

Thursday, January 16, 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: (2:00:09)

Chairman Mr. Klein called the hearing to order.

II. Roll Call: (2:00:10)

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

Chairman was informed that Mr. Harris would be an alternate member until Mr. McGowan was present.

III. Pledge of Allegiance: (2:00:52)

IV. Chairman’s Comments: (2:01:10)

Chairman Klien welcomed back Mr. Larmoyuex and announced that the board will be reciting the Pledge of Allegiance going forward in all Code Board Hearings at the request of Mayor Moore.

V. Approval of the Minutes of December 19, 2024, Minutes: (2:02:04)

MOTON BY MR. FRIED TO APPROVE THE AMENDED DECEMBER 19, 2024, MINUTES.

MOTION SECONDED BY MS. SABA

MOTION PASSED UNANIMOUSLY.

VI. Administration of Oath to Town Staff: (2:02:15)

VII. Code Statistics: (2:02:37)

- 57 Year to date Code Enforcement cases.

- 143 cases initiated since the last Code Board Hearing.
- 87 cases officer generated.
- 56 cases were received (not self-initiated).
- 23 cases are set to appear at the October Code Board.
- 18 cases achieved compliance before the hearing.
- 4 new cases to be heard today.
- 0 fine consideration cases to be heard today.
- 1 fine reduction case to be heard today.
- 0 old business cases to be heard today.

VIII. Financial Report: (2:03:28)

The Financial report was presented by the Board Secretary Marcote.

IX. Public Hearing: (2:04:35)

A. Case # CE 24-2392, 230 Everglade Ave., Ammirati, Racy, Elkus & Collins: (2:04:53)

Violation of Chapter 134, Section 134-1729(h) of the Town of Palm Beach Code of Ordinances states generator(s) shall be operated for routine maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes. Testing of emergency generators is permitted Monday through Thursday only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00 p.m. and 3:00 p.m.

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

Mr. Richard Hallen was present on behalf of the property owner and gave testimony.

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

MOTION SECONDED BY MS. SABA.

MOTION PASSES UNANIMOUSLY.

Mr. McGowan was present after the first case and was a voting member for the rest of the hearing.

B. Case # CE 24-2489, 165 Bradley Place, Usher & Associates: (2:14:23)

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 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday and observed town holidays, and the days before and after Thanksgiving, when all construction and lawn maintenance work, other than as excepted in section 42-230, is prohibited. In no event shall heavy equipment or other outdoor construction-related and lawn maintenance noise be permitted before 9:00 a.m. Beginning on May 1 until the Monday preceding Thanksgiving, work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and town observed holidays, when all construction and lawn maintenance work is restricted or prohibited. In no event shall heavy equipment or other outdoor construction-related and lawn maintenance noise be permitted before 9:00 a.m. Construction work is permissible on Saturdays from May 1 through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature and limited to indoor activity, with the exception of quiet lawn maintenance work and tree trimming); material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restrictions due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending October 31, except Sundays and legal holidays, when all construction work is prohibited. Workers are prohibited from arriving at construction and lawn maintenance sites prior to 7:30 a.m. and are restricted from conducting any kind of site activity prior to 8:00 a.m. during the weekdays. Workers are prohibited from arriving at construction and lawn maintenance sites prior to 8:30 a.m. and are restricted from conducting any kind of site activity prior to 9:00 a.m. on Saturdays, when limited work is permitted from May 1 through the Monday preceding Thanksgiving.

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

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

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

MOTION SECONDED BY MR. MCGOWAN.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 24-2324, 221 Onondaga Ave., Cheryl Noska: (2:19:19)

Violation of Chapter 88, Section 88-16 of the Town of Palm Beach Code of Ordinances states 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. Violation of Chapter 88, Section 88-16(d) of the Town of Palm Beach Code of Ordinances states premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches.

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

Ms. Cheryl Noska the property owner was present and gave testimony.

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 MARCH 1, 2025, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE MARCH 20, 2025, CODE BOARD HEARING.

MOTION SECONDED BY MS. SABA.

MOTION PASSED 6 TO 7. MR. FRIED OPPOSED.

D. Case # CE 24-1576, 131 Barton Ave., Camilla & Stephen Brauer: (2:47:00)

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances requires building permits to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure or install, alter, remove, convert or replace any electrical, mechanical or plumbing system.

Officer Felix requested a dismissal for compliance.

MOTION BY MR. MCGOWN TO DISMISS THE CASE FOR COMPLIANCE.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

X. **Fine Reduction: (2:48:03)**

A. Case # CE 23-1106, 201 Banyan Road, 201 Banyan Trust, Lester Lipschutz Trust: (2:48:12)

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances requires building permits to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure or install, alter, remove, convert or replace any electrical, mechanical or plumbing system.

Officer Felix reminded the Board of the facts of the case.

Maura Ziska and Matthew Feuer the property manager was present on behalf of the property owner and gave testimony in the case.

MOTION BY MR. LARMOYUEAX TO REDUCE THE FINE TO \$20,000.00 AND TO BE PAID WITHIN 30 DAYS OF THIS ORDER OR THE FINE WILL REVERT BACK TO THE ORIGINAL AMOUNT OF \$59,750.00.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSED UNANIMOUSLY.

XI. Board Comments: (3:07:32)

Mr. Larmoyeux asked a question regarding Ficus hedges.

Mr. Brooker made a correction to the December minutes in regards to the attendance.

A motion by Ms. Saba to amend the minutes was made and seconded by Mr. Fried. Motion passed unanimously.

XII. Adjournment: (3:09:05)

MOTION BY MR. FRIED.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSES UNANIMOUSLY.