

Thursday, December 14, 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: (2:00:00)

II. Roll Call: (2:01:09)

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

Chairman Majtlis congratulated Town Attorney John Randolph on his retirement and thanked him for his service to the town. Mr. Majtlis wished Mr. Randolph good luck in the future.
Mr. Klein and Mr. Fried also expressed their thanks to Mr. Randolph.

III. Approval of the Minutes of the November 16, 2023, Minutes: (2:07:13))

MOTION BY MR. KLEIN TO APPROVE NOVEMBER 16, 2023, MINUTES.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

IV. Administration of the Oath to Town Staff: (2:07:27))

V. Code Statistics: (2:07:47)

- 2231 Year to date Code Enforcement cases.
- 246 cases initiated since the last Code Board Hearing.
- 153 cases officer generated.
- 93 cases were received (not self-initiated).
- 18 cases are set to appear at the November Code Board.
- 13 cases achieved compliance before the hearing.
- 3 new cases to be heard today.
- 2 fine consideration cases to be heard today.
- 0 fine reduction case to be heard today.
- 0 old business cases to be heard today.

VI. Financial Report: (2:08:33)

The Financial report was presented by Board Secretary Marcote.

VII. Public Hearing: (2:09:47)

A. Case # CE 23-1980, 272 List Road, Pompa Development & Construction: (2:10:04)

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 Rodriguez requested a dismissal for this case. The case came into compliance just prior to the hearing.

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

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 23-1728, 249 Seabreeze Ave., Joseph & Elizabeth Berger: (2:10:49)

Violation of Chapter 18, Section 18-205(a) of the Town of Palm Beach Code of Ordinances states 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 the criteria of the ARCOM approval is complied with.

Officer Rodriguez presented the facts and entered evidence into the record. Friederike Mittner, Design & Preservation Manager from PZB also gave testimony.

The owner was not present but was represented by Jamie from Gunster.

MOTION BY MR. LARMOYEUX OF FINDING NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00, TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLAINEE BY MARCH 19, 2024, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE MARCH 21, 2024, HEARING.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 23-1908, 350 S. Ocean Blvd., 350 S Ocean Blvd Condo Association: (02:23:32)

Violation of Chapter 42, Section 42-197(12)(b) of the Town of Palm Beach Code of Ordinance states the use of gasoline powered leaf blowers is prohibited on any property within the town. Effective May 1, 2022, gasoline powered leaf blowers shall be prohibited on any size property within the town.

Officer Felix presented the facts 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 AND TO PAY A FINE OF \$125.00 WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

VIII. Fine Consideration Hearing: (2:27:44)

A. Case # CE 23-848, 235 Sunrise Ave., Palm Beach Hotel Condo Association:

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.

Officer Rodriguez requested a postponement to this case since the Hearing date for December was moved up one week from the original date.

MOTION BY MR. KLEIN TO POSTPONE THE FINE CONSIDERATION HEARING UNTIL JANUARY 18, 2024, HEARING.

MOTION SECONDED BY MS. WARTOS.

MOTION PASSES UNANIMOUSLY.

B. Case # CE 23-1106, 201 Banyan Road, 201 Banyan Trust, Lester Lipschutz Trust: (2:30:05)

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 or plumbing system.

Officer Felix requested a postponement to this case since the hearing date for December was moved up one week from the original date.

MOTION BY MR. KLEIN TO POSTPONE THE FINE CONSIDERATION HEARING UNTIL JANUARY 18, 2024, HEARING.

MOTION SECONDED BY MS. WARTOS.

MOTION PASSES UNANIMOUSLY.

IX. Board Comments: (2:32:23)

Chairman Majtlis thanked Ms. Davies for her service to the Code Board and wished her well in her future endeavors. He also wished the board and staff a happy holiday and looked forward to see everyone in the new year.

X. Adjournment: (2:33:24)

MOTION TO ADJOURN BY MS. WARTOW.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.