUTES.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

V. Administration of the Oath to Town Staff: (2:02:24)

VI. Code Statistics: (2:02:51)

- 849 Year to date Code Enforcement cases.
- 157 cases initiated since the last Code Board Hearing.
- 84 cases officer generated.
- 73 cases were received (not self-initiated).
- 16 cases are set to appear at the May Code Board.
- 5 cases achieved compliance before the hearing.
- 6 new cases to be heard today.
- 3 fine consideration cases to be heard today.
- 2 fine reduction case to be heard today.
- 0 old business cases to be heard today.

VII. Financial Report: (2:03:30)

Board Secretary Marcote gave the Code Enforcement Board an updated financial report on outstanding fines.

VIII. Public Hearing: (2:05:14)

A. Case # CE 23-549, 290 Sunset Ave., OnPoint Valet LLC: (2:05:24)

Violation of Chapter 118, Section 118-155 of the Town of Palm Beach Code of Ordinances states any business, entity, property owner or valet found to be in violation under the terms of their permit shall result in a penalty as set forth in section 1-14. Any fine imposed hereunder, if contested, shall be subject to the jurisdiction of the town's code enforcement board.

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

Dean Peroni was present on behalf of OnPoint Valet LLC and gave testimony in the case.

MOTION BY FRIED OF FINDING NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND PAY A FINE OF \$250.00 WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 23-545, 363 S. County Road, Unit A, Pastry Heaven: (2:10:50)

Violation of Chapter 134, Section 134-2448 of the Town of Palm Beach Code of Ordinances states one menu sign shall be allowed at the front entrance of a restaurant or merchant retail take-out food establishment. Said menu sign shall not be further than four feet from the front entrance of the restaurant or take-out food establishment nor exceed two square feet in area.

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

Mr. John Jacobs was present on behalf of Pastry Heaven and gave testimony in the case.

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

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 22-2055, 401 Peruvian Ave., Peruvian Terrace Condominium: (2:29:40)

Violation of Chapter 18, Section 18-18 of the Town of Palm Beach Code of Ordinances requires the exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety and welfare. 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.

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

Ms. Robinson was present on behalf of Peruvian Terrace Condominium and gave testimony in the case.

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 JULY 17, 2023 OR THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

D. Case # CE 23-428, 241 El Dorado Lane, Cristina & Desmond Keogh: (2:36:32)

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, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical or plumbing system.

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. FRIED 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 JULY 17, 2023, OR THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING.

MOTION SECONDED BY KLEIN.

MOTION PASSED UNANIMOUSLY.

E. Case # CE 23-276, 375 S. County Road, BrickTops Restaurant: (2:41:01)

Violation of Chapter 134, Section 134-226 of the Town of Palm Beach Code of Ordinances States (a)The town council shall hear and decide special exceptions, decide such questions as are involved in determining if and when special exceptions should be granted, and grant special exceptions with appropriate conditions and safeguards or deny special exceptions when not in harmony with the purpose and intent of this chapter.(b)In granting any special exceptions, the town council shall find that such grant will not adversely affect the public interest. In granting any special exception, the town council, in addition to the standards enumerated in this subdivision, may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a special exception the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter. The town council may prescribe a reasonable time limit within which the action for which the special exception is required shall begin or be completed or both.

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

Mr. Peak was present on behalf of BrickTops and gave testimony in this case.

Mr. & Mrs. Masters gave testimony in this case.

MOTION BY MR. KLEIN OF FINDING OF NON-COMPLAANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00, PAY A FINE OF \$250.00 FOR THE FIRST CITATION AND \$500.00 FOR THE SECOND CITATION AND TO REFER THIS MATTER TO THE TOWN COUNCIL FOR REVIEW OF THE SPECIAL EXCEPTION AGREEMENT.

MOTION SECONDED BY MS. SABA.

THE CHAIRMAN CALLED FOR A ROLL CALL VOTE.

MS. WARTOW YES

MS. SABA YES

MR. KLEIN YES

MR FRIED YES

MS. DAVIES YES

MR. PELOSO YES

MR. MAJTLIS YES

MOTION PASSED UNANIMOUSLY.

F. Case # CE 22-1743, 232 Cherry Lane, Leona Flynn: (3:12:55)

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, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical or plumbing system.

Officer Moriarty 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. FRIED 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 JULY 17, 2023, OR THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

IX. Fine Consideration Hearing: (3:17:53)

A. Case # CE 22-2119, 224 Atlantic Ave., 224 Atlantic LLC: (3:18:01)

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, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system.

Officer Felix reminded the board of the facts of this 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 MAY 17, 2023, AND TO CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 22-1770, 249 Seabreeze Ave., Joseph & Elizabeth Berger: (3:22:44)

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, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical or plumbing system.

Officer Felix reminded the board of the facts of this case.

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

MOTION BY MS. WARTOW TO POSTPONE THIS FINE CONSIDERATION HEARING UNTIL JUNE 15, 2023.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 23-55, 12 Via Vizcaya, County Down Trust: (3:25:41)

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, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical or plumbing system.

Officer Moriarty reminded the board of the facts of this 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 MAY 17, 2023, AND TO CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

X. **Fine Reduction Hearing: (3:28:33)**

A. Case # CE 22-1412, 359 S. County Road, Amy Saleeby Trust Number 1, Nancy Llama Trust: (3:29:19)

Violation of Chapter 18, Section 18-18 of the Town of Palm Beach Code of Ordinances requires the exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety and welfare. 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.

Officer Moriarty reminded the board of the facts of this case.

Ms. Henry was present on behalf of the property owner and gave testimony in the case.

Ms. Saleeby the property owner was present and gave testimony in the case.

MOTION BY MR. KLEIN TO GRANT A FINE REDUCTION FOR THE FULL AMOUNT OF THE FINE WHICH IS \$26,750.00.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSED UNANIMOUSLY.

B. Case # 22-768, 353 Peruvian Ave., Lifestyle Holdings LLC: (3:41:49)

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. 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, demolish or change the occupancy of a

building or structure or install, alter, repair, remove, convert or replace any electrical or plumbing system.

Officer Moriarty reminded the board of the facts of the case.

Ms. Ziska was present on behalf of the property owner and gave testimony in the case.

Mr. Biggins the property owner was present and gave testimony.

MOTION BY MR. FRIED TO GRANT A FINE REDUCTION. THE NEW FINE AMOUNT OF \$8,125.00 MUST BE PAID WITHIN 30 DAYS OF THIS ORDER OR THE FINE WILL REVERT BACK TO THE ORIGINAL AMOUNT OF \$16,250.00.

MS. SABA SECONDED THE MOTION.

THE CHAIRMAN CALLED FOR A ROLL CALL VOTE.

MS. WARTOW YES

MS. SABA YES

MR. KLEIN NO

MR. FRIED YES

MS. DAVIES YES

MR. PELOSO NO

MR. MAJTLIS NO

MOTION PASSED WITH A VOTE OF 4 TO 3.

XI. Board Comments: (4:04:13)

The Chairman thanked Attorney Shelby for standing in for Attorney Randolph at this month's hearing. The Chairman also congratulated Mr. Peloso on his re-election to the Vice Chairman's position on the Code Enforcement Board.

Mr. Fried congratulated Mr. Majtlis on his re-election to the Chairman's position on the Code Enforcement Board. Mr. Fried also thanked all the staff involved in resolving the Pendleton homes code enforcement cases.

XII. Adjournment: (4:04:43)

MOTION TO ADJOURN BY MS. WARTOW.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.