

**PALM BEACH COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**SITTING AS THE ENVIRONMENTAL CONTROL BOARD**

**BOARD APPOINTMENT SUMMARY**

Meeting Date: April 7, 2009  
 Department: Palm Beach County Health Department  
 Submitted by: Office of County Attorney  
 Advisory Board Name: Environmental Appeal Board

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve: Appointment of the following member to the Environmental Appeal Board for a term of three (3) years beginning April 7, 2009:

**A. Appointment:**

<u>Name</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Recommended By</u>
Raymond Puzzitiello	3	Professional	Gold Coast Builders Association

**Summary:** The Board is composed of five members. Membership must consist of one (1) lawyer recommended by the Palm Beach County Bar Association; one (1) person recommended by the Gold Coast Builders Association (formerly known as Home Builders and Contractors Association); one (1) professional engineer recommended by the Palm Beach Branch of the American Society of Civil Engineers; one (1) water resource professional employed by the South Florida Water Management District; and one (1) drinking water engineer employed by the Department of Environmental Protection. This action will fill the above-referenced seat until April 6, 2012.  
Countywide (GB)

**Background and Justification:** Environmental Control Rules I and II provide for the organization of the Environmental Appeal Board. These rules state that composition and representative members of the Appeal Board shall consist of an attorney, an engineer, a water resource professional, a drinking water engineer, and a professional recommended by the Home Builders and Contractors Association. The Home Builders and Contractors Association has merged with another association and is now known as the Gold Coast Builders Association. A recommendation to fill the expired seat was sought from the Gold Coast Builders Association as outlined in the Rules which created this Board.

**Attachments:**

- 1 Section 12 of Environmental Control Rule I, Unified Land Development Code
- 2 Chapter C, Section 4 of Article 17, Unified Land Development Code
- 3 Board Appointment Information Form
- 4 Letter from Gold Coast Builders Association
- 5 Résumé of Raymond Puzzitiello
- 6 Current Membership Directory

Recommended by: \_\_\_\_\_

Department Director

Date

Legal Sufficiency: \_\_\_\_\_

Assistant County Attorney

Date



ECR 1

**Section 12 Environmental Appeal Board (EAB)**

The EAB was established by the ECB on May 26, 1987 to hear appeals from certain requirements, interpretations or determinations of this Article made by the Department or the ECO. Its membership is described in Art. 17, DECISION MAKING BODIES.

**Section 13 Appeals**

- A. Persons aggrieved by a requirement, interpretation or determination of this Article made by the Department or the ECO may appeal to the EAB by filing a written notice of appeal, with the ECO within 30 days from the determination to be appealed. The notice shall be accompanied by a certified check or money order, made payable to the Department to defray the cost of processing and administering the appeal. The fee for filing the appeal shall be non-refundable and in the following amounts:
  1. \$100.00 for a single family residence
  2. \$125.00 for all others, including, but not limited to, multiple family, commercial or subdivisions.
  3. However, no appeal shall be filed which requests relief from the construction standards required under Rule 64E-6, F.A.C.
- B. Each notice of appeal shall state the factual basis for the appeal and the relief requested. There shall be attached to each notice supportive materials and documents, including the information listed in Appendix C, ECR I - Information Required for an Appeal for an Individual Lot, or Appendix D, ECR II - Information for an Appeal for a Subdivision, if applicable to the appeal. The EAB may require such additional information, as it deems necessary. A separate notice of appeal must be filed for each site or system considered for an appeal. Required supporting documentation for the appeal must be filed with the Department of Environmental Control Office with the notice of appeal. The burden of presenting supportive facts in the notice of appeal shall be the responsibility of the person filing the appeal. The person filing the appeal shall have the burden of proving that he/she is entitled to relief. The Department shall defend all appeals before the EAB. [Ord. 2005 - 003]
- C. The person filing the appeal shall also submit to the ECO a list of the names and addresses of every property owner who may be affected by the granting of the appeal in the following cases:
  1. The proposed OSTDS fails to meet the minimum distance required between the system and a well, as provided by this Article; or
  2. The proposed OSTDS is within five feet of a neighboring lot; or
  3. The proposed OSTDS is within 50 feet of a water body on a neighboring lot.
- D. A hearing on the appeal shall be set within 60 days of receipt of the notice of appeal by the ECO. This provision does not mean that the applicant is entitled to a hearing on the first available agenda following receipt of the notice of appeal.
- E. Formal rules of evidence shall not apply; but fundamental due process shall be observed and shall govern the proceedings. All testimony shall be under oath. Irrelevant, immaterial or unduly repetitious evidence shall be excluded; but all other evidence of a type commonly relied upon by reasonably prudent persons shall be admissible, whether or not such evidence would be admissible in the trial courts of the State of Florida. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- F. The parties shall have the following rights: to be represented by counsel; to call and examine witnesses; to introduce exhibits; to cross-examine witnesses on any relevant matter, even though the matter was not covered in direct examination; and to rebut evidence.
- G. The EAB shall hear and consider all facts material to the appeal and shall issue findings of fact based upon the greater weight of the evidence and shall issue an order affording the proper relief consistent with the powers granted herein. The findings and order shall be by motion approved by a majority of those members present and voting.
- H. In order to grant an appeal authorizing an OSTDS on a single lot, the EAB must find that:
  1. Because of special factors, which may include economic factors, the applicant is unable to comply with this Article; and
  2. The OSTDS complies with current construction standards; and
  3. The granting of the appeal is the minimum alternative that will make possible the reasonable use of the land, structure or building; and
  4. The granting of the appeal is consistent with the general intent, purpose and requirements of PBC laws and ordinances; and



5. The grant of the appeal will not be injurious to the area involved or to the public health and general welfare.
- I. In order to grant an appeal authorizing OSTDS in subdivisions containing lots smaller than those required under this Article, the EAB must additionally find:
  1. That for a proposed subdivision to be served by individual private wells, each lot has at least one-half acre, with a minimum dimension of 100 feet and that said subdivision contains no more than 50 lots; or that for the proposed subdivision to be served by a public water system, each lot has at least one-third acre with a minimum dimension of 75 feet and that said subdivision contains no more than 100 lots; and
  2. That satisfactory ground water can be obtained if an individual private well is to be used; and
  3. That all distance and setbacks, soil conditions, water table elevations and other related requirements of this Article and Rule 64E-6, F.A.C., are met; and
  4. That the proposed subdivision does not represent sequential development of contiguous subdivisions, the purpose of which is to avoid the requirements of Article 15.A.13.I.1; and
  5. That a municipal, county or investor-owned public sewage system is not available contiguous to the proposed subdivision or within one-half mile thereof with public R-O-W accessibility; and
  6. That a municipal, county or investor-owned public sewage system is not available contiguous to the proposed subdivision or within one-half mile thereof with public R-O-W accessibility; and
  7. That the proposed density of the subdivision is consistent with the density recommended in the Land Use Plan of PBC or in the Land Use Plan of the appropriate municipality; and
  8. That the developer has made every reasonable effort to obtain public water and sewer; and
  9. That dry water and/or sewer lines are to be installed by the developer and that the developer will establish an escrow account to pay for the cost of connection when water and/or sewer becomes available, or that the installation of the same is not feasible from a technical or economic standpoint; and
  10. That onsite, water and/or sewage treatment facilities are not feasible from a technical or economic standpoint; and
  11. That the proposed development will consist of no more than one single family residence per lot; and
  12. That land uses surrounding and adjacent to the proposed subdivision and soil qualities of the area do not indicate that the area's health is endangered by an inordinate proliferation of septic tanks.
- J. Provided that the factual findings specified in Article 15.A.13.H and Article 15.A.13.I, the EAB may reverse, modify or affirm, wholly or partly, the requirement, interpretation or determination made by the Department or the ECO. In granting an appeal, the EAB may prescribe appropriate conditions and safeguards consistent with this Article. Violation of such conditions and safeguards, when made a part of the terms under which the appeal is granted, shall be deemed a violation of this Article. The EAB may also prescribe a reasonable time within which the action for which the appeal is granted shall be started or completed or both. Any decision of the EAB shall be in the form of written order.
- K. If there is a change in facts or circumstances supporting a request for relief after an order granting relief has been issued, then the applicant shall notify the Department. The Department may request the EAB to revoke or amend the order.
- L. Except where the relief granted is to exempt an applicant from the requirement to connect to a sanitary sewer under Article 15.A.8.A, any relief granted shall automatically terminate upon the availability of sewer service to the lot or parcel. Unless otherwise provided in an order issued pursuant to Article 15.A.13.J, relief granted under this Article shall automatically lapse if action for which the appeal was granted has not been initiated within one year from the date of granting such appeal by the EAB or, if order in such proceedings, including all appeals.
- M. The decision of the EAB shall be final administrative action. Any party or interested person may appeal a decision of the EAB to the Circuit Court of PBC. Such appeal shall be filed within 30 days of the execution of the EABs order.

#### Section 14 Violations, Enforcement Penalties, Inspections

##### A. Violations, Enforcement and Penalties

It is unlawful for any person to violate any provisions of this Article or any duly constituted order of the ECHB enforcing this Article. Such violations shall be punished according to the provisions of Chapter 77-616, Special Acts, Laws of Florida, as amended from time to time and PBC Environmental Control Ordinance No. 94-26, 32 as amended.



Article 17  
Chapter C Appointed Bodies Continued

The Code Enforcement Division shall be responsible for scheduling meetings of Special Master. In the case of an alleged violation as set forth in Article 10.B.1, Procedure, a hearing may be called as soon as practical.

**2. Operating Procedures**

All cases brought before Special Master shall be presented by either the Code Enforcement Division or an attorney representing the Division.

**Section 3      Development Review Appeals Board**

**A. Establishment**

There is hereby established a Development Review Appeals Board (DRAB).

**B. Powers and Duties**

The DRAB shall have the following powers and duties under the provisions of this Code:

1. to hear, consider, and decide appeals, decisions of the Zoning Director on applications for Certificates of Concurrency Reservation and Concurrency Exemption Extension;
2. to hear, consider and decide appeals from decisions of the Planning Director on applications for Entitlement Density, and VDB; and
3. to hear and decide appeals from, decisions of, and conditions imposed by the DRO with regard to action taken on an application for a final development permit.

**C. Board Membership**

The DRAB shall consist of the Executive Director of PZB, County Engineer, and County Attorney or Deputy County Attorney.

**D. Officers; Staff**

**1. Chair and Vice-Chair**

The Executive Director of PZB shall be the Chair of the DRAB.

**2. Staff**

PZB staff shall be the professional staff for the DRAB.

**E. Meetings**

**1. General**

General meetings of the DRAB shall be held as needed to dispose of matters properly before the DRAB. Special meetings may be called by the Chair or in writing by two members of the DRAB. Staff shall provide 24-hour written notice to all DRAB members.

**Section 4      Environmental Appeals Board**

**A. Establishment**

There is hereby established an Environmental Appeals Board (EAB).

**B. Powers and Duties**

The EAB has the following powers and duties:

1. to hear appeals from certain requirements, interpretations, or determinations of Article 15, HEALTH REGULATIONS, made by the PBCHD or the Environmental Control Officer.

**C. Board Membership**

**1. Qualifications**

The EAB shall be composed of five members. The membership of the EAB shall consist of one professional engineer registered by the State of Florida and nominated by the Palm Beach branch of the American Society of Civil Engineers, one water resource professional employed by SFWMD, one drinking water engineer employed by the FDEP, one member of the Gold Coast Builders Association, and one attorney nominated by the PBC Bar Association.

**2. Terms of Office**

All EAB members shall serve a term of three years.

**D. Officers**

**1. Secretary**

PBC Environmental Control Officer shall provide a staff person to the EAB and that staff member shall be designated as Secretary of the EAB.

**2. Staff**

The PBCHD shall be the professional staff of the EAB.

**E. Meetings**

**1. General or Special Meetings**



General meetings of the EAB shall be held no less frequently than once every 60 days. Special meetings may be called by the Chair of the EAB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each EAB member for a special meeting.

## **Section 5 Environmental Control Hearing Board**

### **A. Establishment**

There is hereby established an Environmental Control Hearing Board (ECHB).

### **B. Powers and Duties**

The ECHB has the following powers and duties:

1. to conduct hearings into the merits of alleged violations to Sections promulgated under Chapter 77-616, Special Act, Laws of Florida, and PBC Ord. 78-5, as amended; and
2. after due public hearing, to reach a decision setting forth such findings of fact and conclusions of law as are required in view of the issues presented. The decision shall contain an order which may be framed in the manner of a writ of injunction requiring the violator to conform to either or both of the following requirements:
  - a. to refrain from committing, creating, maintaining, or permitting the violations;
  - b. to take such affirmative action as the ECHB deems necessary and reasonable under the circumstances to correct such violation;
  - c. to issue orders imposing civil penalties of up to \$500 dollars for each day of violation;
  - d. to issue subpoenas to command the appearance of any person before a hearing at a specified time and place to be examined as a witness. Such subpoenas may require such person to produce all books, papers and documents in that person's possession or under that person's control, material to such hearings; and
  - e. to administer oaths to any or all persons who are to testify before the ECHB.

### **C. Qualifications**

The ECHB shall be composed of five members. The membership of the ECHB shall consist of one attorney recommended by the PBC Bar Association; one medical doctor recommended by the PBC Medical Society; one engineer recommended by the PBC chapter of the Florida Engineering Society; and two citizens at large.

### **D. Officers**

#### **1. Secretary**

The Environmental Control Officer shall serve as Secretary of the ECHB.

#### **2. Staff**

The PBCHD shall be the professional staff of the ECHB.

### **E. General or Special Meetings**

General meetings of the ECHB shall be held no less frequently than every 45 days. The ECHB may set the date of future meetings during any meeting. Special meetings may be called by the Chair of the ECHB, or in writing by a majority of the members of the Board. Staff shall provide 24-hour written notice to each ECHB member for a special meeting.

## **Section 6 Groundwater and Natural Resources Protection Board**

### **A. Establishment**

There is hereby established a Groundwater and Natural Resource Protection Board (GNRPB).

### **B. Powers and Duties**

The GNRPB shall have the following powers and duties:

1. to hold hearings as necessary to enforce Article 14, ENVIRONMENTAL STANDARDS. ERM may refer alleged violations of Art. 14 Environmental Standards, and Art. 4.D, Excavation, Ord. 2003-020, Petroleum Storage Systems, Ord. 2003-021, Petroleum Contamination Clean-up criteria, Ord. 2004-050, Stormwater Pollution and Prevention, and Ord. 1993-003, Water and Irrigation Conservation as amended to the GNRPB, if there has been a failure to correct a violation within the time specified by the Code Inspector, if the violation has been repeated, or is of such a nature that it cannot be corrected; [Ord. 2006-004]
2. to adopt rules of procedure for the conduct of hearings;
3. to issue subpoenas compelling the presence of persons at Board hearings. Subpoenas may be served by the PBC Sheriff's Department, or other authorized persons consistent with Florida Law;
4. to issue subpoenas compelling the provision of evidence at GNRPB hearings;
5. to take testimony under oath;

## Part I:

Revised 6/2007





GOLD COAST BUILDERS ASSOCIATION

2101 Corporate Drive • Boynton Beach, Florida 33426 • [www.gcbaonline.com](http://www.gcbaonline.com)  
(561) 732-5959 • (561) 732-4454 fax

February 27, 2009

Barbara Sullivan  
Legal Assistant  
Palm Beach County Health Dept.  
826 Evernia Street  
West Palm Beach, FL 33401

RE: GCBA Recommendation to Palm Beach County Environmental Appeal Board

Dear Ms. Sullivan,

On behalf of Gold Coast Builders Association (GCBA), we recommended Ray Puzzitiello as our representative on Palm Beach County's Environmental Appeal Board.

Ray is a member in good standing of GCBA and will make an excellent addition to the board. Ray is a custom homebuilder in Palm Beach County, past president of GCBA, and very active with our state association, Florida Home Builders Association. He will be a vital resource to the Board regarding all construction matters.

If Palm Beach County has any questions or further information needed to appointment Mr. Puzzitiello, please contact Christopher Roog at 561-262-6901 or [chris@gcbaonline.com](mailto:chris@gcbaonline.com). As always, GCBA continues to offer its knowledge and expertise on home building to Palm Beach County.

Sincerely,

Alan Levine, President  
Gold Coast Builders Association

Attachment # 4  
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## Raymond J. Puzzitiello

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2143 Union Street  
West Palm Beach, FL 33411

(561) 697-8732 Home  
(561) 718-4176 Cell  
(561) 697-8733 Fax

[puzzitiellobuilders@comcast.net](mailto:puzzitiellobuilders@comcast.net)

Website: [rpbuild.com](http://rpbuild.com)

Florida Contractors License # CBCA 37798

### Professional Achievements

- Florida State Certified Contractor since 1985
- Installed into the Gold Coast Builders Association (GCBA) Hall of Fame in 2007
- President of GCBA – 1994
- Builder of the Year of GCBA – 2008 and 1995
- Life Director for Florida Home Builders Association (FHBA) – 1992-Present
- Member of GCBA, FHBA and NAHB – 1987-Present
- Appointed to the Palm Beach County (PBC) Zoning Board of Adjustments – 1998 thru 2006
- Appointed to the PBC Land Development Regulation Advisory Board – January 2007-Present

### Summary of Qualifications

- |  |                                  |                        |
|--|----------------------------------|------------------------|
| 2006 – Present   | <b>Puzzitiello Builders, LLC</b> | West Palm Beach, FL    |
| <b>Managing Member</b>   |                                  |                        |
| Custom home building business in Palm Beach and Martin Counties involved in building new homes from \$500,000 to \$7,000,000.                              |                                  |                        |
| 2004 – 2006  | <b>Sunland Homes</b>             | Jupiter, FL            |
| <b>Vice President of Construction</b>  |                                  |                        |
| Oversee all Home Building activities including product design, sales, marketing, purchasing, construction and customer service.                            |                                  |                        |
| 2002 - 2004  | <b>Arthur Rutenberg Homes</b>    | Palm Beach Gardens, FL |
| <b>Building Company President</b>  |                                  |                        |
| Custom Home Building Company in Palm Beach County building homes in Country Club Communities from \$400,000 to \$2,500,000.                                |                                  |                        |
| <ul style="list-style-type: none"><li>▪ Started-up and managed the Palm Beach Division of this, Arthur Rutenberg Homes, company owned franchise.</li></ul> |                                  |                        |

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2000 – Present

M-R Homes, Ltd.

Vero Beach, FL

**Partner and Vice President**

Developed a 100 unit single family residential community named Seasons at Orchid.

Responsible for Complete Development Process of community.

- Land Planning Design, Engineering, Permitting, Bidding and Construction.
- Clubhouse, Gate House and Amenities Design and Construction
- Product Design and Construction including Model Merchandising.
- Set-up of product standards, options and complete administrative processes.

1998 – 2001

K. Hovnanian Co. of Florida, Inc.

West Palm Beach, FL

**Vice President of Operations**

Oversaw and directed all the companies activities involved in the production home building process.

Responsible for:

- All Land Planning and Development Activities
- New Product Designs
- Contract Administration and Purchasing Department
- All Construction Activities and Warranty Service Department
- Administration and Accounting Department

1994 – 1998

Classic Home and Remodelers, Inc.

Palm Beach, FL

**Partner and President**

Custom home building business in Palm Beach involved in building new homes and remodeling existing homes from \$1,000,000 to \$15,000,000

1985 – 1994

Bentley Building Co., Inc.

Boca Raton, FL

**Owner and President**

Residential and commercial building company involved in building custom homes, gas stations, warehouses, tenant improvements and institutional work.

**Education**

1982-1984

Western Michigan University

Kalamazoo, MI

**Bachelor of Science**

- Construction Supervision and Management

1981-1983

Cuyahoga Community Collage

Cleveland, OH

**Associate of Applied Science**

- Architectural and Construction Engineering Technology

**Third Generation Home Builder**

Cleveland, OH

- Grew up working in the family home building business

# ENVIRONMENTAL APPEAL BOARD DIRECTORY

**Authority: Environmental Control Rules I and II**

**Terms Per Ord 96-28**

*Appointments are for three (3) years*

Updated: March 13, 2009

Seat ID	Name/address	Telephone	Requirement	BCC Appt'd.	Term	Initial Appt.	Re-Appt.
1	Brian J. LaMotte, P.E. (Chair) 1907 Flower Drive P.B. Gardens, FL 33410	346-3239 Fax Cell – 346-3239 e-mail brian.lamotte@wantmangroup.com	Professional Engineer registered by State of Florida and nominated by Am. Society of Civil Engineers -PB Branch	7-12-05	7-28-08 to 7-27-11		X
2	David J. Colangelo South Florida Water Management District , M.S.C. 4350 3301 Gun Club Road West Palm Beach FL 33406	Ofc: 682-2843 Fax: Cell: 352-5103 dcolang@sfwmd.gov	Water resource professional employed by SFWMD	4/1/08	4-1-08 to 3-31-11	X	
3	Raymond J. Puzzitiello 2143 Union Street West Palm Beach, FL 33411	Home/Ofc: 697-8732 Fax: 697-8733 Cell: 718-4176 puzzitiellobuilders@comcast.net	Member of Gold Coast Builders Assoc. (formerly HCBA)	4/7/09	4/7/09 to 4-06-12	X	
4	Michael Bechtold, P.E. Department of Environ. Protection Southeast District 400 North Congress Avenue, #200 West Palm Beach FL 33401	Ofc: 681-6682 Fax 681-6760 Cell 281-4898 mike.bechtold@dep.state.fl.us	Drinking Water Engineer employed by the DEP	3-15-05	3-17-08 to 3-16-11		X
5	Brian Joslyn, Esq. Casey Ciklin Lubitz, et al 515 N. Flagler Dr., 19 <sup>th</sup> Floor West Palm Beach FL 33401	Ofc 820-0351 Fax 820-0389 Email bjoslyn@caseyciklin.com Home 747-6131 Cell –	Attorney nominated by PBC Bar Association		6-28-08 to 7-27-11		X
Health Department Rep. – Antoine Devonshire – 355-3070 , 901 Evernia Avenue, WPB 33041							

Attachment #

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