

Thursday, April 21, 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: (2:00:00)

II. Roll Call: (2:00:01)

Bram Majtlis, Chairman
Daniel McDonnell
Linda Wartow
Martin Klein
Scotch Peloso, Vice Chairman
Chris Larmoyeux
Pamela Saba
John McGowan, Alternate Member

III. Approval of the Minutes of the March 18, 2022: (2:00:44)

**MOTION BY MR. KLEIN TO APPROVE THE MARCH 18, 2022 MINUTES.
SECONDED BY MS. WARTOW
MOTION PASSED UNANIMOUSLY.**

IV. Administration of the Oath to Town Staff (2:01:04)

The Town staff were sworn in by Secretary Marcote.

V. Code Statistics: (2:01:23)

- 744 Year to date Code Enforcement cases.
- 241 Cases initiated since the last Code Board Hearing
- 97 cases officer generated
- 144 cases were received (not self-initiated)
- 39 cases set to appear at the April Code Board
- 31 cases achieved compliance before the hearing
- 6 new cases to be heard today
- 1 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: (2:002:38)

A. Case # CE 22-416, 101 Seminole Ave., Robert Meister: (2:02:39)

Violation of Chapter 134, Section 134-2 of the Town of Palm Beach Code of Ordinances states For the purpose of this chapter, the regulations are structured so as to be strictly permissive. As such, only those uses and structures, which are specifically permitted in the Code of Ordinances, are allowed. If there is no specific language in the Code which addresses a use or a structure, then said use or structure is not permitted. Violation of Chapter 134, Section 134-1472 of the Town of Palm Beach Code of Ordinances The permitted uses and structures in the Beach Area district are as follows: (1) Swimming pools and associated appurtenances associated with a permitted use within 1,500 feet. (2) Beach chairs and umbrellas. (3) Seawalls, dune cross overs and stairs. (4) Special events as defined in section 106-256, and approved by the town. Violation of Chapter 134, Section 134-1473 states (a) The special exception uses and structures require a site plan review as provided in article III of this chapter. The special exception uses in the B-A, Beach Area district are as follows: (1) One beach house structure. (2) Beach concessions related to an abutting hotel use and only for the use of hotel guests, visitors or those persons associated with the hotel, including the sale of sunblock and lotions; food and drink service; kayak, canoe, paddle board, surfboard, and similar non-motorized watercraft rentals. (3) Public structures. (4) Essential services.

All members of The Code Enforcement Board disclosed ex parte communications.

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

The property owner was not present but was represented by his Attorney Bill Moore who gave testimony and entered evidence into the case.

Town Manager Kirk Blouin, Director of PZB Wayne Bergman and Captain William Rothrock gave testimony in the case on behalf of the Town of Palm Beach.

Aaron Williams an attorney representing some town residents gave testimony in the case.

The following residents of the Town of Palm Beach gave testimony: Timothy O'Hara, Roseann Bush, Helen Tracy, Christopher Twerty, Tom Worensky, Liz Moss.

Chairman Majtli reminded the board of their responsibilities to only consider the facts of the case when making their determination.

MOTION BY MR. KLEIN OF NON-COMPLIANCE; ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS MOTION AND TO COME INTO COMPLIANCE BY MAY 9, 2022.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSED UNANIMOUSLY.

B. Case # CE 22-407, 2800 S. Ocean Blvd., Four Seasons: (3:31:53)

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

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

Mr. Gunjan Luitel was present on behalf of the Four Seasons and gave testimony in the case.

MOTION BY MR. KLEIN OF NON-COMPLIANCE AND ASSESS ADMINISTRATIVE FEE OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY MAY 9, 2022.

MOTION SECONDED BY MS. SABA

MOTION PASSED UNANIMOUSLY.

Chairman Majtli informed the board that we would be moving up case D. Frank Aubert Jewelry to be heard next, so that town staff from PZB would be able to return to work after the case was heard.

C. Case # CE 22-183, 250 Worth Ave., Frank Aubert Jewelry: (4:00:07)

Violation of Chapter 114, Section 114-32 of the Town of Palm Beach Code of Ordinances requires a business tax receipt for any person who carries on, engages in or conducts an occupation, business or profession enumerated in Chapter 114-43 of the Code. Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances adopts the Florida Building which requires building permits to construct, enlarge, alter, repair, move, convert, or replace any electrical, mechanical or plumbing system.

Officer Moriarty presented the facts of the case and entered evidence into the record. Debby Moody from PZB was present and gave testimony in the case.

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

MOTION BY MR. KLEIN OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY MAY 16, 2022.

SECONDED BY MS. WARTOW.

MOTION PASSES UNANIMOUSLY.

D. Case # CE 22-203, 991 N. Lake Way, 991 N Lake Way Trust & Paul Krasker Trust: (4:03:00)

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.

Mr. Larmoyeux and Mr. Klein declared ex parte communications.

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 AND TO ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND TO COME INTO COMPLIANCE BY MAY 16, 2022.

MOTION SECONDED BY MS. WARTOW

MOTION PASSED UNANIMOUSLY

E. Case # CE 21-764, 350 S. County Road, Buccan: (4:07:27)

Violation of Chapter 134, Section 134-227 of the Town of Palm Beach Code of Ordinances requires special exception uses and their related accessory uses or any expansion, enlargement, or modification of an existing special exception use or any physical expansion of an existing special use or facility shall be permitted only upon authorization by the town council, provided that such uses shall be found by the town council to comply with the requirements in this subdivision and other applicable requirements as set forth in this chapter. All special exception uses require site plan review in accordance with article III of this chapter. Additional standards applicable to planned unit developments are contained in article V of this chapter.

Officer Moriarty 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 TO DISMISS THE CASE BASED ON COUNCIL DECISION ZON-22-035 (COA-22-011) TO GRANT A SPECIAL EXCEPTION.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

F. Case # CE 22-548, 113 E. Inlet Drive, Orchids Vines Ornamentals: (4:08:26)

Violation of Chapter 42, Section 42-199 of the Town of Palm Beach Code of Ordinances states there is no landscaping on Saturdays, Sundays or legal holidays, including the Friday after Thanksgiving. From the Monday preceding Thanksgiving thru April 30th.

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 A FINDING OF NON-COMPLIANCE, ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 AND A FINE OF \$250.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

VII. Fine Consideration: (4:11:17)

A. Case # CE 21-1346, 620 N Lake Way, Robert Lazarowitz & Coby Rapaport: (4:11:29)

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 re-presented the facts of the case.

The property owners were 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 COMMENCING ON APRIL 19, 2022 AND TO CONTINUE UNTIL COMPLIANCE IS MET.

MOTION SECONDED BY MS. SABA.

MOTION PASSES UNANIMOUSLY.

VIII. Fine Reduction Hearing: (4:16:43)

A. Case # CE 21-94, 201 Via Bellaria, Ryna Greenbaum: (4:16:57)

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.

Mr. Brad Hammer was present on behalf of the property owner and gave testimony.

MOTION BY MR. KLEIN TO WAIVE ALL FINES IN ITS ENTIRETY.

MOTION SECONDED BY MS. WARTOW.

MOTION PASSED UNANIMOUSLY.

IX. Board Comments: (4:25:40)

Chairman Mr. Majtlis reminded the board of the oath of ethics that they all took when appointed to Code Enforcement Board.

X. Adjournment: (4:26:41)

MOTION TO ADJOURN BY MR KLEIN.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.