

Thursday, March 20, 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: (1:58:00)

Chairman Mr. Klein called the hearing to order.

II. Roll Call: (1:59:08)

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

Chairman was informed that Mr. Cohen would not be present for this hearing.

III. Pledge of Allegiance: (1:59:48)

IV. Election of Chairman: (2:00:07)

Board Secretary held the election of the Chairman and asked for a nomination of the position of Chairman of the Code Enforcement Board.

MOTION BY MR. FRIED TO NOMINATE MR. KLEIN AS THE CHAIRMAN.

MOTION SECONDED BY MS. SABA.

Board Secretary Marcote asked if there were any other nominations. Hearing none a request for a motion to elect Mr. Klein as the Code Board Chairman.

MOTION BY MR. FRIED TO ELECT MR. KLEIN AS THE CHAIRMAN OF THE CODE BOARD.

MOTION SECONDED BY MR PELOSO.

MOTION PASSED UNANIMOUSLY.

V. Election of Vice Chairman: (2:02:13)

Board Secretary Marcote then continued with the election of Vice Chairman and asked if there were any nominations.

MOTION BY MR. KLIEN TO NOMINATE MR. PELOSO TO THE VICE CHAIRMAN.

MOTION SECONDED BY MR. FRIED.

Board Secretary Marcote asked if there were any other nominations for the position of Vice Chairman, hearing none a request for a motion to elect Mr. Peloso.

MOTION BY MR. KLEIN TO ELECT MR. PELOSO AS THE VICE CHAIRMAN.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

Board Secretary Marcote then turned the hearing over the Chairman Klein.

VI. Chairman's Comments: (2:02:13)

Chairman Klein thanked the board for re-electing him as Chairman of the Code Enforcement Board. He thanked Councilwoman Moran for attending the hearing, congratulated Mr. Brooker and Ms. Saba on their re-appointment to the board, welcomed the new alternate Angel Arroyo to the Code Enforcement Board and wished Mr. Cohen a speedy recovery.

VII. Approval of the Minutes of February 20, 2025, Minutes: (2:2:03:26)

MOTON BY MR. McGOWAN TO APPROVE THE FEBRUARY 20, 2025, MINUTES.

MOTION SECONDED BY MR. FRIED.

MOTION BY MR. KLEIN TO AMMEND THE MINUTES UNDER CODE STATISTICS TO REFLECT FEBRUARY AND NOT OCTOBER.

MOTION SECONDED BY MR. McGOWAN

MOTION PASSED UNANIMOUSLY.

VIII. Administration of Oath to Town Staff: (2:03:33)

IX. Code Statistics: (2:03:55)

- 633 Year to date Code Enforcement cases.
- 194 cases initiated since the last Code Board Hearing.
- 149 cases officer generated.
- 45 cases were received (not self-initiated).
- 29 cases are set to appear at the March Code Board.
- 20 cases achieved compliance before the hearing.
- 3 new cases to be heard today.
- 5 fine consideration cases to be heard today.
- 1 fine reduction case to be heard today.
- 0 old business cases to be heard today.

X. Financial Report: (2:04:57)

The Financial report was presented by the Board Secretary Marcote.

XI. Public Hearing: (2:05:41)

A. 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.

Officer Felix presented the facts of the case and entered evidence into the record. Fire Marshall M. DeLoach and Building Official W. Bergman gave testimony in the case.

Mr. Caso and Mr. Gader gave testimony on behalf of the Palm Beach Ambassador.

MOTION BY MR. MR. LARMOYEUX DUE TO THERE BEING A LIFE, HEALTH SAFETY ISSUE A STRUCTURAL ENGINEERING REPORT MUST BE PROVIDED TO THE BUILDING OFFICIAL AND FIRE MARSHALL BY MARCH 26, 2025. FORTHWITH AN APPLICATION WILL BE MADE WITH THE BUILDING DEPARTMENT FOR AN EMERGENCY PERMIT AND ALL SHORING AND STRUCTURAL SAFETY MEASURES COMMENCING BY MARCH 31, 2025. THIS CASE WILL RETURN TO THE APRIL 17, 2025 CODE ENFORCEMENT BOARD FOR COMPLIANCE ASSESSMENT AND OR FINE CONSIDERATION.

MOTION SECONDED BY MS. SABA.

MOTION PASSES UNANIMOUSLY.

B. Case # CE 25-225, 312 ½ Worth Ave., Bice Ristorante, Elite Parking Solutions: (3:16:10)

Violation of Chapter 118, Section 118-151 of the Town of Palm Beach Code of Ordinances states on a case by case basis, the chief of police, or the chief's designated representatives, will review all applications for a revocable annual valet service permit and temporary valet service permit to determine, at the location where the valet services are provided, whether the staging area will accommodate the proposed use for valet parking services, the primary route between the staging area and the vehicle parking areas, and may approve the permit, deny it, or approve with conditions. When determining whether the staging area will accommodate the proposed valet service use, the chief of police will be guided in his determination by the application of pertinent traffic regulations of the state, ordinances of the town, and the regulations of any other agency having jurisdiction over the right-of-way, as well as basic considerations of the public health, safety and welfare. No permit shall be issued if the chief of police determines that valet service will substantially interfere with the use of public right-of-way by the general public or cause undue interference to movement of traffic or pose potential hazard to the public safety and welfare. The determination as to the number of staging areas necessary for a particular permit application shall be made by the chief of police or his designee and if a permit is approved, except as to the number of staging areas required, it may be modified to incorporate additional staging areas as required by the chief of police or his designee, upon payment of a permit fee required by this article for each staging area required for an annual revocable valet services permit or the permit fee required by this article for each staging area for a revocable temporary valet services permit, whichever is applicable. These fees shall be amended annually pursuant to the requirements of [section 118-149](#). The chief of police or his designee shall also determine the minimum number of valet parkers necessary to accommodate the valet service and the permit shall specify the number of valet parkers required as a condition of said permit.

Officer Pelayo requested a dismissal for compliance.

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

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

C. Case # 24-2589, 335 El Vedado Rd., Diana Wister: (3:17:23)

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. 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.

Steven Roy was present on behalf of the property owner.

MOTION BY MR. McGOWAN TO DISMISS THE CASE SINCE THE INTIAL NOTICE IS REFERENCING THE INCORRECT MATERIAL

MOTION SECONDED BY MS. FRIED.

MOTION PASSED UNANIMOUSLY.

XII. **Fine Consideration: (3:28:06)**

A. Case # CE 24-1235, 235 Sanford Ave., Richard Bernstein: (3:26:16))

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 exterior property, and premises shall be maintained in a clean, safe and sanitary condition. 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.

Mr. Larmoyeux declared Ex-Parte Communications.

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

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

MOTION BY MR. McGOWAN TO ASSESS A DAILY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON MARCH 18, 2025, AND TO CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

- B. Case # CE 24-1543, 241 El Dorado Lane, Cristina & Desmond Keogh: (3:34:27)
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.

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

MOTION BY MR. FRIED TO ASSESS A DAILY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON MARCH 18, 2025, AND CONTINUING UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MS. SABA

MOTION PASSED UNANIMOUSLY.

- C. Case # CE 24-2324, 221 Onondaga Ave., Cheryl Noska: (3:37:05)
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 Code of Ordinances states premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches.

Officer Pelayo requested that this case be dismissed for compliance.

MOTION BY MR. McGOWAN TO DISMISS THE FINE CONSIDERATION HEARING FOR COMPLIANCE.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

- D. Case # CE 24-2514, 204 Royal Palm Way, Palm Beach Jewish Center Inc.: (3:37:51)
Violation of Chapter 118, Section 118-87 of the Town of Palm Beach Code of Ordinances states it shall be unlawful for any person to park any motor vehicle on the unimproved property of another person. This section shall not be construed to prohibit an owner and members of his household, including bona fide guests, from parking on unimproved property owned by him, nor to parking on an unimproved lot on special occasions, when permission therefore has been granted by the town manager. Any person who parks any motor vehicle on the unimproved property of another person shall have the burden of proving by competent evidence that permission or consent therefore has been granted either by the owner of the property or by the town manager.

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

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

MOTION BY MR. LARMOYEUX TO ASSESS A DAILY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY COMMENCING ON MARCH 18, 2025, AND TO CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.

- E. Case # CE 25-58, 153 Australian Ave., Casa Lagan Inc.:
Violation of Chapter 88, Section 88-16(b) of the Town of Palm Beach Code of Ordinances states premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure location thereon.

Officer Moriarty requested the fine consideration case be dismissed for compliance.

MOTION BY MR. McGOWAN TO DISMISS THE FINE CONSIDERATION HEARING FOR COMPLIANCE.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

XIII. Fine Reduction: (3:46:01)

- A. Case # CE 23-1624, 230 Brazilian Ave., Patricia & Jon Baker: (3:46:08)
Violation of Chapter 66, Section 66-236 of the Town of Palm Beach Code of Ordinances states vegetation removal permits, not sought in conjunction with building permits, shall be obtained by making application prior to removal, relocation or replacement to the building official or his designee, at least ten working days prior to the proposed date of removal.

All board members declared Ex-Parte communication with the receiving of the documents from Mr. Baker prior to the hearing.

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

Mr. Baker and Mr. Simon were present and gave testimony.

MOTION BY MR. LARMOYEUX TO GRANT A REDUCTION IN THE FINE TO \$15,000.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER OR THE FINE WILL REVERT BACK TO THE ORIGINAL AMOUNT OF \$48,000.00.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

XIV. Board Comments: (4:26:18)

There were no board comments.

XV. Adjournment: (4:26:36)

MOTION BY MR. McGOWAN.

MOTION SECONDED BY MS. SABA.

MOTION PASSES UNANIMOUSLY.