

Thursday, May 23, 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: (2:00:05)

II. Roll Call: (2:00:13)

Bram Majtlis, Chairman
Scotch Peloso, Vice Chairman
Martin Klien
Chris Larmoyeux
John McGowan
Pamela Saba
Harris Fried
Armand Harris, Alternate Member
John P. Cohen, Alternate Member

III. Election of Chairman and Vice Chairman: (2:01:15)

Board Secretary Marcote informed the board that Mr. Majtlis was re-elected as Chairman of the Code Enforcement Board.

MOTION BY MR. KLIEN TO RE-ELECT MR. MAJTLIS AS CHAIRMAN OF THE CODE ENFORCEMENT BOARD.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.

Chairman Majtlis informed the board that Mr. Peloso was re-elected as Vice Chairman of the Code Enforcement Board.

MOTION BY MR. FRIED TO RE-ELECT MR. PELOSO AS VICE CHAIRMAN OF THE CODE ENFORCEMENT BOARD.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.

IV. Approval of the Minutes of the April 18, 2024, Minutes: (2:01:37)

MOTION BY MR. KLEIN TO APPROVE APRIL 18, 2024, MINUTES.

MOTION SECONDED BY MR. McGOWAN

MOTION PASSED UNANIMOUSLY.

V. Administration of the Oath to Town Staff: (2:01:56)

VI. Code Statistics: (2:02:15)

- 1210 Year to date Code Enforcement cases.
- 253 cases initiated since the last Code Board Hearing.
- 149 cases officer generated.
- 104 cases were received (not self-initiated).
- 34 cases are set to appear at the April Code Board.
- 22 cases achieved compliance before the hearing.
- 8 new cases to be heard today.
- 2 fine consideration cases to be heard today.
- 2 fine reduction case to be heard today.
- 0 old business cases to be heard today.

VII. Financial Report: (2:03:00)

The Financial report was presented by Board Secretary Marcote.

VIII. Public Hearing: (2:03:56)

A. Case # CE 24-930, 259 Oleander Ave., Sky's The Limit Construction: (2:04:02)

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 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 MR. HARRIS.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 24-519, 155 N County Road, Amici Market: (2:07:30)

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 an electrical or plumbing system.

Officer Rodriguez 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 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 JUNE 17, 2024, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE JUNE 20, 2024, HEARING.

MOTION SECONDED BY MS. SABA

MOTION PASSED UNANIMOUSLY.

C. Case # CE 24-146, 240 Sandpiper Drive, Sandpiper LLC: (2:18:19)

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 an electrical or plumbing system.

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

The Property Manager was present on behalf of the property owner.

MOTION BY MR. FRIED 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 JUNE 17, 2024, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE JUNE 20, 2024, HEARING.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.

D. Case # CE 24-532, 242 S County Road, Officine Gullo: (2:32:11)

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 an electrical or plumbing system.

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

Mr. A. Barabuto was present on behalf of the violator and gave testimony in the case.

MOTION BY MR. KLEIN 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 AUGUST 12, 2024, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE AUGUST 15, 2024, HEARING.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSED UNANIMOUSLY.

E. Case # CE 24-506, 242 S County Road, Luxury Kitchen: (2:40:19)

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 an electrical or plumbing system.

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

Mr. A. Barabuto and the contractor were present on behalf of the violator and gave testimony in the case.

MOTION BY MR. KLEIN 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 JUNE 17, 2024, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE JUNE 20, 2024, HEARING.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

F. Case # CE 24-521, 2165 Ibis Isle Road, Charlot Taylor: (2:53:58)

Violation of Chapter 10, Section 10-9 of the Town of Palm Beach Code of Ordinances states no person shall keep, possess, feed or maintain any live animal within the town other than domesticated household pets or domesticated animals.

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 AND TO PAY A FINE OF \$250.00 WITHIN 30 DAYS OF THIS ORDER AND TO CEASE ALL FEEDING OF NON-DOMESTICATED ANIMALS.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

G. Case # CE 24-309, 257 Royal Poinciana Way, Cucina: (2:58:18)

Chapter 134 of the Town of Palm Beach Code of Ordinances states any ordinance zoning or rezoning specific property in the town saved from repeal, zoning commission, alcoholic beverage provisions supplemental to zoning ordinance. 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, repair, remove, convert or replace any electrical, mechanical or plumbing system. Chapter 134, Section 134-227 of the Town of Palm Beach Code of Ordinances states special exception uses and their related accessory uses or any expansion, enlargement, or modification of an existing special exception use or any physical expansion of an existing special use or facility shall be permitted only upon authorization by the town council, provided that such uses shall be found by the town council to comply with the requirements in this subdivision and other applicable requirements as set forth in this chapter. All special exception uses require site plan review in accordance with article III of this chapter. Additional standards applicable to planned unit developments

are contained in article V of this chapter. Chapter 134, Section 134-1996 states when open areas of lots or vacant lots within the commercial district are used for the open air display of merchandise or for open air seating for more than 30 consecutive calendar days or 60 total calendar days in any 12-month period, these areas shall be subject to all of the same regulations of the town's ordinances which are applicable to merchandise display areas or seating areas contained within buildings, including but not limited to the provision of off-street parking, such parking to include the number of spaces necessary to accommodate the total open air merchandise display areas or open air seating, and, further, the provision of a structure to house required toilet facilities and salesmen or attendant office space. Chapter 134, Section 134-1109 states the special exception uses requires a site plan review as provided in article III of this chapter.

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

James Crowley was present on behalf of the property owner and gave testimony in the case.

MOTION BY MR. KLEIN 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 FINE CONSIDERATION AT THE SEPTEMBER 19, 2024, CODE BOARD HEARING.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSED UNANIMOUSLY.

H. Case # CE 23-2003, 2860 S. Ocean Blvd., La Palma Condominium: (3:12:21)

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 certain criteria are complied with.

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

The Property Manager was present and gave testimony in the case.

MOTION BY MR. FRIED 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 COMPLIANCE BY JUNE 17, 2024, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE JUNE 20, 2024, HEARING.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

IX. Fine Consideration Hearing: (3:24:17)

A. Case # CE 24-288, 437 Chilean Ave., Wray Cerasoli Associates LLP: (3:24:44)

Violation of Chapter 88, Section 88-16 of the Town of Palm Beach Code of Ordinances prohibits vegetation infested with pests such as whitefly.

Officer Rodriguez 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. KLEIN TO ASSESS A DAILY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY TO COMMENCE ON MAY 21, 2024, AND TO RUN UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSES UNANIMOUSLY.

B. Case # CE 22-1046, 304 S. County Road, Thomas Campaniello: (3:28:50)

Violation of Chapter 88, Section 88-16(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. McPhearson the property manager was present and gave testimony in the case.

MOTION BY MR. KLEIN TO POSTPONE THIS CASE UNTIL THE SEPTEMBER 19, 2024 HEARING.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSED UNANIMOUSLY.

X. Fine Reduction Hearing: (3:38:33)

A. Case # CE 23-841, 420 Royal Palm Way, JHB Seaside Properties LLC: (3:38:46)

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 Moriarty reminded the board of the facts of the case.

The property owner or a representative were not present to request a fine reduction.

MOTION BY MR. KLIEN TO DENY THE REQUEST FOR A FINE REDUCTION AND ORDERS THAT THE FINE OF \$7,000.00 MUST BE PAID.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 23-1728, 249 Seabreeze Ave., Joseph & Elizabeth Berger: (3:47:29)

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 certain criteria are complied with.

Mr. Fried was not present for this case and Mr. Harris then became a voting member for the fine reduction consideration.

All board members declared Ex-parte communications.

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

Mr. J. Crowley and Beth Berger were present and gave testimony in the case.

MOTION BY MR. KLEIN TO GRANT A FINE REDUCTION IN THE AMOUNT OF \$750.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER OR THE FINE WILL REVERT BACK TO THE ORIGINAL AMOUNT OF 7,250.00.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSED UNANIMOUSLY.

XI. Board Comments: (4:00:20)

Chairman Majtlis informed the board of the annual code enforcement report presentation to Town Council.

XII. Adjournment: (4:02:01)

MOTION TO ADJOURN BY MS. SABA.

MOTION SECONDED BY MR. McGOWAN.

MOTION PASSED UNANIMOUSLY.