

Thursday, May 16, 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 of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting the 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:(02:00:38 PM)

The meeting was called to order by Code Enforcement Chair Matthew Natale 2:00 p.m.

II. Roll Call:

Upon roll call, the following Board members were present: Chair Matthew Natale, Vice Chair Scotch Peloso, Members Bram Majtlis, Daniel McDonnell, Rosemary G. Carpenter, Linda K. Wartow, Steven Meltzer, Alternate Members Jack Cohen and Herbert A. Roemmele.

Staff present: Support Services Manager Benjamin Alma, Code Enforcement Officer Julien Felix, Code Enforcement Officer John Moriarty and Recording Secretary Carla Marcote.

III. Approval of the Minutes of April 18, 2019 :(02:04:04 PM)

**MOTION BY MR. MELTZER TO APPROVE THE APRIL 18, 2019 MINUTES
SECONDED BY MS. CARPENTER
MOTION PASSED UNANIMOUSLY**

IV. Administration of the Oath to Town Staff:(02:04:07 PM)

The Town staff were sworn in by Secretary Marcote.

V. Code Statistics:(02:04:48 PM)

- 555 - year-to-date Code Enforcement cases
- 108 cases initiated since last Code Board Hearing
 - 38 cases self-initiated
 - 70 cases received (not self-initiated)
- 25 cases set to appear at May Code Board
- 16 achieved compliance before Hearing
- 6 New Cases to be heard today
- 3 Fine Consideration Cases to be heard today

VI. Public Hearings:(02:01:52 PM)

A. Case # CE 19-369, 3100 S. Ocean Blvd., Palm Beach Hampton Condo Assoc.

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

Code Enforcement Officer Moriarty requested a postponement until the June Code Board Hearing.

MOTION BY MR. MAJTLIS TO GRANT THE POSTPONEMENT UNTIL THE JUNE 20, 2019 CODE BOARD HEARING
SECONDED MS. WARTOW
MOTION PASSED UNANIMOUSLY

B. Case # CE 19-273, 375 S. County Rd., Three Seventy Five South

Violation Chapter 22, Section 22-57 of the Town of Palm Beach Code of Ordinances requires all transparent windows and doors of buildings located within the commercial zoning districts of the town, whereby the interiors of such buildings can be observed from the public streets or sidewalks of the town, and which buildings are vacant or under construction, shall be treated or screened in the manner set forth in Section 22-58. Section 22-58 of the Town of Palm Beach Code of Ordinances requires all windows and doors of vacant buildings or building under construction to provide approved screening in accordance with the revised "Vacant or Under Construction Treatment Policy"

Code Enforcement Officer Moriarty requested a Dismissal since the property had come into compliance the day before.

MOTION BY MR. MELTZER TO GRANT A DISMISSAL
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY

C. Case # CE 19-126, 250 Clarke Ave., Allen & Ellen Breed

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.

Code Enforcement Officer Felix presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and a compliance date of June 17, 2019.

The property owner was represented by Mr. Fabio Estrada and gave testimony.

MOTION BY MR. MCDONNELL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVEN A COMPLIANCE DATE OF JUNE 17, 2019.
SECONDED BY MS. MELTZER
MOTION PASSED UNANIMOUSLY

D. Case # CE 19-16, 400 Seaspray Ave., Joseph Dell Giustina

Violation of Chapter 134, Section 134-889 of the Town of Palm Beach Code of Ordinances, the use of any building or land in the R-B medium density residential district for any commercial or quasi-commercial use or purpose is prohibited. Chapter 134, Section 134-2 of the Code defines commercial use as the occupancy of residential properties for periods of less than three months more frequently than three times per calendar year

Code Enforcement Officer Felix presented the facts of the case and submitted evidence into the record. The Town recommended a finding of non-compliance, assess administrative costs in the amount of \$150.00 and ordered to come into compliance immediately

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

**MOTION BY MR. MAJTLIS TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND ORDERED TO COME INTO COMPLIANCE IMMEDIATELY
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY**

E. Case # 18-255, 235 Sunrise Ave., 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 requested a postponement until the October 18, 2019 Code Board Hearing.

**MOTION BY MR. MELTZER TO GRANT A POSTPONEMENT UNTIL THE OCTOBER 18, 2019 CODE BOARD HEARING
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY**

F. Case # CE 19-442, 110 Clarendon Ave., Alfred & Janis Malley

Violation of Chapter 10, Section 10-9 of the Town of Palm Beach Code of Ordinances, no person shall keep, possess, feed or maintain any live animal within the town other than domesticated household pets or domesticated animals. This provision shall not preclude the feeding and maintaining of feral cat colonies permitted and authorized by the town as part of an authorized program specifically designated by the Town Council for the control and regulation of feral cats within the town.

Code Enforcement Officer Felix presented the facts of the case. Prior to admitting evidence into the record, Town Attorney John Randolph requested a postponement until the June 20, 2019 Code Board Hearing,

**MOTION BY MR. MELTZER TO GRANT A POSTPONEMENT UNTIL THE JUNE 20, 2019 CODE BOARD HEARING
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY**

VII. Fine Consideration:(02:28:55 PM)

A. Case # 19-69, 240 S. County Rd., Thomas & Sandra Campaniello

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

Code Enforcement Officer Moriarty presented the facts of the case and stated the Town recommended a fine in the amount of \$100.00 a day commencing on May 15, 2019 and continuing until compliance is achieved.

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

**MOTION BY MR. MAJTLIS TO ASSESS A FINE IN THE AMOUNT OF \$100.00 A DAY
COMMENCING ON MAY 15, 2019 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. MCDONNELL
MOTION PASSED UNANIMOUSLY**

B. Case # CE 19-298, 212 Oleander Ave., JLZ Realty South LLC

Violation of 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 stated the Town recommended a fine in the amount of \$100.00 a day commencing on May 15, 2019 and continuing until compliance is achieved.

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

**MOTION BY MR. MAJTLIS TO ASSESS A FINE IN THE AMOUNT OF \$100.00 A DAY
COMMENCING ON MAY 15, 2019 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MS. CARPENTER
MOTION PASSED UNANIMOUSLY**

C. Case # CE 18-1404, 235 Sunrise Ave., David & Sabrina Marr

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

Code Enforcement Officer Felix presented the facts of the case and stated the Town recommended a fine in the amount of \$100.00 a day commencing on May 14, 2019 and continuing until compliance is achieved.

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

**MOTION BY MR. MAJTLIS TO ASSESS A FINE IN THE AMOUNT OF \$100.00 A DAY
COMMENCING ON MAY 14, 2019 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED
SECONDED BY MR. MELTZER
MOTION PASSED UNANIMOUSLY**

VIII. Board Comments:(02:39:35 PM)

Chair Matthew Natale stated he enjoyed being the Board Chair and enjoys working with all the Board Members.

IX. Adjournment:(02:39:55 PM)

**MOTION BY MR. PELOSO TO ADJOURN THE MEETING
SECONDED BY MS. CARPENTER
MOTION PASSED UNANIMOUSLY**