

Thursday, August 15, 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 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: (2:02:00)

Vice Chairman Mr. Peloso called the hearing to order.

II. Roll Call: (2:02:30)

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

III. Election of Chairman: (2:02:39)

Mr. Fried nominated Mr. Klein for the Chairman’s position. No other nominations were received. Board Members filled out their ballots and the ballots were returned to the Board Secretary to be counted. Board Secretary announced the results of the election.

Mr. Klein was elected as the Code Board Chairman by a vote of 7 to 0.
Mr. Klein then took over proceedings of the Code Enforcement Board Hearing.

IV. Approval of the Minutes of the July 18, 2024, Minutes: (2:06:58)

MOTION BY MS. SABA TO APPROVE JULY 18, 2024, MINUTES.

MOTION SECONDED BY MR. McGOWAN

MOTION PASSED UNANIMOUSLY.

V. Administration of the Oath to Town Staff: (2:07:52)

VI. Code Statistics: (2:08:12)

- 1844 Year to date Code Enforcement cases.

- 194 cases initiated since the last Code Board Hearing.
- 169 cases officer generated.
- 25 cases were received (not self-initiated).
- 36 cases are set to appear at the April Code Board.
- 32 cases achieved compliance before the hearing.
- 4 new cases to be heard today.
- 0 fine consideration cases to be heard today.
- 0 fine reduction case to be heard today.
- 0 old business cases to be heard today.

VII. Financial Report: (2:08:58)

The Financial report was presented by Board Secretary Marcote.

VIII. Public Hearing: (2:09:59)

A. Case # CE 24-851, 180 Cocoanut Row, Suzanne & Edward Elson: (2:10:13)

Violation of Chapter 134, Section 134-1729(b) of the Town of Palm Beach Code of Ordinances states generators shall not at any time or for any purpose exceed the maximum decibels allowed at the property line as set fourth in section 42-228. The noise level is a maximum of 64 dBA for day and 58 dBA for night (between 7:00 pm – 9:00 a.m.) for your geographic area. The decibel readings for your generator during the day were taken three time with readings of 78.5 dBA, 79.5 dBA and 85.1 dBA. Chapter 134, Section 134-1729(h) generators shall be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes. Testing is permitted Monday through Thursday only between the house 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.

The property owner was not presented but a letter that was sent prior to the hearing asking for a postponement was entered into evidence.

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 OCTOBER 14, 2024, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE OCTOBER 17, 2024, CODE BOARD HEARING.

MOTION SECONDED BY MR. McGOWAN

MOTION PASSED UNANIMOUSLY.

B. Case # CE 24-1357, 143 Reef Road, John Criddle: (2:25:53)

Violation of Chapter 106, Section 106-159(b) of the Town of Palm Beach Code of Ordinances requires a clearance of 18 feet, measured vertically from the edges of the pavement and extending the full width of all streets and roadways is to be maintained at all times for the unobstructed passage of vehicles.

Officer Moriarty 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 24-1520, 150 Barton Ave., Scott Lewis: (2:26:33)

Violation of Chapter 42, Section 42-199 of the Town of Palm Beach Code of Ordinances states it shall be during summer hours construction is allowed Monday through Friday from 9:00 a.m. – 6:00 p.m. Saturdays 9:00 a.m. – 5:00 p.m. quiet interior work only. Sundays and legal holidays and Town-observed holidays work is not permitted. Lawn maintenance in the town shall be limited to the hours outlined for construction work at section 42-199.

All board members declared Ex parte communications in receiving the documents that Mr. Lewis sent.

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

Mr. Scott Lewis testified and entered evidence into the record. Mr. Mitchell Taylor gave testimony in the case.

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

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

D. Case # CE 24-1322, 301 Australian Ave., Brazilian Court Hotel: (3:08:23)

Violation of Chapter 18, Section 18-205 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 certain criteria are met.

Officer Moriarty 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 SEPTEMBER 16, 2024, OR THIS CASE WILL RETURN FOR A FINE CONSIDERATION HEARING ON SEPTEMBER 19, 2024.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSES UNANIMOUSLY.

IX. Board Comments: (3:12:03)

Mr. McGowan requested that our December hearing date be confirmed with the Town Mangers Office.

X. Adjournment: (3:12:03)

MOTION BY MS. SABA TO ADJOURN.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSES UNANIMOUSLY.