



TOWN OF HIGHLAND BEACH TOWN CODE ENFORCEMENT BOARD REGULAR MEETING MINUTES

**Town Hall / Commission Chambers
3614 South Ocean Boulevard
Highland Beach, Florida 33487**

**Date: March 09, 2022
Time: 1:00 PM**

1. CALL TO ORDER

Chairperson Schlam called the meeting to order at 1:03 P.M.

2. ROLL CALL

Board Member Bryan Perilman
Board Member Robert Lasorsa
Board Member James Murray (Virtually)
Board Member David Axelrod
Vice Chairperson Jane Perlow
Chairperson Myles Schlam
Town Attorney Leonard Rubin
Administrative Support Ganelle Thompson

ADDITIONAL STAFF

Code Enforcement Officer Jason Manko

ABSENT

Board Member Michael Cherbini

3. PLEDGE OF ALLEGIANCE

The Code Enforcement Board members led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Chairperson Schlam asked if there were any additions or changes to the agenda. Hearing none, he called for a motion to approve the agenda as presented.

MOTION: Perlman/Perlow - Moved to approve the agenda as presented, which passed 6 to 0.

4. SWEARING IN OF THE PUBLIC

Ms. Thompson swore in those giving testimony.

5. PUBLIC COMMENT

There were no public comments.

6. APPROVAL OF MINUTES

A. February 08, 2022 Minutes

MOTION: Perlman/Axelrod - Moved to approve February 08, 2022, Minutes as presented, which passed unanimously 6 to 0.

7. UNFINISHED BUSINESS

A. None

8. NEW BUSINESS

A. Case No. CC2021-11-018

Steven Botta
1024 Bel Air Dr. 3
PCN: 24-43-47-04-31-001-0030
Legal: HIGHLAND OCEAN HOUSE COND BLDG 1024 UNIT 3

Code Section:30-122 (A) Building Permits Required

Violation: Observed kitchen and bath (2) remodel, water heater, tile without a permit

Chairperson Schlam read the title of Item 8.A. and asked the Board members if they have any Ex Parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Enforcement Officer Manko to give testimony and recommendations regarding the violation.

Code Enforcement Officer Jason Manko provided a brief timeline on the facts of the case. He entered submittals of evidence into the records that included proof of service, supporting documents, photos taken of the property that fairly and accurately represented the violation observed during the onsite inspections, and paper postings at the property address and at Town Hall. The town recommends that the respondent be found in violation of the code as alleged in the Notice of Violation and is ordered to comply within 30 days or be fined any amount up to \$250.00 per day per violation for each day the violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 payable by the date set for compliance.

Chairperson Schlam asked the Board members if they had any questions for staff in the matter? The Board members and Code Compliance Officer Manko discussed the violation on the property.

Ms. Thompson swore in Mark Lynch prior to his giving testimony.

General Contractor Mark Lynch explained that he is now the general contractor for the property, but was not when he violations were committed. He explained all the steps he has taken to rectify the lack of permits.

Chairperson Schlam closed the public hearing and asked for a motion.

MOTION: Perlow/Lasorsa - Move that Respondent(s) be found in violation of the Town Code as alleged in the Notice of Violation and that the respondent be ordered to comply within 30 days or be fined \$ 250.00per day for each day the violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 payable by the date set for compliance. Upon roll call motion passed 6 to 0.

B. Case No. CC2021-11-019

Massimo Musa
2635 S. Ocean Blvd., Lot 5
PCN: 24-43-46-28-09-000-0204
Legal: BYRD BEACH PT OF S 50 FT OF LT 20 & PT OF LT 21 (LESS S 70 FT)
K/A UNIT 5 & CABANA LTS 3 & 4 BYRD BEACH ESTS IN OR9276P1601

Code Section: 20-143 Natural vegetative cover on beach dunes; 6.1(C) Dune walkover structures; and 30-122 (A) Building Permits Required

Violation: Observed dune vegetation removed without permit to allow walkway, observed construction of wall, staircase, concrete slab, sewage connection, A/C unit and unapproved landfill on property without permit

Chairperson Schlam read the title of Item 9.B. and asked the Board members if they have any Ex Parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Enforcement Officer Manko to give testimony and recommendations regarding the violation.

Code Enforcement Officer Jason Manko provided a brief timeline on the facts of the case. He entered submittals of evidence into the records that included proof of service, supporting documents, photos taken of the property that fairly and accurately represented the violation observed during the onsite inspections, and paper postings at the property address and at Town Hall. The town recommends that the respondent be found in violation of the code as alleged in the Notice of Violation and is ordered to comply within 30 days or be fined any amount up to \$250.00 per day per violation for each day the violation remains after the date set

for compliance and assess prosecution costs in the amount of \$250.00 payable by the date set for compliance.

Massimo Muso provided information as it related to the violations on his property. He mentioned all the steps taken to rectify the violations on his property including the permits he has applied for.

Chairperson Schlam asked the Board members if they had any questions for staff in the matter? The Board members and Code Compliance Officer Manko discussed the violation on the property.

Chairperson Schlam closed the public hearing and asked for a motion.

MOTION: Lasorsa/Perlman - Move that Respondent(s) be found in violation of the Town Code as alleged in the Notice of Violation and that the respondent be ordered to comply within 60 days or be fined \$250.00 per day for each day the violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 payable by the date set for compliance. Upon roll call the motion passed on a 4 to 2 vote with Vice Chairperson Perlow and Member Axelrod dissenting.

C. Case No. CC2021-12-009

F & G Realty Inc
3525 S. Ocean Blvd., LPH 1
PCN: 24-43-46-33-29-000-1010
Legal: OCEAN REEF AIA COND UNIT 101 & 201

Code Section: 30-81(A) Fences, walls, poles, or stakes within coastal construction control line

Violation: Observed posts placed east of coastal construction line

Chairperson Schlam read the title of Item 9.C. and asked the Board members if they have any Ex Parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Enforcement Officer Manko to give testimony and recommendations regarding the violation.

Code Enforcement Officer Jason Manko provided a brief timeline on the facts of the case. He entered submittals of evidence into the records that included proof of service, supporting documents, photos taken of the property that fairly and accurately represented the violation observed during the onsite inspections, and paper postings at the property address and at Town Hall. The town recommends that the respondent be found in violation of the code as alleged in the Notice of Violation and is ordered to comply within 30 days or be fined any amount up to \$250.00 per day per violation for each day the violation remains after the date set

for compliance and assess prosecution costs in the amount of \$250.00 payable by the date set for compliance.

Due to Technical issues Chairperson Schlam recessed the meeting at 1:38 p.m. and reconvened the meeting at 1:45 P.M.

Attorney Christopher Antonacci and Property Owner Frank Antonacci was present and provided testimony. Attorney Antonacci mentioned that the state legislature recently solidified and codified the property owners' rights to areas above the mean high-water mark. He explained the actions taken to ensure people do not trespass on the property and further explained that the property is private and without the signs people have been accessing their beach.

Chairperson Schlam asked the Board members if they had any questions for staff in the matter? The Board members and Code Compliance Officer Manko discussed the violation on the property.

Chairperson Schlam closed the public hearing and asked for a motion.

MOTION: Axelrod/Perlow - Move that Respondent(s) be found in violation of the Town Code as alleged in the Notice of Violation and that that the respondent be ordered to comply within 30 days or be fined \$ 250.00 per day for each day the violation remains after the date set for compliance and assess prosecution costs in the amount of \$ 250.00 payable by the date set for compliance. Upon roll call the motion carried 6 to 0.

D. Case No. CC2021-12-011

Sylvia Greco M Irrevocable Trust
3420 S. Ocean Blvd., 9Q
PCN:24-43-46-33-24-000-0917
Legal: CORONADO AT HIGHLAND BEACH COND UNIT 9-Q

Code Section: 30-122 (A) Building Permits Required

Violation: Observed bathroom remodel (2) without permit

Chairperson Schlam read the title of Item 9.D. and asked the Board members if they have any Ex Parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Enforcement Officer Manko to give testimony and recommendations regarding the violation.

Code Enforcement Officer Jason Manko explained the respondent has complied, and the case is now closed.

E. Case No. CC2021-12-016

Thomas Catalano
3598 S. Ocean Blvd., 101
PCN:24-43-46-33-42-005-1010
Legal: HIGHLAND BEACH CLUB COND UNIT 101 BLDG 5

Code Section: 30-122 (A) Building Permits Required

Violation: Referenced the exterior door installation without permit

Chairperson Schlam read the title of Item 9.E. and asked the Board members if they have any Ex Parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Enforcement Officer Manko to give testimony and recommendations regarding the violation.

Code Enforcement Officer Jason Manko explained the respondent has complied, and the case is now closed.

F. Case No. CC2021-12-021

Charles and Carolyn Arnold
1024 Bel Air Dr. Unit 1
PCN:24-43-47-04-31-001-0010
Legal: HIGHLAND OCEAN HOUSE COND BLDG 1024 UNIT 1

Code Section: 30-122 (A) Building Permits Required

Violation: Observed electrical work without permit

Chairperson Schlam read the title of Item 9.F. and asked the Board members if they have any Ex Parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Enforcement Officer Manko to give testimony and recommendations regarding the violation.

Code Enforcement Officer Jason Manko provided a brief timeline on the facts of the case. He entered submittals of evidence into the records that included proof of service, supporting documents, photos taken of the property that fairly and accurately represented the violation observed during the onsite inspections, and paper postings at the property address and at Town Hall. The town recommends that the respondent be found in violation of the code as alleged in the Notice of Violation and is ordered to comply within 30 days or be fined any amount up to \$250.00 per day per violation for each day the violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 payable by the date set for compliance.

Chairperson Schlam asked the Board members if they had any questions for staff in the matter? The Board members and Code Compliance Officer Manko discussed the violation on the property.

Chairperson Schlam closed the public hearing and asked for a motion.

MOTION: Perlow/Lasorsa - Move that Respondent(s) be found in violation of the Town Code as alleged in the Notice of Violation and that the respondent be ordered to comply within 30 days or be fined \$ 250.00 per day for each day the violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 payable by the date set for compliance. Upon roll call the motion passed on a 6 to 0 vote.

G. Case No. CC2021-12-023

Joseph Zonfrilli
3114 S. Ocean Blvd., #403
PCN:24-43-46-33-09-000-4030
Legal: MONTEREY HOUSE COND APT 403

Code Section: 30-122 (A) Building Permits Required

Violation: Impact door installation without permit

Chairperson Schlam read the title of Item 9.G. and asked the Board members if they have any Ex Parte communications to disclose in the matter? Hearing none, he opened the public hearing and called for Code Enforcement Officer Manko to give testimony and recommendations regarding the violation.

Code Enforcement Officer Jason Manko explained the respondent has complied, and the case is now closed.

H. Case No. CC2021-12-027

John and Susan Zessin Trust
3805 S. Ocean Blvd.
PCN:24-43-47-04-00-001-0082
Legal: 4-47-43, S 100 FT OF N 950 FT OF GOV LT 1 LYG E OF SR A-1-A
A/K/A CITY LOT NO 64

Code Section: 30-122 (A) Building Permits Required

Violation: Reference the land and vegetation clearing without permit

Chairperson Schlam read the title of Item 9.H. and asked the Board members if they have any Ex Parte communications to disclose in the matter? Hearing none,

he opened the public hearing and called for Code Enforcement Officer Manko to give testimony and recommendations regarding the violation.

Code Enforcement Officer Jason Manko provided a brief timeline on the facts of the case. He entered submittals of evidence into the records that included proof of service, supporting documents, photos taken of the property that fairly and accurately represented the violation observed during the onsite inspections, and paper postings at the property address and at Town Hall. The town recommends that the respondent be found in violation of the code as alleged in the Notice of Violation and is ordered to comply within 30 days or be fined any amount up to \$250.00 per day per violation for each day the violation remains after the date set for compliance and assess prosecution costs in the amount of \$250.00 payable by the date set for compliance.

Chairperson Schlam asked the Board members if they had any questions for staff in the matter? The Board members and Code Compliance Officer Manko discussed the violation on the property.

John Zessin was present and provided testimony. He stated that prior to cutting the trees he reached out to the Town of Highland Beach about obtaining a permit for the trees and was informed that a permit was not required by the Town but was unaware that he needed to obtain a permit from the State of Florida's Department of Environmental Protection until after he removed the trees. and as he was not aware prior to cutting the in invasive trees on his property that a permit was needed. He explained that after purchasing the home it was necessary to cut the trees as the house was inaccessible.

He mentioned that he had been informed that he can obtain an after-the-fact permit from the state for tree cutting.

Chairperson Schlam closed the public hearing and asked for a motion.

MOTION: Perlman/Lasorsa - Move that Respondent(s) be found in violation of the Town Code as alleged in the Notice of Violation and that the respondent be ordered to comply within 60 days or be fined \$ 250.00 per day for each day the violation remains after the date set for compliance and assess prosecution costs in the amount of \$ 250.00 payable by the date set for compliance.

9. ANNOUNCEMENTS

Chairperson Schlam read the announcements as follows:

March 10, 2022 - 9:30 A.M. Planning Board Regular Meeting

March 15, 2022 - 1:30 P.M. Town Commission Meeting

April 12, 2022 - 1:00 P.M. Code Enforcement Board Regular Meeting

10. ADJOURNMENT

The meeting adjourned the meeting at 2:19 P.M.

APPROVED at the April 12, 2022, Code Enforcement Regular Meeting

ATTEST:

Myles B. Schlam, Chairperson

Transcribed by: Ganelle Thompson

Ganelle Thompson
Administrative Support Specialist

Date
