

Thursday, May 15, 2025, 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: (1:57:56)

Chairman Mr. Klein called the hearing to order.

II. Roll Call: (1:58:06)

Martin Klein, Chairman
Scotch Peloso, Vice Chairman
Pam Saba
John McGowan
Chris Larmoyuex
Dave Brooker
Harris S. Fried
John P. Cohen, Alternate Member
Angel Arroyo, Alternate Member

III. Pledge of Allegiance: (1:58:41)

IV. Chairman’s Comments: (1:58:52)

The Chairman welcomed back Chris Larmoyuex and John P. Cohen. Mr. Klein asked for a motion to move case CE 25-151 to be heard first.

MOTION BY MR. FRIED TO AMMEND THE AGNEDA.

MOTION SECONDED BY MR. MCGOWAN.

MOTION PASSED UNANIMOUSLY.

V. Approval of the Minutes of March 20, 2025, Minutes: (2:00:29)

MOTON BY MS. SABA TO APPROVE THE APRIL 17, 2025, MINUTES.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

VI. Administration of Oath to Town Staff: (2:01:05)

VII. Code Statistics: (2:01:13)

- 1107 Year to date Code Enforcement cases.
- 262 cases have been initiated since the last Code Board Hearing.
- 88 cases officer generated.
- 174 cases were received (not self-initiated).
- 5,288 inspections were performed year to date.
- 24 cases are set to appear at the May Code Board.
- 14 cases achieved compliance before the hearing.
- 6 new cases to be heard today.
- 4 fine consideration cases to be heard today.
- 0 fine reduction case to be heard today.
- 0 old business cases to be heard today.

VIII. Financial Report: (2:02:03)

The Financial report was presented by the Board Secretary Marcote.

IX. Public Hearing: (2:2:52)

A. Case # CE 25-151, 1 Via Sunny, Sunny Sessa:

Violation of Chapter 62, Section 62-77 of the Town of Palm Beach Code of Ordinances states all bulkheads and seawalls within the town shall be maintained in good condition to provide for the protection of upland and foreshore properties, limit wave overtopping, and be impervious without cracks or holes that would allow for the passage of sand. Failure to maintain a bulkhead or seawall in good condition shall be a violation of this section and subject to action before the town's code enforcement board.

Mr. Klein declared Ex-Parte communications.

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

James Crawley and Matthew Butler were present on behalf of the property owner and gave testimony in the case.

MOTION BY MR. LARMOYEUX 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 NOVEMBER 17, 2025 OR THIS CASE WILL RETURN TO THE NOVEMBER 20, 2025 CODE BOARD HEARING FOR FINE CONSIDERATION, AND ON OR BEFORE AUGUST 21, 2025 A LETTER WILL BE SUBMITTED TO THE CODE ENFORCEMENT DEPARTMENT WITH AN UPDATE ON THE PROJECT.

MOTIONS SECONDED BY MR. PELOSO.

MOTION PASSED WITH A VOTE OF 6 TO 1.

B. Case # CE 24-1033, 332 S. County Road, 332 South County Road:

Violation of Chapter 88 Section 88-19 of the Town of Palm Beach Code of Ordinances states the interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall

maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property. Chapter 88, Section 88-18 of the Town of Palm Beach Code of Ordinances states 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. Chapter 88- 23(a) of the Town of Palm Beach Code of Ordinances states structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

Officer Moriarty presented the case. Building Official Wayne Bergman gave testimony in the case.

Mr. Roddy and his attorney Gene Lipscher were present and gave testimony in the case.

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 JUNE 23, 2025 OR THIS CASE WILL RETURN TO THE CODE ENFORCEMENT BOARD ON JUNE 26, 2025 FOR FINE CONSIDERATION.

MOTION SECONDED BY MR. MCGOWAN.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 25-784, 332 S. County Road, 332 South County Road:

Violation of Chapter 46, Section 46-66 (a) of the Town of Palm Beach Code of Ordinances states there are hereby adopted by the town, for the purpose of prescribing regulations governing conditions hazardous to the health, safety, welfare, life and property from fire or explosion, certain codes in accordance with F.S. §§ 633.202 and 633.208 the "Florida Fire Prevention Code" adopted by the State Fire Marshal Chapter 69A-60 of the Florida Administrative Code, as may be amended, including N.F.P.A. 1 Fire Code, Florida Edition, and the N.F.P.A. 101 Life Safety Code, Florida Edition, both as modified by Chapter 69A-60 of the Florida Administrative Code, all of which are deemed adopted by reference, as fully as if set out at length herein, as the minimum fire safety code. If conflicts exist between the codes, the more stringent shall be applied at the discretion of the fire chief or his or her representatives.

Officer Moriarty presented the case. Fire Marshall M. DeLoach gave testimony in the case and presented evidence.

Mr. Roddy and his attorney Gene Lipscher were present and gave testimony in the case.

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 JUNE 23, 2025 OR THIS CASE WILL RETURN TO THE JUNE 26, 2025 CODE BOARD HEARING FOR FINE CONSIDERATION.

MOTION SECONDED BY MR. MCGOWAN.

MOTION PASSES UNANIMOUSLY.

D. Case # CE 24-2519, 299 Tradewind Drive., Fay Falcone:

Violation of Chapter 18, Section 18-205(a) of the Town of Palm Beach Code of Ordinances the architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether certain

criteria is complied with. 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 Rodriguez presented the facts of the case and entered evidence into the record.

Ms. F. Falcone and her contractor were present and gave testimony in the case.

MOTION BY MR. PELOSO 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 OCTOBER 13, 2025, OR THIS CASE WILL RETURN TO THE OCTOBER 16, 2025, CODE BOARD HEARING FOR FINE CONSIDERATION.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

E. Case # CE 25-235, 644 N. Lake Way, Kenneth & Nicolette Tice:

Violation of Chapter 88, Section 88-16 of the Town of Palm Beach Code of Ordinances requires that exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

Officer Pelayo 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.

Officer Pelayo expressed to the board the property owners message requesting a postponement.

MOTION BY MR. MCGOWAN OF A FINDING OF NON-COMPLIANCE ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND TO COME INTO COMPLIANCE BY AUGUST 18, 2025, OR THIS CASE WILL RETURN TO THE AUGUST 21, 2025, CODE ENFORCEMENT BOARD HEARING FOR FINE CONSIDERATION.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSES UNANIMOUSLY.

F. Case # CE 25-522, 336 S. County Road, 336 Partners Inc.:

Violation of Chapter 88, Section 88-18 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 the exterior a property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

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

The property owner's sister Colleen was present and gave testimony in the case.

MOTION BY MR. LARMOYEUX 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 SEPTEMBER 15, 2025, OR THIS CASE WILL RETURN TO THE SEPTEMBER 18, 2025, CODE BOARD HEARING FOR FINE CONSIDERTATION.

MOTION SECONDED BY MR. MCGOWN.

MOTION PASSED UNANIMOUSLY.

X. Fine Consideration: (2:32:29)

A. Case # CE 25-136, 2842 S Ocean Blvd., 2842 S Ocean LLC, Tideline Resort:

Violation of Chapter 46, Section 46-66 (a) of the Town of Palm Beach Code of Ordinances states there are hereby adopted by the town, for the purpose of prescribing regulations governing conditions hazardous to the health, safety, welfare, life and property from fire or explosion, certain codes in accordance with F.S. §§ 633.202 and 633.208 the "Florida Fire Prevention Code" adopted by the State Fire Marshal Chapter 69A-60 of the Florida Administrative Code, as may be amended, including N.F.P.A. 1 Fire Code, Florida Edition, and the N.F.P.A. 101 Life Safety Code, Florida Edition, both as modified by Chapter 69A-60 of the Florida Administrative Code, all of which are deemed adopted by reference, as fully as if set out at length herein, as the minimum fire safety code. If conflicts exist between the codes, the more stringent shall be applied at the discretion of the fire chief or his or her representatives.

Board Members declared Ex-Parte communications.

Officer Felix reminded the board of the case. Fire Inspector J. Duanne was present and gave testimony in the case.

The General Manager of the resort was present and gave testimony in the case.

MOTION BY MR. FRIED TO POSTPONE THE FINE CONSIDERATION HEARING UNTIL THE JUNE 26TH HEARING.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 25-40, 2730 S. Ocean Blvd., Palm Beach Ambassador Fee Borrower LLC:

Violation of Chapter 88, Section 88-18 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 88-8 of the Town of Palm Beach Code of Ordinances states an unsafe structure is none that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

All board members declared Ex-Parte Communications.

Officer Felix reminded the board of the facts of the case. Building Official W. Bergman gave testimony in the case and entered evidence into the record. Fire Inspector K. Cline and Fire Marshall M. Deloach gave testimony in the case.

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

MOTION BY MR. PELOSO TO POSTPONE THE FINE CONSIDERATION HEARING UNTIL THE JUNE 26, 2025, CODE BOARD HEARING.

MOTION SECONDED BY MCGOWAN.

MOTION PASSES 6 TO 1.

C. Case # CE 24-2119, 280 El Pueblo Way, Danielle & David Ganek:

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 Pelayo presented the facts of the case and entered evidence into the record.

Paul from Coastal Gardens was present on behalf of the property owner

MOTION BY MR. LARMOYEUX TO POSTPONE THE FINE CONSIDERATION CASE UNTIL THE JUNE 26, 2025, CODE BOARD HEARING.

MOTION SECONDED BY MS. FRIED.

MOTION PASSED UNANIMOUSLY.

D. Case # CE 24-1840, 228 Nightingale Trail, Allison & Winston Wren:

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 Pelayo reminded the board of the facts of the case.

The property owner was not present by did communicate with Board Secretary C. Marcote her request for a postponement.

MOTION BY MR. LARMOYEUX TO POSTPONE THE FINE CONSIDERATION HEARING UNTIL THE AUGUST 21, 2025 CODE BOARD HEARING.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSED UNANIMOUSLY.

XI. Board Comments: (3:10:02)

There were no board comments.

XII. Adjournment: (3:10:27)

MOTION BY MR. McGOWAN.

MOTION SECONDED BY MR. FRIED.

MOTION PASSES UNANIMOUSLY.