

Thursday, December 19, 2024, 2:00 p.m. - Ammended

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: (2:00:01)

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

III. Pledge of Allegiance:

Mayor Moore led the Code Enforcement Board in the Pledge of Allegiance. She also addressed the board and informed them of the outcome of the Special Town Council meeting, in which Mr. Stallone withdrew his application. Mayor Moore also thanked the board and gave them each an envelope and wished everyone a Happy Holiday and Happy New Year.

IV. Chairman’s comments:

Chairman Klien addressed the board, thanked the Mayor for coming today. Mr. Klein also thanked the town staff for their hard work. He wished all a happy holiday and happy New Year.

V. Approval of the Minutes of November 21, 2024, Minutes: (2:00:17)

MOTON BY MS SABA TO APPROVE THE NOVEMBER 21, 2024, MINUTES.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

VI. Administration of Oath to Town Staff: (2:06:40)

VII. Code Statistics: (2:06:59)

- 2583 Year to date Code Enforcement cases.

- 2465 Year to date closed cases.
- 96% Code Enforcement Compliance Rate.
- 173 cases initiated since the last Code Board Hearing.
- 96 cases officer generated.
- 77 cases were received (not self-initiated).
- 28 cases are set to appear at the October Code Board.
- 19 cases achieved compliance before the hearing.
- 9 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.

VIII. Financial Report: (2:07:49)

The Financial report was presented by the Board Secretary Marcote.

IX. Public Hearing: (2:09:43)

A. Case # CE 24-2395, 528 Island Drive, Pro Roofing Services LLC: (2:09:50)

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 Pelayo requested a dismissal for compliance.

MOTION BY MR. MCGOWN TO DISMISS THE CASE.

MOTION SECONDED BY MR. FRIED.

MOTION PASSES UNANIMOUSLY.

B. Case # CE 24-2281, 212 Worth Ave., Mauro Brothers LLC: (2:11:05)

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 Pelayo 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, FINDING OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND TO PAY A FIN OF \$250.00 WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MR. MCGOWAN.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 24-2152, 243 Seaspray Ave., 243 Seaspray LLC: (2:14:13)

Violation of Chapter 88, Section 88-16 of the Town of Pal Beach Code of Ordinances states exterior property, and premises shall be maintained in a clean, safe and sanitary condition.

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

The property owners were not present and there was a finding of proper notice.

MOTION BY MR. MCGOWAN 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 JANUARY 13, 2025, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE JANUARY 16, 2025, CODE BOARD HEARING.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

D. Case # CE 24-2065, 27 Via Mizner, Trinity Collection: (2:19:02)

Violation of Chapter 38, Section 38-62 of the Town of Palm Beach Code of Ordinances requires alarm users to first obtain a permit. Furthermore, alarm user fees not paid within 30 days accrue an automatic ten percent penalty per month and are subject to Code Enforcement action including, but not limited to filing a lien on the property. Chapter 38, Section 38-35 allows for service charges and late penalties to be assessed to alarm system owners who exceed the maximum allowable false alarms in any given calendar year beginning on October 1.

Officer Pelayo 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. MCGOWN FINDING OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND TO PAY ALL FINES AND FEES WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

E. Case # CE 24-2384, 239 Emerald Lane, Jason Wilcoxon – Amerigrass: (2:25:58)

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 Moriarty requested that this case be dismissed for compliance.

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

MOTION SECONDED BY MR. MCGOWAN.

MOTION PASSED UNANIMOUSLY.

F. Case # CE 24-2317, 215 Southland Road, Lindstrom Air: (2:26:52)

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, repair, remove, convert or replace any electrical, mechanical or plumbing system.

Officer Moriarty requested that this case be dismissed for compliance.

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

MOTION SECONDED BY MS SABA.

MOTION PASSED UNANIMOUSLY.

G. Case # CE 24-1789, 224 S. Ocean Blvd., Claudia & Armen Manoogian: (2:28:00)

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 criteria's are complied with.

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

Bruce Rodriguez was present on behalf of the property owner and gave testimony in the case.

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

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

H. Case # CE 24-2294, 141 Atlantic Ave., Yellow House Builders LLC: (2:40:17)

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 anyway. Construction parking and construction site management shall be compliance with the Town Right of Way Manual.

Officer Felix requested the case be dismissed for compliance.

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

MOTION SECONDED BY MS SABA.

MOTION PASSED UNANIMOUSLY.

I. Case # CE 24-1874, 324 Eden Road, Morton Pierce Trust: (2:41:06)

Violation of Chapter 88, Section 88-16(d) of the Town of Palm Beach Code of Ordinances states premises and exterior property shall be maintained free from weeds or plant growth in excess of 8

inches. Chapter 126, Section 126-32 of the Town of Palm Beach Code of Ordinances requires all coconut trees in the town to be trimmed free from coconuts and dead or dying fronds.

Officer Felix requested the case be dismissed for compliance.

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

MOTION SECONDED BY MS SABA.

MOTION PASSED UNANIMOUSLY.

X. Board Comments: (2:41:59)

The Chairman wished everyone a happy holiday and New Year. He also recognized Manager Alma for his dedication and service to the town.

XI. Adjournment: (2:42:45)

MOTION BY MR. MCGOWAN.

MOTION SECONDED BY MS. SABA.

MOTION PASSES UNANIMOUSLY.