

Thursday, February 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: (2:00:00)

Chairman Mr. Klein called the hearing to order.

II. Roll Call: (2:00:43)

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

Chairman was informed that Mr. Cohen would be present for this hearing.

III. Pledge of Allegiance: (2:01:20)

IV. Chairman’s Comments: (2:01:45)

Chairman Klien wished Mr. Cohen a speedy recovery and return to the Code Board. He also stated that it is the goal of the Code Board to look for compliance.

V. Approval of the Minutes of January 16, 2025, Minutes: (2:02:04)

MOTON BY MR. FRIED TO APPROVE THE JANUARY 16, 2025, MINUTES.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.

VI. Administration of Oath to Town Staff: (2:03:34)

VII. Code Statistics: (2:03:53)

- 439 Year to date Code Enforcement cases.
- 382 cases initiated since the last Code Board Hearing.
- 305 cases officer generated.
- 77 cases were received (not self-initiated).
- 30 cases are set to appear at the October Code Board.
- 22 cases achieved compliance before the hearing.
- 7 new cases to be heard today.
- 1 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: (2:05:06)

The Financial report was presented by the Board Secretary Marcote.

IX. Public Hearing: (2:05:11)

A. Case # CE 25-199, 340 S. Ocean Blvd., Lowell House Condominium Association: (2:05:19)

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. Florida Building Code Chapter 1, Section 110.9 – 110.9.1 thru 110.9.11 Milestone Inspection Program.

Officer Felix requested a postponement on behalf of the Planning, Zoning and Building Department until the March 20, 2025 Code Board Hearing.

Mr. Glenn Smith and Matt Walsh gave testimony on behalf of the Condominium Association.

MOTION BY MR. FRIED TO POSTPONE THE CASE UNTIL THE MARCH 20, 2025, CODE ENFORCEMENT BOARD HEARING.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSES UNANIMOUSLY.

B. Case # CE 25-58, 153 Australian Ave., Casa Lagan Inc.: (2:10:23)

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 located thereon.

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. McGOWAN, 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 17, 2025, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE MARCH 20, 2025 CODE BOARD HEARING.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 24-2514, 204 Royal Palm Way, Palm Beach Jewish Center Inc.: (2:16:07)

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 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. 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 MARCH 17, 2025, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE MARCH 20, 2025, CODE BOARD HEARING.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

D. Case # CE 24-2491, 235 Sanford Ave., Richard Bernstein: (2:22:37)

Violation of Chapter 88, Section 88-17(b) of the Town of Palm Beach Code of Ordinances states private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier not less than 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from

an open position of six inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

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

Mr. Klein and Mr. Larmoyeux declared Ex Parte Communications.

Attorney Rosenbach and Mr. Bernstein were present and gave testimony.

MOTION BY MR. FRIED OF A FINDING ON 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 17, 2025, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE MARCH 20, 2025, CODE BOARD HEARING.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.

E. Case # CE 24-2304, 2560 S. Ocean Blvd. #406, Karen Allison: (2:32:30)

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

Mr. A. Rathbun was present on behalf of the property owner and gave testimony in the case.

MOTION BY MR. PELOSOS 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 APRIL 14, 2025, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE APRIL 17, 2025, CODE BOARD HEARING.

MOTION SECONDED BY MS. SABA

MOTION PASSED UNANIMOUSLY.

F. Case # CE 24-1932, 111 Clarke Ave., JDLL Leasing LLC: (3:00:06)

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

Ms. D. Thomas, the property owner was present and gave testimony.

MOTION BY MR. FRIED 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 MARCH 17, 2025, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE MARCH 20, 2025, CODE BOARD HEARING.

MR. LARMOYEUX ASKED IF MR. FRIED WOULD AMMEND HIS MOTION WITH A DIFFERENT COMPLIANCE DATE.

AMMENDED MOTION BY MR. FRIED 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 APRIL 14, 2025, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE APRIL 17, 2025, CODE BOARD HEARING.

MOTION SECONDED BY MR. McGOWAN

MOTION PASSED UNANIMOUSLY.

- G. Case # CE 24-2660, 309 Barton Ave., Camille & Edward Kassatly: (3:16:26)
Violation of Chapter 42, Section 42-230 of the Town of Palm Beach Code of Ordinances states lawn maintenance in the town shall be limited to the hours outlined for construction work at section 42-199 and all gas or electric powered lawn maintenance equipment, including leaf blowers, shall be subject to the same restrictions as heavy equipment as described in said section. However, lawn maintenance equipment may be used on the Wednesday immediately preceding Thanksgiving and on the Friday immediately following Thanksgiving from 9:00 a.m. to 5:00 p.m. with quiet work only (no gas or electric powered lawn maintenance equipment or leaf blowers) from 1:00 p.m. to 5:00 p.m. on the Friday immediately following Thanksgiving.

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

Mr. & Mrs. Kassatly the property owners, A. Arroyo and G. Ramírez were present and gave testimony.

MOTION BY MR. PELOSO TO ASSESS A FINE OF \$250.00 TO BE PAID WITHNIN 30 DAYS OF THIS ORDER AND TO WAIVE THE ADMINISTRATIVE FEE.

MOTION SECONDED BY MS. SABA.

MOTION PASSED 6 TO 1 WITH MR. McGOWAN VOTING NO.

- X. **Fine Consideration: (3:39:02)**

- A. Case # CE 24-1840, 228 Nightingale Trl., Allison & Winston Wren: (3:40:09)

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 Pelayo reminded the Board of the facts of the case.

Ms. Wren was present and gave testimony.

MOTION BY MR. LARMOYUEAX POSTPONE THE FINE CONSIDERATION HEARING UNTIL THE MAY 15, 2025, CODE BOARD HEARING.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.

XI. Board Comments: (3:59:16)

The Chairman thanked Mr. Harris for his service to the Code Enforcement Board and expressed that he will be missed.

The board secretary advised the board that the election for Chairman and Vice Chairman will be taking place at the March 20, 2025, Code Board Hearing and that it will be a live nomination and vote.

XII. Adjournment: (4:00:01)

MOTION BY MR. McGOWAN

MOTION SECONDED BY MR. PELOSO.

MOTION PASSES UNANIMOUSLY.