

Thursday, October 21, 2021, 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: (2:00:28)

II. Roll Call: (2:00:34)

Bram Majtlis, Chairman
Steven Meltzer, Vice Chairman
Daniel McDonnell
Linda Wartow
Martin Klein
Scotch Peloso
Chris Larmoyeux
Pamela Saba, Alternate Member
Julie Herzig-Desnick, Alternate Member

BOARD SECRETARY MARCOTE INFORMED CHAIRMAN MAJTILIS MR. KLEIN WOULD BE A PARTICIPATING MEMBER BUT NOT A VOTING MEMBER SINCE HE ATTENDED VIA ZOOM. MS. SABA WOULD BE A VOTING MEMBER FOR THIS HEARING.

III. Approval of the Minutes of the September 17, 2021: (2:01:03)

**MOTION BY MR. MELTZER TO APPROVE THE SEPTEMBER 17, 2021 MINUTES.
SECONDED BY MS. WARTON.
MOTION PASSED UNANIMOUSLY.**

IV. Administration of the Oath to Town Staff: (2:01:23)

The Town staff were sworn in by Secretary Marcote.

V. Code Statistics: (2:01:36)

- 1192 Year to date Code Enforcement cases.
- 188 Cases initiated since the last Code Board Hearing
- 78 cases officer generated
- 110 cases were received (not self-initiated)
- 24 cases set to appear at the September Code Board
- 15 cases achieved compliance before the hearing
- 3 new cases to be heard today
- 4 fine consideration cases to be heard today
- 1 fine reduction cases to be heard today
- 1 old business case to be heard today

VI. Public Hearing: (2:02:35)

A. Case # CE 21-1056, 259 Worth Ave., Shawmut Design & Construction: (2:02:39)

Violation of Chapter 106, Section 106-1 of the Town of Palm Beach Code of Ordinances does not allow placement of obstructions/structures in the Town's right of ways.

Officer Felix 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. MELTZER TO FIND THE VIOLATOR IN NON-COMPLIANCE,
ASSESS ADMINISTRATIVE FEE OF \$150.00 AND TO PAY A FINE OF \$125.00
WITHIN 30 DAYS OF THIS ORDER.**

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 21-1055, 255 Southland Road, Landscape Designer Company: (2:06:49)

Violation of Chapter 42, Section 42-197(12b) of the Town of Palm Beach Code of Ordinances states the use of gasoline powered leaf blowers is prohibited on any property within the town which is less than one acre in size.

Officer Felix 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. MCDONNELL TO FIND THE VIOLATOR IN NON-COMPLIANCE,
ASSESS ADMINISTRATIVE FEE OF \$150.00 AND TO PAY A FINE OF \$125.00
WITHIN 30 DAYS OF THIS ORDER.**

MOTION SECONDED BY MR. MELTZER.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 21-968, 480 S. Ocean Blvd., Patricia Kahn: (2:10:29)

Violation of Chapter 88, Section 88-18 of the Town of Palm Beach Code of Ordinances requires the exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety and welfare. Chapter 88, Section 88-16(a) requires exterior property and premises shall be maintained in a clean, safe and sanitary condition. 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 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. LARMOYEUX TO FIND THE OWNER IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE OF \$150.00 TO BE PAID WITHIN 30 DAYS AND TO COME INTO COMPLIANCE BY NOVEMBER 15, 2021.

MOTION SECONDED BY MR. MELTZER.

PRIOR TO A VOTE MR. LARMOYEUX AMENDED HIS MOTION TO INCLUDE THAT THE ATTORNEY OF RECORD FOR MRS. KAHN RECEIVE A COPY OF THE BOARD ORDER.

THIS WAS SECONDED BY MR. MELTZER

MOTION PASSED UNANIMOUSLY.

VII. Fine Consideration Hearing : (2:18:10)

A. Case # CE 21-511, 425 Chilean Ave., Loraine S. Charman: (2:18:15)

Violation of Chapter 66, Section 66-236(a) of the Town of Palm Beach Code of Ordinances vegetation removal permits, not sought in conjunction with building permits, shall be obtained by making application prior to removal, relocation or replacement of the building official or his designee, at least ten working days prior to the proposed date of removal.

Code Enforcement Officer Moriarty re-presented the facts of the case.

Mr. Francis Lynch was present on behalf of the property owner gave testimony in the case.

MOTION BY MR. LARMOYEUX TO POSTPONE THE FINE CONSIDERATION HEARING UNTIL THE JANUARY 20, 2022 HEARING AT WHICH TIME THE HOMEOWNER OR HIS/HER REPRESENTATIVE MUST RETURN WITH AN UPDATE ON THE CASE.

MOTION SECONDED BY MR. MCDONNELL

MOTION PASSED UNANIMOUSLY.

B. Case # CE 21-750, 910 S. Ocean Blvd., 910 S Ocean LLC: (2:30:15)

Violation of Chapter 88, Section 88-18 of the Town of Palm Beach Code of Ordinances requires the exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety and welfare. Chapter 88, Section 88-16 of the Town of Palm Beach Code of Ordinances requires exterior property and premises shall be maintained in a clean, safe and sanitary condition.

Officer Moriarty re-presented the facts of the case.

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

MOTION BY MR. MELTZER TO ASSESS A DAILY RUNNING FINE OF \$100.00 A DAY TO COMMENCE ON OCTOBER 19, 2021 AND TO RUN UNTIL COMPLIANCE IS ACHIEVED.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSES UNANIMOUSLY.

C. Case # CE 21-615, 301 Via Linda, 301 Via Linda LLC: (2:32:52)

Violation of Chapter 88, Section 88-18 of the Town of Palm Beach Code of Ordinances requires the exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety and welfare. Chapter 88, Section 88-16 of the Town of Palm Beach Code of Ordinances requires exterior property and premises shall be maintained in a clean, safe and sanitary condition.

Officer Felix re-presented the facts of the case.

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

MOTION BY MR. PELOSO TO ASSESS A DAILY RUNNING FINE OF \$100.00 A DAY TO COMMENCE ON OCTOBER 18, 2021 AND TO RUN UNTIL COMPLIANCE IS ACHIEVED.

MOTION SECONDED BY MR. MELTZER.

MOTION PASSES UNANIMOUSLY.

D. Case # CE 21-94, 201 Via Bellaria, Ryna Greenbaum: (2:36:10)

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, mechanical or plumbing system.

Officer Felix re-presented the facts of the case.

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

MOTION BY MR. LARMOYEUX TO ASSESS A DAILY RUNNING FINE OF \$100.00 A DAY TO COMMENCE ON OCTOBER 18, 2021 AND TO RUN UNTIL COMPLIANCE IS ACHIEVED.

MOTION SECONDED BY MR. MCDONNELL

MOTION PASSES UNANIMOUSLY.

VII. Fine Reduction Hearing: (2:39:24)

A. Case # CE 20-1127, 2800 S. Ocean Blvd., Four Seasons: (2:39:33)

Violation of Chapter 46, Section 46-66 of the Town of Palm Beach Code of Ordinances does not allow conditions hazardous to the health, safety, welfare, life and property from fire or explosion, certain codes in accordance with the Florida Fire Prevention Code adopted by the State Fire Marshall.

Officer Felix re-presented the facts of the case. Fire Marshall DeLoach also gave testimony in the case.

Billy Cueto and Gunjan Luitel were present on behalf of the Four Seasons gave testimony and entered evidence into the record.

MOTION BY MR. MELTZER TO NOT GRANT A FINE REDUCTION AND ORDERD THE FOUR SEASONS TO PAY THE FULL AMOUNT OF THE FINE.

MOTION WAS SECONDED BY BOTH MS. WARTOW AND MS. SABA.

MOTION PASSES UNANIMOUSLY.

IX. Old Business: (2:58:24)

A. Case # CE 21-425, 232 Colonial Lane, George & Zvenka Kleinfeld: (2:58:35)

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 Felix re-presented the facts of the case.

The Mrs. Kleinfeld was attending via zoom. Mr. Kleinfeld was present in Chambers and gave testimony and entered evidence into the case.

MOTION BY MR. LARMOYEAU TO RECONSIDER THE CASE.

MOTION SECONDED BY MS. SABA

MOTION PASSED UNANIMOUSLY.

MOTION BY MR. LARMOYEAU TO RESCIND ALL FINES AND FEES AND TO REHEAR THE CASE AT THE FEBRUARY 17, 2022 HEARING.

MOTION SECONDED BY MR. MELTZER.

MOTION PASSES UNANIMOUSLY.

X. Board Comments: (3:24:24)

Mr. Klein thank Officer Moriarty for his exemplary work in Code Enforcement.

Chairman Majtlis agreed with Mr. Klein and thank Officer Moriarty, Officer Felix and Board Secretary Ms. Marcote for their hard work and dedication to the town.

IX. Adjournment: (3:25:21)

MOTION TO ADJOURN BY MR. MELTZER

SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.