

Thursday, October 20, 2022, 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: (2:00:26)

II. Roll Call: (2:00:32)

Bram Majtlis, Chairman
Scotch Peloso, Vice Chairman
Ms. Wartow
Martin Klein
Chris Larmoyeux
Pamela Saba
John McGowan
Harris S. Fried, Alternate Member
Pamela Davies, Alternate Member

III. Approval of the Minutes of the September 15, 2022, Minutes: (2:01:02)

**MOTION BY MR. KLEIN TO APPROVE THE SEPTEMBER 15, 2022, MINUTES.
SECONDED BY MR. McGOWAN
MOTION PASSED UNANIMOUSLY.**

IV. Administration of the Oath to Town Staff (2:01:10)

The Town staff were sworn in by Secretary Marcote.

V. Code Statistics: (2:01:57)

- 1828 Year to date Code Enforcement cases.
- 209 cases initiated since the last Code Board Hearing
- 152 cases officer generated
- 57 cases were received (not self-initiated)
- 31 cases set to appear at the October Code Board
- 22 cases achieved compliance before the hearing
- 4 new cases to be heard today
- 4 fine consideration cases to be heard today
- 1 fine reduction cases to be heard today
- 0 old business case to be heard today

VI. Public Hearing: (2:02:44)

A. Case # CE 22-1363, 2160 Ibis Isle Road, Apt. 4, Farhad Farman Farmaian: (2:02:49)

Violation of Chapter 106, Section 106-(1)(2) 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. It shall be unlawful to erect, build, construct, deposit or place upon or in any street, or any place where the public has a right of passage, any structure, or obstruction of any kind.

Officer Moriarty presented the facts of the case and entered evidence into the record. Officer A. DeJesse gave testimony in the case.

Mr. Farhad Farman Farmaian the property owner was present and gave testimony in the case.

MOTION BY MR. LARMOYEUX OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 22-1412, 359 S. County Road, Amy Saleeby Trust Number 1: (2:20:59)

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 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 NON- COMPLIANCE TO ASSESS ADMINISTRATIVE FEE OF \$150.00 TO BE PAID WITHIN 30 DAY OF THIS ORDER AND TO MAKE ALL NECESSARY REPAIRS BY NOVEMBER 14, 2022.

SECONDED BY MS. SABA.

MOTION PASSES UNANIMOUSLY.

C. Case # CE 22-1680, 130 Barton Ave., Leyson Catering – Cuellar Leysen: (2:25:11)

Violation of Chapter 78, Section 78-44 of the Town of Palm Beach Code of Ordinances states it shall be unlawful for any peddler to carry on or ply his trade or cry his wares or offer them for sale to the public on any of the public streets, alleys or public places within the town.

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

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

MOTION BY MR. KLEIN OF NON-COMPLIANCE TO ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND A FINE OF \$125.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

D. Case # CE 22-871m 3369 S Ocean Blvd., 3360 South Ocean Condo Association: (2:29:13)

Violation of Chapter 88, Section 88-18 of the Town of Palm Beach Code of Ordinances states that 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.

All Board members declared ex-parte communications regarding this case, that they had received a copy of an email sent by Building Official Wayne Bergman with a copy of the structural engineer's report.

Officer Moriarty presented the facts of the case and entered evidence into the record. Board Secretary Marcote read and email from the Building Official Wayne Bergman.

Paula Marra, Gary Pyott and William Tucker were all present on behalf of the Condo Association and gave testimony in the case.

MOTION BY MR. PELOSO OF A FINDING OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 TO BE PAID IN 30 DAYS OF THIS ORDER AND TO HIRE A CONTRACTOR, OBTAIN PERMITS, TO HAVE RAILING ACCESS RESTRICTIONS IN PLACE, TEMPORARY SHORING AND CONCRETE REPAIR WORK UNDERWAY BY NOVEMBER 14, 2022.

SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

VII. Fine Consideration: (2:55:09)

A. Case # CE 22-181, 100 Royal Palm Way, One Royal Palm Way Association Inc.: (2:55:19)

Violation of Chapter 18, Section 18-23 of the Town of Palm Beach Code of Ordinances adopts the Florida Building Code, which requires building permits to construct, enlarge, alter, repair, move, convert or replace any electrical, mechanical or plumbing system.

Officer Felix represented the facts of the case.

Paula Marra was present on behalf of the property owner.

MOTION BY MR. LARMOYEUX TO ASSESS A DAILY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY TO BEGIN ON NOVEMBER 4, 2022, AND TO RUN UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 22-1170, 240 Oleander Ave., PTMJM Florida Investment Properties LLC: (3:08:13)

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

Officer Olivares Rodriguez represented 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 TO ASSESS A DAILY RUNNING FINE IN THE AMOUNT OF \$250.00 A DAY TO COMMENCE ON OCTOBER 18, 2022 AND TO RUN UNTIL COMPLIANCE IS MET.

SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 22-1054, 400 Seaspray Ave., 400 Seaspray Ave LLC: (3:11:11)

Violation of Chapter 106, Section 106-159 of the Town of Palm Beach Code of Ordinances requires a clearance of 8 feet, measured vertically from the edges and extending the full width of all sidewalks and bike trails in the Town to be maintained at all times for the unobstructed passage of pedestrians and others using such sidewalks and bike trails. Violation Chapter 88, Section 88-16(L) of the Town of Palm Beach Code of Ordinances prohibits vegetation infested with pests such as whitefly.

Officer Rodriguez represented the facts of the case.

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

MOTION BY KLEIN TO DISMISS THE CASE BASED ON COMPLIANCE JUST PRIOR TO THE HEARING.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

D. Case # CE 22-1623, 269 Jamaica Lane, Marrano Holdings: (5:42:27)

Violation of Chapter 2, section 2-428 of the Town of Palm Beach Code of Ordinances states if the code inspector has reason to believe a violation presents a serious threat to public health, safety and welfare, or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may proceed directly to the procedure in section 2-432 without notifying the violator. Violation of Chapter 42, Section 42-126 of the Town of Palm Beach Code of Ordinances states shall be unlawful for any person to have, keep, maintain, cause or permit within the town any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as effectually to prevent such breeding.

Officer Rodriguez represented the facts of the case. Board Secretary Marcote read a statement on behalf of the property owner requesting a postponement.

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

MOTION BY MR. KLEIN TO POSTPONE THE FINE CONSIDERATION HEARING UNTIL THE DECEMBER 15, 2022, CODE ENFORCEMENT BOARD HEARING.

SECONDED BY MR. McGOWAN

MOTION PASSED UNANIMOUSLY.

VIII. Fine Reduction: (3:17:01)

A. Case # CE 21-1346, 320 N. Lake Way, Robert Lazarowitz & Cobey Rapaport: (3:17:06)

Violation of Chapter 88, Section 88-206 of the Town of Palm Beach Code of Ordinances requires any site in which reconstruction does not commence within 30 days after demolition to be irrigated and sodded to assure the property will have a neat and clean landscaped appearance.

Officer Moriarty represented the facts of the case.

Robert Lazarowitz was present and gave testimony in the case.

MOTION BY MR. KLEIN TO DENY THE FINE REDUCTION AND THAT THE FULL AMOUNT OF \$32,500.00 BE PAID WITHIN 30 DAYS OF THIS ORDER, THE LIEN ON THE PROPERTY WILL REMAIN IN PLACE UNTIL SUCH TIME AS THE FINE IS PAID.

MOTION SECONDED BY MR. McGOWAN.

THE CHAIRMAN CALLED FOR A ROLL CALL VOTE.

MR. McGOWAN – YES

MS. WARTOW – YES

MS. SABA – YES

MR. KLEIN – YES

MR. LARMOYEUX – YES

MR. PELOSO – YES

MR. MAJTLIS – YES.

IX. Board Comments: (3:44:24)

The Chairman informed the board that he will not be present at the next hearing and that Vice Chairman Mr. Peloso will be the acting Chairman.

X. Adjournment: (3:44:50)

MOTION TO ADJOURN BY MR. McGOWAN.

MOTION SECONDED BY MR. KLEIN.

MOTION PASSED UNANIMOUSLY.