

Thursday, January 19, 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: (2:00:31)

II. Roll Call: (2:00:32)

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

III. Approval of the Minutes of the December 15, 2022, Minutes: (2:01:16)

**MOTION BY MR. KLEIN TO APPROVE THE JANUARY 19, 2023, MINUTES.
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY.**

IV. Administration of the Oath to Town Staff (2:02:00)

The Town staff were sworn in by Secretary Marcote.

V. Code Statistics: (2:02:23)

- 115 Year to date Code Enforcement cases.
- 236 cases initiated since the last Code Board Hearing.
- 117 cases officer generated.
- 119 cases were received (not self-initiated).
- 12 cases set to appear at the January Code Board.
- 6 cases achieved compliance before the hearing.
- 4 new cases to be heard today.
- 1 fine consideration cases to be heard today.
- 1 fine reduction cases to be heard today.
- 0 old business case to be heard today.

VI. Public Hearing: (2:03:06)

A. Case # CE 22-2205, 340 Royal Poinciana Way, Royal Poinciana Plaza: (02:03:14)

Violation of Chapter 102, Section 102-8 of the Town of Palm Beach Code of Ordinances states no property owner or tenant of any property located in a commercial zoning district of the town contiguous and adjacent to a residentially zoned district may dump, transfer or move garbage or recyclable materials outside the enclosed premises of the commercial establishment between the hours of 8:00 pm and 8:00 am.

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 22-1770, 249 Seabreeze Ave., Joseph & Elizabeth Berger: (2:04:05)

Violation of Chapter 88, Section 88-233 of the Town of Palm Beach Code of Ordinance 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. Chapter 88, Section 88-88-16(I) of the Town of Palm Beach Code of Ordinances states properties shall be free of dead or dying trees, stumps, roots dead dying or defoliated hedges.

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

Dustin Mizel was present on behalf of the property owner and gave testimony.

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 MAY 15, 2023. IF COMPLIANCE IS NOT MET THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 22-1768, 236 Esplanade Way, Sean Bresnan: (02:14:13)

Violation of Chapter 88, Section 88-233 of the Town of Palm Beach Code of Ordinance 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 presented the facts of the case and entered evidence into the record.

Brett Angelo was present on behalf of the property owner.

MOTION BY MR. LARMOYEUX 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 FEBRUARY 13, 2023. IF COMPLIANCE IS NOT MET THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

D. Case # CE 22-748, 210 Via Del Mar, Beachboyz Development LLC: (02:24:53)

Violation of Chapter 54, Section 54-71(a) of the Town of Palm Beach Code of Ordinances states no landmark nor any building or site planning feature, including but not limited to landscaping, garden walls, pools, fountains, etc., on a landmark site or within an historic district shall be erected, altered, restored, moved or demolished until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by the commission. Similarly, if earthworks of historical or archaeological importance exist in an historic district, or on a landmark site, there shall be no excavating or moving of earth, rock or subsoil in or about such earthworks without a certificate of appropriateness. For the purpose of this article, "exterior architectural features" shall include but not be limited to the architectural style, scale, general design and general arrangement of the exterior of a building, including the kind and texture of the building material and type and style of roofs, windows, doors and signs. The style, scale, design, materials and location of advertising signs and bill posters on a landmark site or within an historic district, is located or plainly visible from out-of-doors, shall be under the control of the commission.

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 MARCH 13, 2023. IF COMPLIANCE IS NOT MET THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

VII. Fine Consideration: (2:32:00)

A. Case # CE 22-540, 246 Everglade Ave., 246 Everglade LLC: (02:32:08)

Violation of Chapter 88, Section 88-233 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 represented the facts of the case.

Dustin Mizel and John Pizana were present and gave testimony.

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

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.

VIII. Fine Reduction Hearing: (02:55:57)

A. Case # CE 22-871, 3360 S. Ocean Blvd., 3360 South Ocean Condo Association: (02:56:05)

Violation of Chapter 88, Section 88-18 of the Town of Palm Beach Code of Ordinances states that 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 or welfare.

Officer Moriarty re-presented the facts of the case to the board.

Paula Marra and Gary Pyott gave testimony.

MOTION BY MR. LARMOYEUX TO GRANT A REDUCTION AND WAIVE THE FINE OF \$3,750.00.

MOTION SECONDED BY MS. SABA.

THE CHAIRMAN CALLED FOR A ROLL CALL VOTE:

MR. McGOWAN	NO
MS. WARTOW	NO
MS. SABA	NO
MR. KLEIN	NO
MR. LARMOYEUX	YES
MR. PELOSO	NO
MR. MAJTLIS	NO

MOTION FAILED BY A VOTE OF 6 TO 7.

MOTION BY MR. KLEIN TO NOT GRANT THE FINE REDUCTION AND THAT THE FULL FINE AMOUNT IS TO BE PAID WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MR. McGOWAN.

THE CHAIRMAN CALLED FOR A ROLL CALL VOTE.

MR. McGOWAN YES

MS. WARTOW YES

MS. SABA NO

MR. KLEIN YES

MR. LARMOYEUX NO

MR. PELOSO YES

MR. MAJTLIS YES

MOTION PASSED BY A VOTE OF 5 TO 7

IX. Board Comments: (03:22:15)

The Chairman congratulated Mr. Klein on his re-appointment to the board.

XI. Adjournment: (3:22:26)

MOTION TO ADJOURN BY MS. WARTOW.

MOTION SECONDED BY MS. McGOWAN

MOTION PASSED UNANIMOUSLY.