

**Thursday, September 19, 2024, 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](http://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: (1:58:11)**

Chairman Mr. Klein called the hearing to order.

**II. Roll Call: (1:58:31)**

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

**III. Approval of the Minutes of the August 15, 2024, Minutes: (1:59:01)**

**MOTON BY MR. MCGOWAN TO APPROVE THE AUGUST 15, 2024, MINUTES.**

**MOTION SECONDED BY MS. SABA**

**MOTION PASSED UNANIMOUSLY.**

**IV. Administration of Oath to Town Staff: (1:59:21)**

**V. Code Statistics: (1:59:35)**

- 2057 Year to date Code Enforcement cases.
- 213 cases initiated since the last Code Board Hearing.
- 169 cases officer generated.
- 25 cases were received (not self-initiated).
- 50 cases are set to appear at the April Code Board.
- 41 cases achieved compliance before the hearing.
- 7 new cases to be heard today.
- 1 fine consideration cases to be heard today.
- 1 fine reduction case to be heard today.
- 0 old business cases to be heard today.

**VI. Financial Report: (1:59:59)**

The Financial report was presented by Board Secretary Marcote.

**VII. Public Hearing: (2:01:04)**

Chairman Klein moved item G, case CE 24-1235 to be heard first.

**G. Case # CE 24-1235, 235 Sanford Ave., Richard Bernstein: (2:01:27)**

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.

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

Attorney Rosenbaum was present on behalf of the property owner and gave testimony in the case.

Mr. Bernstein was present and gave testimony in the case.

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

**MOTION SECONDED BY MR. FRIED**

**MOTION PASSES UNANIMOUSLY.**

**A. Case # CE 24-1855, 200 Bradley Pl., Southern Post Tension LLC: (2:15:35)**

Violation of Chapter 106, Section 106-1 of the Town of Palm Beach Code of Ordinances states it shall be unlawful to obstruct or cause to be obstructed any sidewalk or crossing in any way.

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

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

**MOTION BY MR. MCGOWAN OF FINDING OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE OF \$150.00 AND TO PAY A FINE IN THE AMOUNT OF \$250.00 WITHIN 60 DAYS OF THIS ORDER.**

**MOTION SECONDED BY MR. FRIED.**

**MOTION PASSED UNANIMOUSLY.**

**B. Case # CE 24-1815, 285 Sunrise Ave., Usher & Associates: (2:22:28)**

Violation of Chapter 42, Section 42-199(b) of the Town of Palm Beach Code of Ordinances 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. Lawn maintenance in the town shall be limited to the hours outlined for construction work at section 42-199.

Officer Rodriguez requested a dismissal for compliance.

**MOTION BY MR. FRIED TO DISMISS THE CASE FOR COMPLIANCE.**

**MOTION SECONDED BY MR. MCGOWAN**

**MOTION PASSED UNANIMOUSLY.**

C. Case # CE 24-1662, 264 List Road, Eric Ocando General Services: (2:23:22)

Violation of Chapter 106, Section 106-1 of the Town of Palm Beach Code of Ordinances states it shall be unlawful to obstruct or cause to be obstructed any sidewalk or crossing in any way.

Officer Rodriguez 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 OF FINDING OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND A FINE OF \$125.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER.**

**MOTION SECONDED BY MR. MCGOWAN**

**MOTION PASSED UNANIMOUSLY.**

**D. Case # CE 24-1704, 285 Sunrise Ave., Usher & Associates: (2:26:42)**

Violation of Chapter 106, Section 106-1 of the Town of Palm Beach Code of Ordinances states it shall be unlawful to obstruct or cause to be obstructed any sidewalk or crossing in any way.

Officer Rodriguez requested a dismissal for compliance.

**MOTION BY MR. MCGOWAN TO DISMISS THE CASE FOR COMPLIANCE.**

**MOTION SECONDED BY MR. PELOSO.**

**MOTION PASSED UNANIMOUSLY.**

**E. Case # CE 24-1703, 285 Sunrise Ave., Usher & Associates: (2:27:45)**

Violation of Chapter 42, Section 42-199(b) of the Town of Palm Beach Code of Ordinances 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. Lawn maintenance in the town shall be limited to the hours outlined for construction work at section 42-199.

Officer Rodriguez requested a dismissal for compliance.

**MOTION BY MR. MCGOWAN TO DISMISS THE CASE FOR COMPLIANCE.**

**MOTION SECONDED BY MR. FRIED.**

**MOTION PASSED UNANIMOUSLY.**

F. Case # CE 24-1543, 241 El Dorado Lane, Cristina & Desmond Keogh: (2:28:24)

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

The property owner Desmond Keogh was present and gave testimony in the case.

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

**MOTION SECONDED BY FRIED.**

**MOTION PASSED UNANIMOUSLY.**

**VIII. Fine Consideration Hearing: (2:42:02)**

A. Case # CE 22-1046, 304 S. County Road, Thomas Campaniello: (2:42:15)

Violation of Chapter 88, Section 88-18(c) of the Town of Palm Beach Code of Ordinances states sidewalks, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

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

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

**MOTION BY MR. MCGOWAN TO POSTPONE THIS CASE UNTIL THE JUNE 19, 2025  
CODE ENFORCEMENT BOARD HEARING.**

**MOTION SECONDED BY MR. FRIED.**

**MOTION PASSED UNANIMOUSLY.**

**IX. Fine Reduction Hearing: (2:55:22)**

**A. Case # CE 22-1743, 232 Cherry Lane, Leona Flynn: (2:55:31)**

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.

All board members declared ex parte communications that they received the documentation that Attorney Lynch sent them prior to the hearing for their review.

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

Attorney F. Lynch was present on behalf of the property owner and gave testimony in the case.

**MOTION BY MR. MCGOWAN TO GRANT A FINE REDUCTION IN THE AMOUNT OF  
\$5,000.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER OR THE FINE WILL REVERT  
BACK TO THE ORIGINAL AMOUNT OF \$49,000.00.**

**NO SECOND.**

**MOTION FAILED.**

**MOTION BY MR. LARMOYEUX TO GRANT A FINE REDUCTION IN THE AMOUNT OF  
\$20,000.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER OR THE FINE WILL REVERT  
BACK TO THE ORIGINAL AMOUNT OF \$49,000.00.**

**MOTION SECONDED BY MR. FRIED.**

**THE CHAIRMAN CALLED FOR A ROLL CALL VOTE.**

|                      |            |
|----------------------|------------|
| <b>MR. MCGOWN</b>    | <b>YES</b> |
| <b>MR. FRIED</b>     | <b>YES</b> |
| <b>MS. SABA</b>      | <b>YES</b> |
| <b>MR. LARMOYEUX</b> | <b>YES</b> |
| <b>MR. BROOKER</b>   | <b>NO</b>  |
| <b>MR. PELOSO</b>    | <b>NO</b>  |
| <b>MR KLEIN</b>      | <b>YES</b> |

**MOTION PASSED 5 TO 2.**

**X. Board Comments: (3:35:03)**

Mr. Klien thanked Officer Pelayo for her excellent work, she found a violation at his home and issued him a warning. Mr. Klein appreciated the information being brought to his attention and took care of the violation to come into compliance immediately.

**XI. Adjournment: (3:35:38)**

**MOTION BY MS. SABA.**

**MOTION SECONDED BY MR. McGOWAN.**

**MOTION PASSES UNANIMOUSLY.**